

From business 'and' human rights to human rights 'in' business

Samentha Goethals (2016)

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From Business *and* Human Rights to Human Rights *in* Business

Framing human rights and business
responsibility in the British Hospitality Sector

by

Samentha Goethals BA Hons, MA

A thesis submitted in partial fulfilment of the
requirements of the award of Doctor of Philosophy

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Abstract

In 2011, the United Nations (UN) Human Rights Council endorsed the UN Guiding Principles on Business and Human Rights, which set out the norm of ‘corporate responsibility to respect human rights’. This interpretive qualitative study explores the meaning-making processes of human rights and business responsibility as articulated in governmental and corporate policy documents and by a variety of staff in the hospitality sector in the United Kingdom (UK). It aims to contribute to the literature on business and human rights by studying the context-specific meaning-making and implementation of human rights responsibility principles *within* hospitality organisations in the UK. I conducted interviews with people working in various positions in hospitality businesses (London and Oxford), investigated the policy documents of nine leading international hotel groups and examined the policy statements of the UK Government. I used framing analysis to explore and explain how human rights and business responsibility policies and ideas are understood, interpreted and articulated across these communities of meaning. Emphasising the socio-political nature of organisations, I identified significant differences and some overlaps between the expectations and experiences of these actors. Human rights policies and language are little known or used by work-floor participants and managers, and, conversely, their local knowledge of harms and ethical practice do not seem reflected in the more generic, legally responsive, public and overseas-oriented policies of the international hotel groups and the UK Government. While all actors use the language and/or ideas of human rights as means to craft and perform identities, the meanings of, knowledge about and ability to articulate human rights all depend on their social and organisational positionalities and political objectives. To overcome critical barriers in the development of human rights practice and consciousness in business, I propose a paradigm shift to *human rights in business*. This enhances a more participatory and contextual approach to human rights due diligence which is inclusive of and more sensitive to local knowledge of human rights.

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List of Abbreviations

BBC	British Broadcasting Company
BHR global policy	Business and Human Rights global policy (includes UN Framework and UNGPs)
BIS	Department of Business Innovation and Skills
CEI	Corporate Equality Index
CPR	Civil and Political Rights
CSR	Corporate Social Responsibility
DFID	Department for International Development
EHRC	Equality and Human Rights Commission
ESCR	Economic Social and Cultural Rights
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
ESOL	English for Students of Overseas Language
FAC	Foreign Affairs Committee
FCO	Foreign Commonwealth Office
GRI	Global Reporting Index
HRs	Human Rights
HRA	Human Rights Act
HRC	Human Rights Campaign
HRD	Human Resource Director
IBR	International Bill of Rights
ICCPR	International Covenant on Civil and Political Rights
ICESR	International Covenant on Economic Social and Cultural Rights
IHEI	International Hotels Environmental Initiative
ILO	International Labour Organisation
ITP	International Tourism Partnership

ISO	International Standards Organisation
JCHR	Joint Committee on Human Rights
MNEs	Multinational Enterprises
MoJ	Ministry of Justice
NAP	National Action Plan
NGOs	Non-Governmental Organisations
OECD	Organisation for Economic Cooperation and Development
OHCHR	Office of the High Commissioner on Human Rights
TNCs	Transnational Corporations
UDHR	Universal Declaration of Human Rights
UK	United Kingdom
UKTI	United Kingdom Trade and Industry Department
UN	United Nations
UNCHR	United Nations Commission on Human Rights
UNEP	United Nations Environmental Programme
UNGC	United Nations Global Compact
UNGPs	United Nations Guiding Principles
UNHRC	United Nations Human Rights Council
UN Norms	United Nations Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights
UN PRR Framework	United Nations ‘Protect Respect Remedy’ Framework
UNSRSG	United Nations Special Representative of the Secretary General
UNWTO	United Nations World Tourism Organisation
US	United States

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Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerned citizen action to uphold them close to home, we shall look in vain for progress in the larger world.

—Eleanor Roosevelt (1958)

1 Introduction

1.1. Problem statement

Since 2009, there have been regular reports in the media about exploitative working conditions of migrant workers involving international hotel groups and recruitment agencies in London. These reports and opinion pieces often draw on undercover investigations or whistle-blower accounts (e.g., Bomford 2009; Roberts 2015a; Jasiewicz 2015), and frequently follow other newsworthy topics, such as the public debate on the living wage in the UK (Chakraborty 2014), or the publication of a comic strip about the exploitation of chambermaids (Pokryszka 2015; Roberts 2015b). Such reports seek to expose not only the vulnerability of migrant workers to exploitative labour practices but also common issues of low-pay, poor working conditions and low-unionisation in the hospitality sector and certain low-status occupations, in the United Kingdom (UK).

One undercover report for BBC Newsnight (Reed 2012a; 2012c) exposed the poor conditions of cheap, untrained, and outsourced migrant labour in the sector during the 2012 London Olympic Games. The report and its aftermath left a deep impression on several of the participants in this research. Magalie, a Food and Beverage Manager in one of the luxury hotels sub-contracting its housekeeping to the investigated agency, recalled that:

We had this [...] recruitment agency. They've got everything: hospitality, housekeeping, front office. [...] But slowly we realised that the way they treated people was not good. And they ended up on the BBC hidden camera, and the hotel where it is shot isn't ours, but it's one of the group's in London... [The group] immediately panicked. They cut everything short, the contract was not renewed. [...] I saw emails in which it was written 'you had promised a certain level of treatment, of recruitment, in the way you treat people...

In Magalie's view, the actions of the agency amounted to a breach of contract, trust, and ethical principles. Over a year after the broadcast and its critical revelations, Sebastian, a Human Resources Director, made a similar remark about the shockwave experienced in the London operations of his international hotel group. Like Magalie's organisation, Sebastian's group acted swiftly to make sure that the agency had taken the necessary steps to solve the situation, by firing the staff incriminated in the undercover report, and to improve the treatment of the self-employed migrant workers it outsourced to hotels in the capital.

This thesis is concerned with some of the issues raised by these reports and is positioned against recent developments in global policy on business and human rights. Specifically, my inquiry focuses on the way human rights, as a new responsibility of business

enterprises, have come to be understood, interpreted and articulated in the British hospitality sector. Human rights are among the most recent normative standards driving discussions and policy developments governing the relationship between business and society (Addo and Martin 2015, 356). The United Nations (UN) Business and Human Rights ‘Protect, Respect, Remedy’ Framework (2008) and their operating Guiding Principles (2011) are the most contemporary and authoritative policy guidance (hereinafter the UN Framework and the UNGPs, or together the Business and Human Rights (BHR) global policy). The six-year UN Special Representative mandate culminating in the BHR global policy was co-sponsored by the UK. The UK was also the first state to implement it in policy as a National Action Plan (NAP) on Business and Human Rights (FCO and BIS 2013).¹ During the UN mandate and especially since the launch of the UNGPs in 2011, businesses have also begun to align their policies with the BHR global policy principles. A number of international hotel groups, including those mentioned previously, have published human rights policy statements and made commitments to human rights in their Corporate Social Responsibility (CSR) reporting and codes of ethics which apply across their own operations and supply-chains.

Nevertheless, the fact that the media controversy and the reactions of Magalie and Sebastian seem to have taken place regardless of these policy developments and commitments points to a disconnect between declared policy and actual practice. It also raises questions about the meaningfulness of policy on business human rights responsibility in the British hospitality sector, which are the focus of this study.

1.2. Research aims, objectives, and methodology

This research aims to come to a better (theoretical) understanding of the contextualised meaning-making processes of human rights in the hospitality service sector in the UK. This inquiry is guided by the following key question:

How are human rights framed—i.e. understood, interpreted and articulated—in government policy, corporate policy and by employees in the hospitality sector and how can differences and similarities be understood?

To date, academic debates in this field have been primarily focused on macro-issues of corporate governance, regulation, global policy-making, and norm-setting (Chandler 2003;

¹ The second, revised version of the National Action Plan published in May 2016 is not covered in this study, see <https://www.gov.uk/government/publications/bhr-action-plan>.

Ruggie 2007; Harding, et al. 2008; Voiculescu 2009; Backer 2010; Mena et al. 2010; Taylor 2011; Melish and Meidinger 2013; Sanders 2015), and have become polarised over the moral and legal implications of normatively extending human rights responsibilities to business (Santoro 2015; Karp 2014; Brenkert 2015; Bishop 2012; Muchlinski 2012; Wettstein 2010, 2015; Cragg 2012; Bilchitz 2013; Deva 2013). Scholarship in business and human rights has also mainly focused on the developing world, particularly zones of weak governance and conflict in which human rights violations are described as ‘pressing realities for individuals and states’ in industries such as textile, electronics, agro-food and extractives (Buhmann et al. 2011, 9). There is a general neglect of the local context of operations and the influence of the socio-cultural, politico-legal, and economic environment on business and managerial practice (Haines, et al. 2011), as well as how human rights guidelines are implemented in the developed countries where they often originate. This study argues that whilst global policy and business responsibility processes emphasise multi-stakeholders approaches, there remains a bias towards macro, official and expert knowledge of human rights. The recent turn towards the quantification of human rights through corporate human rights performance benchmarking is a notable example (de Felice 2015b; Sarfaty 2015). Moreover, although the BHR global policy requires that business enterprises conduct human rights due-diligence and embed human rights in their culture, processes and practices (UNSRSG 2011), there is as yet little research on the context-specific meaning-making processes of human rights in business organisations based on interpretive accounts inclusive of the view of personnel across occupational levels.

A key contention in this thesis is that the common construction ‘business *and* human rights’ may foreclose a consideration of human rights as an integral *part of* business processes and practices and as constituted by people in business.² Besides corporate policy and business leaders’ understandings of business responsibility for human rights, not much attention has been given – in the business and human rights debate or in policy-making – to the voices of the people who comprise business organisations. In other words, there is as yet little understanding of how the expectations, experiences and knowledge of human rights of people across occupational and responsibility hierarchies and geographies in business

² In their own reflection on the relationship between ‘law and society’, Ewick and Silbey (1998, 34) observe that the conjunction ‘and’ defines ‘more or less strict boundary demarcations between the two spheres of social life.’ It creates a discursive boundary, which invites a focus on events and interactions across or at that boundary, rather than a consideration of law in society.

organisations, relate to the principles set out in global, national, and corporate human rights policies. In order to address these shortcomings my objectives in this research are fourfold:

1. To critically assess the literature on business and human rights;
2. To develop an integrated framing analysis of human rights in order to explore meaning-making processes on human rights in *both* international, governmental and corporate policy *and*, especially, in everyday interactions, experiences and knowledge of organisational actors;
3. To make a unique empirical contribution to the debate on business and human rights by including the voices and experiences of people working in hospitality organisations across the occupational and hierarchical spectrum;
4. To emphasize the importance of inclusive approaches in corporate policy-making and communication on human rights, so that different voices and local knowledge of human rights feed into policies and practices that are contextually meaningful.

This research is inspired by works in interpretive policy analysis (Yanow 2000) and socio-legal studies of human rights (Marshall 2003; Merry 2003, 2006; Relis 2011). Research approaches developed in these fields explore the multiple meanings, realities and uses of policies and norms by decision-makers, implementers, translators, and intended beneficiaries in particular locales. This inquiry employs an interpretive qualitative methodology underpinned by a social constructivist approach and a critical perspective. The constructivist ontology and interpretive epistemology require the excavation of multiple layers of meaning to reveal the ways that knowledge is socially constructed and acquired through interpretation. In this view, and in the context of inquiry, knowledge-claims are generated inductively from the empirical material co-produced in the interaction between the researcher and research participants, each informed by their own positionality. Therefore, the data presented here are necessarily my own interpretations of the interactions I had and of the texts I read, influenced by my life-experiences, beliefs, feelings, and disciplinary and theoretical backgrounds, which remain important in the research and analysis processes (Yanow 2000, 6). This subjectivity has required a reflexive engagement with my own positionality and that of the research participants and organisations throughout the research from access to write-up. This reflexive engagement aims to produce a report carried by and representing these different voices and their framings of human rights and business responsibility policy or related concepts. The critical element in this research lies in my interest in the effects of institutional, organisational

and social structures of power on individual meaning-making (Yanow and Schwartz-Shea 2006, xx).

The qualitative dimension relates to my choice of methods of inquiry. I used semi-structured individual or group interviews, policy document investigation and framing analysis. Over a period of eleven months in 2013, I interviewed several individuals (24) working in different hospitality businesses, in work-floor positions, middle and senior managerial positions, and director positions. As I canvassed in hotels, observed English classes and advice sessions organized by the hospitality branch of a union, and asked colleagues in the School of Hospitality Management at Oxford Brookes University to advertise my call for interview among their students I also had informal conversations with people – scholars in hospitality studies, trade union coordinators, work-floor and outsourced employees – whose insights complemented the findings of the interviews. Spending more time with and interviewing people in work-floor positions other than managers and directors was balanced by my immersion in corporate ethics policies and governmental policy documents on business and human rights.

My approach to framing analysis entails a methodological contribution and is explained in more details in Chapter 3. I use framing as a conceptual and analytical tool and develop a multi-level approach to explore the interconnection between frames and framing of human rights at individual (micro), corporate (meso) and governmental (macro) level (Cornelissen and Werner 2014). Frames and the act of framing are articulated through and constructed in language which shapes perceptions and understandings of a situation (Yanow 2000, 11; Cornelissen and Werner 2014, 222). I therefore analyse the policy texts and interview transcripts in an inductive way, paying particular attention to the language used in the policy documents and by organisational actors. I also identify patterns reflecting particular frames and attend to the different ways government and corporate policies and people in business organisations frame—interpret, understand and articulate—their situation or a policy issue in terms of human rights and business responsibility. Framing analysis enables the identifications of exclusions and silences in dominant and marginalised framings of problems seen as engaging human rights and business responsibility. It also sheds light on the underlying socio-political dynamics and the importance of actors and organisations' positionality in the construction and recognition of human rights and business responsibility in political and organisational processes.

1.3. Background – global policy and local context

The contemporary debate on business and human rights has followed civil society advocacy campaigns as well as related global policy developments on business and human rights at the UN. The debate gained momentum with the mandate of the UN Special Representative on Business and Human Rights (UNSRSG) (2005-2011), which produced the UN Framework (2008) and the UNGPs (2011). The UNSRSG's mandate was set up to identify and clarify the human rights responsibility of business, and elaborate on the role of the state in effectively regulating and adjudicating the role of business with regards to human rights (OHCHR 2005). John Ruggie, Professor in Political Sciences at Harvard University and former UNSRSG, has described the problem of business and human rights as stemming from globalisation and global market integration (UNSRSG 2006). The UNSRSG (2008, 3) framed the problem as emerging from 'gaps in governance'; that is, gaps 'between the scope and impact of economic forces and actors, and the capacity of societies to manage their adverse consequences [which may] provide the permissive environment for wrongful acts by companies of all kinds without adequate sanctioning or reparation.'

The UNSRSG identified the polarisation in the debate between proponents of binding human rights obligations on business (i.e., mainly civil society organisations) and proponents of voluntary and self-regulatory standards (i.e., mainly businesses and states) as another obstacle towards achieving any progress in regulation. Thereby, the UNSRSG approached the mandate with the strategic aim of overcoming this stalemate and moving towards a broad-based consensus between states, business and civil society. The aim was to have these actors converge over authoritative guidance principles endorsed by the UN, and devised through extensive study of law and customary practice, and multi-stakeholder consultations.

To this end, the UNSRSG developed the three-pillared UN Framework 'Protect, Respect, Remedy', with a view to 'assist all social actors - governments, companies, and civil society - to reduce the adverse human rights consequences of these misalignments' (2008, 7). Pillar (1) reaffirms the obligation of states to protect human rights, based on international law. Pillar (2) defines a new norm of 'corporate responsibility to respect human rights' based on basic social expectations. Pillar (3) encourages both states and business enterprises to provide enhanced access to remedy to victims. The UNGPs describes migrant workers as a vulnerable group alongside women, children, indigenous people, national, ethnic, religious or linguistic minorities, and persons with disabilities (UNSRSG 2011, 8, 14, 23). The UNGPs suggest that the vulnerability of migrant workers may be linked to their being 'excluded from the same

level of legal protection of their human rights that applies to the wider population’ (23). They require particular attention from business enterprises ‘where they may have adverse human rights impacts on them’ (14). As explained below, this framing of migrant workers as vulnerable to business practices because of unequal legal protection is of particular interest in the UK, and therefore to this study.

As is discussed in Chapter 2, scholarly debate has tended to focus on macro-level questions of global governance and regulation. Research in the field of business and human rights has been promoted as a new interdisciplinary field of study (Santoro 2015). But a review of the literature that has developed alongside UN, state and corporate policy developments in the last two decades shows that perspectives from the social sciences are lacking. The field has been dominated by law (e.g., Muchlinski 2001; Augenstein and Kinley 2012; Nolan 2013; Deva and Bilchitz 2013) and business ethics studies (e.g., Cragg 2000; Arnold 2010; Wettstein 2012), with peripheral contributions from international relations³ (e.g. Karp 2014; de Felice and Graf 2015) and management scholars (e.g., Sullivan and Seppala 2003; Santoro 2003, 2015). The dominance of these disciplinary fields has led to inquiries focused on questions at the macro-level of governance and regulation and normative theory which have often exposed both the potentials and flaws of the new global policy, but with a limited focus on actual norm implementation in everyday business contexts.

Such a focus is especially urgent because one of the objectives of the UNSRSG was to develop principles to embed the principle of ‘corporate responsibility to respect human rights’ in business. For instance, the process of human rights due diligence recommended under Pillar 2 of the BHR global policy brings human rights directly into the organisational processes of business. Businesses are required to i) state their commitment to human rights in policy; ii) carry out human rights impact assessments to identify, prevent and mitigate harm; iii) integrate their human rights commitments throughout their operations; iv) keep track of their performance; and finally v) engage with affected individuals (e.g., workers) and local communities (UNSRSG 2011, 15). Pillar 3 also promotes the use of operation-level grievance mechanisms through which companies can mitigate issues and provide access to remedy (19- 20, 25). Recommendations under Pillars 2 and 3 entail processes of human rights problem and solution setting and communication which engage organisational actors as implementers (e.g., senior managers) and beneficiaries (e.g., employees).

³ With the notable exception of Ruggie, who developed his global governance research alongside his role of UNSRSG on Business and Human Rights. See, among other publications, Ruggie 2007, 2013, and 2014.

Thus, the current debate on business and human rights leaves a research gap at the intersection between global, national and corporate policies and actual practices of human rights which are inclusive of the perceptions of intended implementers and beneficiaries in business. By focusing on the framing of human rights in UK hospitality businesses, this study addresses this gap, and contributes to a better understanding of the socio-political and organisational dynamics of defining human rights issues and responsibilities.

As briefly mentioned above, research in the field of business and human rights tends to be focused on industrial sectors in which detrimental impacts have been well-documented. In civil society campaigning and reporting, allegations are most often made against trans or multi-national corporations in the extractive, garment, electronics, pharmaceutical, recruitment sectors and the financial and investment sectors (Bedi 2015; Hamm 2012; Kemp and Owen 2015; Bilchitz 2010; Ruggie 2013; Shift and IHRB 2014a; Shift and IHRB 2014b; Shift and IHRB 2014c; de Felice 2015a). In agreement with Haines et al (2011), however, I argue that this sector-specific knowledge should be complemented by an understanding of the local context of operations. Furthermore, despite some discussion of the regulatory framework of the advanced market economies home to many TNCs, including the UK (de Felice and Graf 2015; Meeran 2013; Skinner et al. 2013), the problem of business responsibility for human rights on those shores has been largely overlooked in research on business and human rights. Thereby, the sector and context specific focus of this thesis on the hospitality sector and the UK addresses an oversight in this field.

There are a few notable exceptions to this general oversight. A 2009 policy study commissioned by the British Ministry of Justice and the Department of Health found that UK-based companies were unclear about ‘what the human rights issues are in the UK, the risks and opportunities they present to their business, and the value of using a human rights framework to address them’ (Twenty-Fifty 2009, 4). They generally lacked understanding and exposure to human rights language in the context of business, usually associated human rights with employment rights, and saw them as overseas problems that did not concern their operations in the UK. Twenty-Fifty’s study highlights a disconnect between business policy and human rights practice, where policy commitments did not carry into day-to-day operations (2009, 5). These findings also corroborate Bell and Cemlyn’s (2014) survey of public attitudes to human rights in the UK, in which they describe the creation of a negative discourse on human rights and the often confused and contradictory views of their everyday relevance in the UK. Bell and Cemlyn argue that this results from a lack of information and

misinformation compounded by a combination of government rhetoric and distorted or false media stories.

Furthermore, studies considering the question of rights, primarily the rights of workers and migrants in relation to business, have highlighted a negative approach to the protection of rights under labour law and immigration law in the UK. Balch (2012, 18) defines this conception as one where ‘the enforcement of individual employment rights to a large degree rests on employees taking it upon themselves to act in order to remedy their situation.’ In other words, in the UK, employees are required to have a sufficient knowledge about their rights as well as where and how these can be enforced. They also need the capacity (financial ability and will) to assert them and take action for themselves (BERR 2008, 9). In addition, the stratification of rights under labour law and immigration law has been found to undermine the protection of rights enjoyed by different categories of workers and migrants in the UK (Morris 2003 and 2013; Barnard 2014). This socio-legal context coupled with the partial or negative understanding of UK-based companies described above raise important questions for business and human rights policy. In particular, this thesis evaluates what BHR global policy and the British National Action Plan communicate about the importance of human rights to UK-based business, and the impact these documents have had in the business and human rights scene in the UK as a result.

Historically, the hospitality sector has been known to rely on a large pool of disadvantaged workers (Orwell 1934; Wood 1992; Lucas and Mansfield 2010; Einat 2010; Baum 2012; Balch and Rankin 2014). Lucas and Mansfield (2008, 4), for instance, describe six generic features of employment in the sector: 1) an unpredictable and ad-hoc demand for services; 2) a high level of customer contact; 3) low levels of labour productivity; 4) low wages across a range of occupations; 5) high rates of labour turnover, and; 6) high levels of hard-to-fill vacancies. They also emphasise that personnel practices are characterised by hard-line human resource management calibrated for profit maximisation—a problem which Baum (2007) observes in the tourism industry more generally. In their research on the living wage in the hospitality sector in London, Evans et al. (2007) describe how ‘subcontracting-by-stealth’ has gradually altered the terms and conditions of employment for staff in the industry. Sub-contracting has entrenched low pay as well as casualization and self-employment, leading to restricted rights and access to legal protection.

Recent studies have also traced the vulnerability of the workforce and the precariousness of working conditions in the hospitality sector. Einat (2010), for instance, highlights how the interaction between labour law and the rules of the hospitality sector (its

structure and culture) creates situations of disadvantage and vulnerability for workers in this sector (see also Balch 2012; Balch and Rankin 2014). McDowell et al. (2007, 3) also find that, beneath the structure of law and employment practices, ‘associations between categorical distinctions, the stereotypical assumptions made about ideal workers and the nature of everyday behaviours, have implications for occupational segregation’. These studies highlight the micro-scale politics of what Sherman (2007, 20) calls the ‘service theatre’ of hospitality work with its front and back stages, its tacit rules and norms, and persistent categorical inequalities.

Yet, according to the British Hospitality Association, as the fourth largest employer in the UK economy (in 2016), and as a flexible employer of a diverse workforce, the hospitality sector prefers to describe itself as contributing to the socio-economic rights of many, including marginalised groups in society (personal communication). These contesting perspectives raise further questions for this study, namely, how human rights and business responsibility policies are translated and communicated in the hospitality sector, and how the various stakeholders make sense of their everyday work experiences and relationships in terms of human rights and business responsibility.

1.4. Core Concepts

Using a constructivist-interpretivist approach has implications for the definition of core concepts and objects of inquiry, including ‘human rights’, ‘business organisations’, ‘responsibility’, and ‘ethics’. In this section, I outline how I understand these concepts.

Human rights are often understood in light of their internationally acknowledged institutional and legalistic articulations. For instance, the BHR global policy cites the International Bill of Rights (IBR) and the International Labour Organisation (ILO) Core Conventions as the standards of reference for business to identify their human rights impacts. The global policy assumes that business can affect all of the rights in those standards (UNSRSG 2008, 4; 2011, 13). When referring to human rights, however, this study avoids drawing on any specific list of human rights, such as the Universal Declaration of Human Rights (UDHR), as the ultimate authority of what human rights are.

A social constructivist perspective of human rights recognises that an institutionalised and legal view of rights may be removed from people’s everyday experience. This perspective allows for an understanding of human rights as ethical and justice claims (Sen 2004; Wettstein 2009) which are created, recreated and transformed in social interactions and political struggles in particular socio-historical settings and conditions (Morris 2013; Morgan

2007; Hynes et al. 2010). It emphasises the dynamic and intersubjective meanings and functions that human rights have acquired overtime in practice through law, advocacy, monitoring of abuses and public recognition, and through challenges to existing social relationships and power structures (Merry 2006, 180; Sen 2004, 356). This expansive perspective enables an understanding of the various meanings and uses of human rights in both their institutionalised forms in government and corporate policy documents, and in their less formal articulation in the way hospitality workers ‘speak about those norms, or aspire to expand or interpret them in new ways’ (Miller 2010, 920; Wilson 2006). As noted by Brenkert (2016, 282-285), however, an expansivist view of human rights which emphasises such flexible concepts as human dignity and the high and equal worth of all human beings can generate a wide variety of claims regarding human rights. This risks undermining the language of human rights altogether by making anything and everything the subject of a right issue.

By enquiring into the meaning-making processes on human rights in business organisations, this study questions the linear process of ‘human rights due diligence’ recommended in the BHR global policy (UNSRSG 2011, 15-20), asking how knowledge and consciousness of human rights are diffused in organisations. I use the broader concept of ‘human rights practice’ employed in anthropology to describe ‘all of the many ways in which social actors across the range talk about, advocate for, criticize, study, legally enact, vernacularize, and so on, the idea of human rights in its different forms’ (Goodale and Merry 2007, 24). The concept of human rights practice offers a more responsive lens than the perspectives of socialisation (Risse, et al. 1999, 2013; Goodman and Jinks 2013; Deitelhoff and Dieter Wolf 2013) or vernacularisation (Merry 2006; Levitt and Merry 2009; Relis 2011) of human rights. Further, it does not restrict my focus to the politico-legal level of international, state and corporate policy, the perspectives of global actors, and processes of norm internalisation, and neither does it limit me to questions of translation of global human rights norms into local vernaculars. In line with an interpretivist epistemology, this view of human rights practice offers a way to explore the perspective of various actors and the many ways they articulate, interpret and understand human rights.

Following a social constructivist perspective on organisations (Ewick 1988, 181), I understand businesses as organisations which are created by individuals and do create individuals. This view foregrounds the dialectical relationship between the structural dimension of organisations and the participative (moral) agency of people therein, over a perspective which reifies business organisations and thereby risks attributing them a wholly

independent existence beyond the control and responsibility of individuals (187). Following Ewick, I suggest that a perspective on 'business responsibility' which recognizes this dialectical relationship must acknowledge that while human activity and moral agency are factors in the collective action of organisations, they may also be transformed by it. Therefore, the diffusion of business human rights responsibility should, as suggested by Ewick (*ibid.*) in relation to jurisprudence, 'enhance the opportunities of human control and expression within organisational settings'. This means that the available potential for moral agency within organisational structures should be examined across policy, practice and occupational hierarchies and geographies.

Despite their historical, disciplinary and conceptual differences, 'business human rights responsibility' and CSR have been described as close cousins, intertwined in their focus on companies engaging in responsible and socially beneficial activities (Ramasastry 2015, 237). As will be discussed in Chapter 2, how business human rights responsibility and CSR differ and are complementary are points of contention in the business and human rights literature. Growing out of business and management studies, CSR is a contested concept defined in many different ways (Crane et al. 2008, 6; Wettstein 2012, 745). Drawing on Scherer and Palazzo (2007, 1096) and Jonker (2005, 20), I understand CSR as an 'umbrella term' referring to the corporate-driven, voluntary, self-regulatory, and beyond-the-law processes and practices through which businesses seek to address social, environmental and sustainability problems, and more recently the realisation of human rights (Ramasastry 2015; Wettstein 2009). In practice, it encompasses charitable, philanthropic and stakeholder-focused initiatives while commitments are expressed through reporting, codes of conduct, and ethics policies. CSR also overlaps with business ethics. Business ethics refers to both a field of scholarship, and to the ethical beliefs and behaviour informing decision-making and conduct in business organisations (Randall and Gibson 1990; Brand 2009). Human rights may appear both under CSR, as a business responsibility, and under business ethics, as ethical and moral values guiding business conduct.

Business human rights responsibility has a more formalistic notion of rights and remedy, which emerges from its background in law and activism and their quest for corporate accountability (Ramasastry 2015, 238; Wettstein 2012; Buhmann, et al. 2011). Whereas CSR covers broader social and environmental problems related or not to an organisation's impacts, business human rights responsibility is narrower in its emphasis on the human dimension of corporate impacts on individuals and communities (Addo and Martin 2015, 249; Wettstein 2012; Ramasastry 2015). Because of this human dimension and the moral imperative and

legal enforcement of human rights, business human rights responsibility is in theory normatively more powerful than CSR. I contend, however, that this distinction remains to be explored empirically, as human rights become embedded in corporate social responsibility and risks management processes.

1.5. Thesis outline

This thesis comprises three main sections. **Chapters 2 and 3** present a detailed review of the relevant literature and justify the methodological approach of the inquiry. **Chapters 4 to 7** present an analysis of the relevant policy documents and collated interview material towards the discussion of the findings and conclusion in **Chapters 8 and 9**, respectively.

In **Chapter 2**, I review contemporary scholarly responses to the global business and human rights policy agenda and identify the main gap to which this thesis seeks to contribute. I also review related work on CSR-sense-making, knowledge in organisations, and consciousness of human rights from which I derive the theoretical insights informing this study. **Chapter 3** provides a reflexive overview of the methodological underpinnings of this research. I detail the interpretive qualitative approach, explain the framing analysis outline the criteria upon which the research should be evaluated and describe the procedure of the research including document and interview analysis.

Chapters 4 and 5 retain the business and human rights approach and report my framing analysis of the policy documents. **Chapter 4** discusses the intertwined development of the UK Government's CSR and Business and Human Rights policy agenda under former Labour and Coalition governments, spanning over a decade of policy framing (2002-2014). I expose a policy controversy between the business-focused liberal framing of the governments and the human rights-focused liberal framing of two parliamentary committees. **Chapter 5** examines how human rights responsibility is framed by nine international hotel groups as part of a broad apparatus of CSR reporting and initiatives. I also explore the interaction between the hotel groups' framing of their human rights commitments through corporate and hospitality values and interests, and the way they construct ethical identities as proactive agents of human rights. I show that the hotel groups selectively frame their responsibility for human rights on the basis of a CSR frame, which narrows the 'all human rights' scope of the BHR global policy.

Chapter 6 and 7 shift the focus onto human rights *in* business and report on my framing analysis of interview material. **Chapter 6** explores the different framings of human rights and business responsibility by directors and operational managers, whom I designate as

part of two closely related communities of meaning: director and manager. I highlight differences and overlaps in their CSR and management framing of human rights, and examine the dissonance between management practice and ethical principles including human rights. The frame dissonance explored in this chapter exposes more dynamic and complex processes of framing ethical principles in organisations than that expounded in CSR reports and by CSR spokespersons. **Chapter 7** turns to the perspectives and experiences of the third community of meaning; participants in work-floor occupations. I explore the equality frame at play in the accounts of their experiences and expectations at work and in the UK. Among these participants, few were aware of any ethics policy in their organisation, and few referred to human rights as law. Rather, human rights through the related concepts of equality, respect, dignity, care and voice provided them with ethical and moral frames to make sense of their experiences and incidents in and outside the workplace. This chapter exposes the importance of the moral foundations and force of human rights for this group.

In **Chapter 8**, I discuss the findings of the analysis chapters. I start in reverse order to foreground the perspectives of organisational actors and their relationships with and positions in corporate, government and global policies. I highlight the differences and intersections between the different equality, management, CSR and liberal framings of human rights *in* or *and* business. I explain these differences and intersections by focusing on the positionality of actors and policies, the types of knowledge of human rights articulated and recognised by different actors and policies, and the politics of human rights used as means to support work-floor claims, corporate ethical identities, and British economic interests. The thesis concludes in **Chapter 9**, in which I review the journey of this inquiry, highlight its contributions and limits, offer policy recommendations, and suggest further areas of research on human rights in business.

2 Business and human rights in the literature

2.1. Introduction

The literature on business and human rights sits at the crossroads of *inter alia* human rights, global governance, law, and business ethics studies. Alongside policy developments in the field of business and human rights, new controversies have emerged over the ideas and concepts underpinning the development and implementation of the Business and Human Rights (BHR) global policy. Also relevant to the socio-political and organisational perspective on human rights in business adopted in this thesis are broader theoretical and methodological insights from the sociology of human rights, socio-legal studies and organisational studies. I have identified three intersecting themes across this literature which concern this study and which I review in turn: (1) the normative basis and scope of business human rights responsibility and its relationship with corporate social responsibility (CSR) (section 2.2); (2) questions about the development and approach of the BHR global policy as an experiment in inclusive global governance (section 2.3); and (3) issues regarding the implementation of human rights in business practice across occupational levels (section 2.4).

To date, few studies have explored the significance of human rights from the perspectives and experiences of people across occupational divisions in business organisations. There is thus an important gap in the literature on business and human rights as regards the local knowledge, experience and agency of people in business organisations, including both those usually meant to implement business human rights responsibility policies (e.g., directors and managers) and those at the receiving end of these policies (e.g., employees).

2.2. Theoretical debates on the BHR global policy

At the heart of the business and human rights policy agenda lie debates on the normative scope and the regulatory force of human rights, including whether all human rights apply to business, whether human rights are legally or morally binding or are only voluntary standards for businesses, and whether corporate responsibility entails negative or positive duties for human rights or both. Related to these discussions is the question of the relationship between the BHR global policy and general CSR activity. After describing the BHR policy background, I discuss these related areas of debate which, as noted by Mayer (2009), often blur the lines between the legal and ethical perspectives on human rights.

2.2.1. Policy background

Since the turn of the millennium, the claim that corporate and/or commercial actors, particularly transnational corporations (TNCs) or multinational enterprises (MNEs),⁴ have a role and responsibility in preventing and remedying human rights alongside states has been raised in global policy fora (Santoro 2015, 157). This can also be taken to imply that businesses are expected to observe human rights as a duty—not unlike states (Muchlinski 2001, 32). This extension of human rights into the ‘private sector’ has important repercussions not only for legal, political and social relations, but also for the foundations of human rights thinking (*ibid.*; Clapham 2006).

In response to many decades of civil society campaigning and reporting on the abuses of TNCs, various global policy instruments have contributed to developing voluntary or binding versions of corporate human rights responsibility, each generating its own research literature, including: the 2000 revised Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises (see Cernic 2008; Darvanejad 2010); the 2000 United Nations Global Compact (UNGC) (see Rasche 2009; Nolan 2010); and the 2003 UN Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights (see Weissbrodt and Kruger 2003; Kinley *et al.* 2007). However, the main catalyst of the scholarly literature on business responsibility and human rights in the last decade has been the work of John Ruggie, Special Representative of the Secretary General on the Question of Human Rights, Transnational Corporations and other Business Enterprises (UNSRSG), between 2005 and 2011.⁵

The significance of the UN Framework and the UN Guiding Principles (UNGPs or together the BHR global policy)⁶ can be appreciated by its unanimous endorsements by the UN Human Rights Council’s (UNHRC) in 2008 and 2011 respectively. This makes them the first genuinely ‘global’ standards, not devised by states alone, endorsed by the UN ‘to prevent and address the risk of adverse impacts on human rights that are linked to business

⁴ Throughout this thesis, I use the terms ‘business’ or ‘business organisations’ to emphasize how human rights are understood and applied by all businesses, including small-to-medium-size businesses, although I recognise that the impact of big business including TNCs and MNEs on society, human rights and the environment and relatedly their responsibility differ from that of other forms of business.

⁵ See Introduction 1.3.

⁶ I prefer the expression ‘global policy’ to refer to the UN Framework and UNGPs, They have elsewhere been referred to as ‘soft law principles’ (Nolan 2013), but I feel that the multi-stakeholder process used throughout the mandate renders them a ‘global’ rather than a merely ‘international’ set of norms. The term ‘policy’ also reflects the hybrid nature of the principles, which set practical recommendations elaborating on the implications of existing international legal obligations of states and social expectations towards business.

activity’ (OHCHR 2012). The subsequent convergence of other global business responsibility mechanisms and certification standards (e.g., the OECD Guidelines, ISO26000, SA8000, Global Reporting Index (GRI)) and corporate policies with the UNGPs also illustrates their importance in the development of business and human rights regulatory standards (Ruggie 2013, 159–169). Furthermore, the academic discussions that have developed around the mandate and its core reports have noted how the BHR global policy is being promoted as the ‘state of the art’ (Wettstein 2012, 740) or the ‘only real game in town’ (Melish 2014, 4) in global business and human rights policy.

The BHR global policy builds on three pillars often expressed in the shorthand ‘Protect, Respect, Remedy’: It (1) reasserts the state duty to protect human rights from the abuses by third parties including business, (2) defines the corporate responsibility to respect human rights, and (3) calls on states and businesses to provide enhanced access to remedy for victims of corporate-related human rights harms. The perspective underpinning the BHR global policy is that because ‘business enterprises can have an impact on virtually the entire spectrum of internationally recognized human rights, their responsibility to respect applies to all such rights’ (UNSRSG 2011, 13). The UNSRSG thus recommends that business organisations consider their potential impact on, at a minimum, all the rights listed in the International Bill of Human Rights⁷ and the eight Core Conventions of the International Labour Organization set out in the Declaration on Fundamental Principles and Rights at Work.⁸ These authoritative lists provide the ‘benchmarks against which other social actors assess the human rights impact of business enterprises’ (*ibid.*). The UNSRSG’s three-pillared BHR global policy is based on a deliberate distinction between states, as the main subjects of international human rights law and custodian of human rights, and business, as a ‘*specialised economic organ*’ of society (UNSRSG 2011, 16). This distinction of state and business legal personalities entails another between the state *duty to protect*—which emphasises that human rights obligations are *positive* duties to protect and fulfil human rights that are *legally*

⁷ The international Bill of Human Rights consists of the Universal Declaration of Human Rights (1948) and the main instruments through which it has been codified: the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966).

⁸ The eight ILO core conventions include the Freedom of Association and Protection of the Right to Organise Convention 1948 (No.87); Right to Organise and Collective Bargaining Convention, 1949 (No.98); Forced Labour Convention 1930 (No.29); Abolition of Forced Labour Convention 1957 (No.105); Minimum Age Convention 1973 (No.138); Worst Form of Child Labour Convention 1999 (No.122); Equal Remuneration Convention 1951 (No.100); and Discrimination (Employment and Occupation) Convention 1958 (No.111). <http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm>.

binding—and the corporate *responsibility to respect* them—which is conceived as a primarily *negative* duty to do no harm or not interfere with the rights of individuals and communities emerging from basic *social expectations* (Ruggie 2013). Also referred to as *basic expectations of society* towards business (UNSRSG 2011, 4), these expectations are not legally binding but failure to meet them may significantly affect companies' reputation and licence to operate (UNSRSG 2008, 17).

Some commentators from policy and NGO perspectives have praised the BHR global policy for moving the business and human rights debate forwards (Jerbi 2009) and for offering a common framework in which to consider concrete cases of human rights abuses (Jochnick and Rabaeus 2010). However, as discussed below, the theoretical and normative foundations of the BHR global policy have also been the objects of numerous critiques by legal, business ethics, and politics scholars.

2.2.2. Human rights: Legal standards, moral principles, or both?

One important point of discussion has been the reliance of the UNSRSG on the extensive list of internationally recognised human rights which are primarily addressed to states and not to business. This raises questions about both the scope of business responsibility and the nature of human rights, and whether human rights are legal or moral and ethical standards or both. From a legal perspective, Deva (2012, 211) argues that since the list of internationally acknowledged human rights are state-centric, the BHR global policy should have identified the rights which businesses are more likely to violate. He also questions whether and how companies would be able to respect rights flowing from the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) requiring state power (Deva 2013, 88), asking, for instance, whether:

a company [would] breach the right to the highest attainable standards of physical and mental health (ICESCR Article 12) by not providing medical insurance to its employees, not paying them a salary good enough to enable them to obtain decent medical treatment, or by not offering its workers reasonable breaks and weekly rest days.

This question of the scope of business human rights responsibility has also been taken up by business ethicists (Arnold 2010; Bishop 2012; Hsieh 2015), who argue that business responsibility should be limited to rights which engage a moral imperative. Arnold (2010, 383–384), for example, explains that aspirational rights which states identify as worthy

goals—such as to ‘the highest attainable standards of physical and mental health’ or ‘high quality education and healthcare’—should be differentiated from basic rights; that is, those ‘minimal’ rights necessary for the attainment of other rights without which it is not possible to live a decent human life (386). As defined by the political philosopher Henry Shue (1996, 18–20), there are three basic rights: liberty of physical movement and social participation; physical security; and subsistence, meaning ‘unpolluted air, unpolluted water, adequate food, adequate clothing, adequate shelter, minimal preventive public health care.’ Arnold (2010, 388) sees these rights as the perfect duties not only of states but also of individuals as moral agents and, by extension, of business enterprises as collectives of moral agents. Following Shue, Arnold explains that the three basic rights engage further considerations and proactive measures from moral agents to enable their protection and realisation; for instance, the workers’ right to liberty requires that workers should not be forced to work overtime and that they should be allowed to join a union, and the right to subsistence requires that businesses ensure that employees are paid wages that enable normal human functioning. As such, numerous rights and responsibilities can be derived from the consideration of basic rights in the context of business.

Deva’s (2013) critique of the UNSRSG’s reliance on the internationally recognised list of human rights highlights the problem that these instruments require a level of interpretation and contextualisation that untrained officers in companies might not possess. Deva thus indirectly questions the knowledge and capacity of individuals to identify human rights issues in the context of business and suggests that such work would require the trained knowledge of lawyers or human rights experts. Both legal (Muchlinski 2012; Bilchitz 2013) and business ethics (Cragg 2012; Arnold 2010; Wettstein 2009; Fasterling and Demuijnck 2013) critiques of the scope and normative basis of the UNGPs stress that corporate human rights responsibilities should be considered a moral duty rather than, as is suggested in the BHR global policy, a pragmatic, enlightened self-interest or strategic consideration. The meanings of human rights are also not necessarily exhausted by legal articulations which may not be understood by non-lawyers (except in their more familiar expressions, e.g., non-discrimination) or do not resonate with actual experience and remain semantically empty (Hastrup 2003, 317). A moral or ethical conception of human rights demands that they be interpreted neither in a strictly legal sense nor in a merely political sense either as derived from legal frameworks or treaty agreements accounting for human rights (Arnold 2010; Fasterling and Demuijnck 2013, 800).

There is a difficulty, however, when drawing on moral rights in that they do not provide a clear template of what those rights are and what responsibility they require from states and businesses. It is unclear, for instance, how corporate managers would deal, in their daily routine, with having to consider categories of moral rights, and related questions of perfect and imperfect duties of corporations to implement human rights due diligence, as recommended by Fasterling and Demuijnck (2013, 802–805). The UNSRSG, however, envisaged the responsibility to respect as a pragmatic aspect of management by drawing on existing and institutionalised norms (e.g., IBR and ILO Core Conventions). The advantage of a list of human rights is that it may be easier to codify and quantify to define standards of responsible conduct and assess performance. Following the trend of measuring corporate accountability through global indicators, many mechanisms have already been devised to assess corporate human rights impacts and benchmark performance in the aftermath of the UN Framework (de Felice 2015b; Sarfaty 2015). Rüdiger (2012, 50) argues, however, that it is unclear how these technologies can measure the impacts and contributions which business and management practices and activities have on subjective aspects of human dignity such as recognition, self-respect, autonomy and inclusion. Furthermore, other scholars (Merry 2011; de Felice 2015b; Addo and Martin 2015, 350) have noted that, as an important facet of management processes, these technologies tend to codify and quantify issues of freedom and fundamental human rights to promote corporate reputation and expertise at the expense of individual contextual narrative accounts and political debate, which risks shifting the focus back onto managing business risks rather than respecting human rights.

Beyond basic rights, however, there is a more expansive dimension to the moral and ethical conception of human rights which recognises that human rights violations are a form of humiliation and disregard of the human quality in an individual (Wettstein 2012, 741; Margalit 1996; Nussbaum 2002; Sen 2004). This expansive perspective is relevant in the context of business as it situates human rights in subjective or personal experience and expression of injustice, disrespect and misrecognition which hurt dignity and self-esteem. In that sense, respect demands that individuals be recognised for and cared for because of their moral autonomy and worth, and not merely as business assets, as is often articulated in human resources and management parlance (Wettstein 2015, 175; Karp 2014, 64). Furthermore, the recognition of moral autonomy and worth comes with a conception of individuals as moral agents who have a duty to respect human rights. In business, Arnold (2010, 388) argues that this would mean that regardless of their occupations business persons, including employees have human rights duties which extend to their work in companies. This

perspective emphasises the human dimension over the legal rights dimension, and leaves space for a constructivist perspective of human rights and an appreciation of different knowledge of human rights.

2.2.3. Business personality and responsibilities

Another important issue of debate focuses on the economic, political or social personalities of business, and whether, as a result, business should be understood as having ‘negative’ responsibilities to avoid infringing human rights or ‘positive’ responsibilities to actively promote their wider enjoyment.

From their business ethics perspective, both Bishop (2012) and Hsieh (2015), like the UNSRSG, ground their objections to extending the legal obligations of states based on the well-established typology of rights to ‘protect, respect and fulfil or realize’ human rights (Shue 1996; see also Deva 2013, 96; Wettstein 2015, 170) to business on the grounds that businesses are purely economic actors with specialised functions in society.⁹ Both also agree, however, that refraining from violating the basic human rights (to freedom and participation, security, and subsistence) is necessary for corporations to function. This ‘negative’ perspective concurs with what others (Chandler 2003; Mena *et al.* 2010, 163; Taylor 2011, 14) see as the basic social expectation that business should concentrate on not infringing rights before they actually consider ways to promote them. It centres on minimising business risks and enhancing its licence to operate.

Nevertheless, even this ‘minimal’ moral duty to do no harm (Wettstein 2015, 169,171) is often described as already presenting significant challenges for businesses and their managers. For instance, both Taylor (2011, 24) and Mares (2011, 16) from policy and law perspectives respectively, highlight that the due diligence approach recommended in the BHR global policy to implement the principle of corporate responsibility to respect human rights requires positive actions from companies. The policy states that companies should proactively take action to ‘know and show’ that they are not involved in any abuses and address them when identified (UNSRSG 2011, 15). Some business ethicists (Arnold 2010; Bishop 2012, 131; Hsieh 2015; Brenkert 2015) have also stressed that the principle of respect

⁹ The ‘Protect, Respect, Remedy’ typology in the BHR global policy resonates with the well-established typology of the duties of states – protect, respect, realize or fulfill - in international human rights law. But, legal (Deva 2013) and business ethics (Wettstein 2015 and Brenkert 2015) scholars have noted that despite its resemblance in terms, the protect, respect, remedy typology artificially impose limits on the duties of both states and businesses by identifying clear-cut separations between the state duty to protect, the corporate responsibility to respect and their responsibility to remedy human rights which is an established right.

as doing no harm is often mistakenly understood as refraining from action, whereas it often requires that companies be proactive in identifying, preventing and mitigating harms. For example, Bishop (2012, 131) suggests that to avoid the risk of polluting a community and to refrain from harming their basic rights to food and water and personal security, a company and its managers should use corporate resources to put in place protective infrastructure. Nevertheless, both Bishop (2012) and Hsieh (2015) challenge proponents of extending human rights obligations and positive duties to business beyond respect for basic human rights by arguing that this would confer new powers on companies to rule in the pursuit of their economic interests, thereby threatening state guarantees of human rights.

Legal scholars (Bilchitz 2013, 128; Deva 2013) as well as business ethics scholars (Wettstein 2015, 17) have criticised the UNSRSG's definition of business as a 'specialised economic organ' of society. They see it as an endorsement of the purposive view that the only function and responsibility of business is one of wealth-maximisation; a view that is furthermore critiqued for upholding the liberal distinction between public and private authority and the separation of the economic from the social in its definition of corporate identity and role in liberal market society (Cutler 2001a, 481; Muchlinski 2001, 36; Banerjee 2008, 55). It effectively reproduces the invisibility and unaccountability of business organisations in international law by leaving it to governments to define the identity, responsibility, and accountability of business (Cutler 2001b, 14; Wettstein 2015, 166). Critiques of the BHR global policy thus argue that a perspective based on a 'narrow economic account' of business organisations (Wettstein 2015, 171) overlooks that the rights and duties of business are not commensurate with their current position, role and power in society in the context of contemporary economic globalisation (George 2015, 20; Deva 2012, 111; Muchlinski 2001). Furthermore, there are concerns that the business-inclined language of human rights due diligence related to this perspective may too easily become a tool of risk and liability management for companies (Deva 2013; Lopez, 2013; Bilchitz 2013). Deva (2013, 99) emphasises that the common use of due diligence in commercial practice seeks to assess, pre-empt and manage corporate risks and rights; whereas human rights due diligence is about safeguarding the rights of people affected by business activity. Overall, despite the reaffirmation of the state duty to protect human rights in Pillar 1, the business perspective and language of the global policy has been criticised as missing an opportunity to send a strong message to encourage undermined or unwilling states to amend corporate laws (Deva 2012, 211; Wettstein 2015).

Critiques of the negative and minimal approach to the corporate responsibility to respect human rights instead foreground the political and social dimensions of business organisations. On this basis, they develop normative arguments for corporate obligations not only to respect but also to protect and realise human rights. The perspective of business as political authority is not new but has been revived in recent works on political CSR which expose the increasingly political nature and role of TNCs in a globalised world (Matten *et al.*, 2003; Scherer and Palazzo 2007; 2011). Alongside civil society organisations, TNCs have been invited onto the territory of states and intergovernmental organisations to participate in the formulation and implementation of global governance rules (Cutler 2001b, 147; Utting 2002; Buhmann 2009). They are deeply involved in the governance of the global marketplace (Wettstein 2015, 172), while controversially having been afforded human rights as if they were living human beings and communities (Addo 1999; Grear 2010; Harding, *et al.* 2008). Accordingly, business organisations, and corporations in particular, seem to be already enjoying the rights and power that Bishop (2012 see above) argues they would need in order to fulfil human rights obligations.

Furthermore, it is in fact business' increasing role in setting and implementing social and environmental standards (Muchlinski 2010) as ways of guaranteeing corporate legitimacy and licence to operate (Mena *et al.* 2010, 167) which leads to the expectation that business engage in the political task of protecting human rights. For instance, where governments are unable or unwilling to implement their own human rights obligations, businesses have been encouraged to assist them (Nolan 2015, 388). Furthermore, Wettstein (2010) argues that with this acquired political authority comes the responsibility to avoid silent complicity as a bystander or accomplice to human rights violations by states or other actors. This leads to an expectation that companies engage as advocates against human rights abuses and 'raise systematic or continuous human rights abuses with the appropriate authorities' (Clapham and Jerbi 2001, 347ft cited in Wettstein 2010, 38). For example, Principle 2 of the UN Global Compact (2000) which encourages companies to act against systematic discrimination in employment laws against particular groups.

Both legal and business ethics scholars also emphasise the broader social responsibilities and functions already undertaken by business which relate to the realisation of human rights (e.g., Wettstein 2015, 170). For instance, Karp (2014, 29) illustrates how businesses are involved in the production and sale of energy, civil infrastructure, medicine and food, and the purification of water. In discharging those functions, businesses can contribute to or detract from social justice. Their capability to influence and change the

environmental and social realities locally where they operate and across borders bestows human rights responsibilities upon them beyond respect as doing no harm (Wettstein 2005; Murphy and Vives 2013, 785; Karp 2014). For Wettstein (2015, 171), this means that, seen as social institutions, companies have responsibilities that go beyond providing goods for payment by the moneyed class or responding to the external effects of business activities, and that they must therefore be ‘guided by “a vision of real-life practical values,” that is, by an “idea of value creation which aims to make a genuine contribution to the quality of life in society”’ (Ulrich 2008, 410–411 cited in Wettstein 2015, 171).

Lawyers also stress the social dimension of business to advance normative claims that companies have real moral and ethical obligations towards workers and society and not just to their shareholders, as defined in corporate law (Muchlinski 2012, 164). Muchlinski foresees a revolutionary potential with legal and organisational implications in the principle of corporate responsibility to respect human rights (Pillar 2) and the operationalization of human rights due diligence (145). He suggests that, theoretically, their implementation in business practice requires reforms of the shareholder-oriented model of corporate organisation and managerial structures towards a stakeholder-oriented model of governance and management. He argues for a move towards more socially-rooted approaches to decision-making inclusive of the needs of internal stakeholders (i.e., shareholders, managers and employees) and external stakeholders (i.e., customers, suppliers, competitors and other special interest groups). Relatedly, he envisages that the operationalization of human rights due diligence would lead to the development of a binding duty of care and a possible reform of corporate law and regulation (167). In other words, the integration of human rights in business practice could not only transform the nature and contemporary purpose of business, it would also transform the laws which govern it.

Scholars thus emphasise different dimensions of business—economic, political and social—to advance normative arguments on the role of business and its positive or negative responsibilities for human rights. These theoretical observations are important as they expose the potentially transformative influence of human rights in and on business and corporate law, and on perceptions of business in society, though they need more empirical investigation, which this thesis seeks to provide.

2.2.4. Business human rights responsibility vs. CSR

Another important and related area of debate in the business and human rights literature has been the relationship between business human rights responsibility and CSR. Wettstein’s

(2012) argument in support of positive human rights obligations for business is underpinned by observations of the positive and pro-active role business has played for human rights through CSR. CSR is an umbrella term (Jonker 2005, 20; Scherer and Palazzo 2007, 1096) describing the responsibilities which business enterprises take on when they choose to engage with society, especially human rights, labour rights, and environmental protection (Buhmann *et al.* 2011, 6).¹⁰ These voluntary commitments expose the capacity and willingness of business to be part of solutions to social and environmental problems. CSR and the positive contributions of business, however, have been set aside in the BHR global policy as distinct actions which cannot be understood to offset human rights harms (UNSRSG 2008, 17).

The question of the intersection of business responsibility for human rights and CSR is a point of contention between legal and business ethics scholars (McCorquodale 2009; Lopez 2013; Buhmann, *et al.* 2011; Ramasastry 2015). The controversy is over the legal and/or humanist focus and normative emphasis of the discourse on business responsibility for human rights versus the business and management focus and voluntary approach of the CSR discourse (Buhmann *et al.* 2011, 2–3; Addo and Martin 2015, 349; Karp 2014, 55; Ramasastry 2015). Nevertheless, Wettstein (2012, 752) calls for a compromise to provide a space for the conceptualization of positive business human rights obligations beyond the responsibility to respect human rights. He suggests that the positive and proactive dimensions of CSR, as ethical practices in a company's core business processes rather than external philanthropy or charity, expand corporate human rights responsibility to include moral obligations to protect and realise human rights. In his view (753–754), drawing on both human rights as moral claims and imperatives and a corporate capability approach which recognises and makes use of the power and leverage wielded by business can overcome the voluntary, philanthropic, and instrumental limits of CSR.

Nevertheless, the conflation of corporate human rights responsibility with CSR is problematic. While corporate human rights responsibility might become integrated through existing CSR processes, the two are substantially different. CSR is part of a corporate agenda towards achieving or safeguarding a company's legitimacy and reputation through doing good in society and for the environment. It might include consideration of human rights and

¹⁰ Buhmann *et al.* (2011, 6) explain that 'responsibilities are not legally binding. From the perspective of the law they can be politically or morally binding'. They differ from obligations which 'are legally binding but may or may not be enforceable depending on the legal context'.

engage with stakeholders, but decisions about what can and needs to be done to improve a situation remain within the corporate decision-making chain and at the discretion of senior management. In business human rights responsibility, however, the stakes are different. Rather than business reputation, interests and risks, they concern the rights, responsibility, and emancipation of rights-holders, as both individuals and groups (Addo and Martin 2015; Ramasastry 2015). As underscored by Merry (2006, 180), but somewhat lost in discussions on business and human rights, human rights (should) ‘provide a radically different frame for thinking about the relations of power and inequality in society’. That is, human rights can empower people to ‘challenge existing social relationships and power structures’ including those embedded in business practices and organisational structures protected by CSR.

The distinction between business human rights responsibility and CSR therefore requires more exploration to understand how and where they intersect and what is gained or lost in the encounter. Chapters 4 and 5 of this thesis thus examine the changing meanings of both terms in the development of the human rights policies of the UK government and nine international hotel groups operating in the UK respectively.

2.3. The BHR policy: Development and approach

In this section, I review discussions of participation and representation in the making of the BHR global policy in relation to broader problems in global governance and discuss their implications for the implementation of the policy. I then consider the controversies over the UNSRSG’s reliance on ‘social expectations’ as the basis of the corporate responsibility to respect human rights. While I agree with critiques that the UNSRSG’s perspective of social expectations is too narrow, I ultimately emphasize its participatory potential to include the views of people in and around business beyond consultations with organised actors (e.g. non-government organisations, trade unions).

2.3.1. The limits of ‘participation’ and ‘consensus’

The mandate of UNSRSG was Professor Ruggie’s third UN appointment on questions of corporate governance and development. As a political scientist specialising in global governance, he had already been appointed as Special Adviser on the UN Millennium Declaration and as chief architect of the UN Global Compact (Ruggie 2013, xxvii). The UNGC was designed as a multi-stakeholders learning forum bringing the UN, business, labour and civil society organisations together. The aim was to create a dialogue ‘to reach broader, consensus-based definitions of what constitutes good practices than any of the parties could achieve alone’ (Ruggie 2002, 32). Ruggie then used his UNSRSG mandate to

further this experiment in ‘polycentric’ governance (Ruggie 2014, 10).¹¹ Rejecting what he calls the ‘hierarchical old governance model’ of treaty negotiation between states and the assumption in the human rights discourse of a rights-based hierarchy, the making of his mandate and the BHR global policy are based on the premise that to address pressing societal challenges states ‘need to engage other actors to leverage their capacities’ (9).

The UNSRSG maximised the use of multi-stakeholders processes during his mandate, while the UNGPs promote a ‘smart-mix’ of voluntary and binding regulatory mechanisms. Ruggie describes this smart-mix and polycentric approach as a new regulatory dynamic which weaves together the system of public law and governance, the civil governance system putting pressure on business, and the corporate governance system which (unevenly) internalises elements of the other two. In his six years as UNSRSG, Ruggie sought to access and involve a wide range of stakeholders. His team carried out 47 multi-stakeholders consultations including representatives of states, businesses and civil society organisations in five continents. They visited mining areas plagued by conflict between local communities and mining enterprises. They also used on-line consultations to gather views for the 2010 report on Non-Judicial Grievance Mechanisms and get comments on the 2011 draft of the UNGPs. In his memoir of the mandate, Ruggie (2013, 143–145) notes how much the global policy benefitted from this diversity of views and experiences to achieve broad-based consensus and legitimacy among the main actors in business and human rights—i.e., states, business and civil society.

From a policy perspective, Taylor (2011, 27) has praised this approach for opening a middle-path between the competing interests of business and human rights campaigners, and for bringing together social expectations and law as incentives to regulation for both business and states. Its novelty and merits have also be recognised in legal governance circles for enabling the development of norms through a process of ‘reflexive law’ where stakeholders are able to learn about the expectations of other social groups or stakeholders (Buhmann 2012, 93). Buhmann (2013, 30) argues that engagement with business as a potential duty-bearer rather than as a rights-holder, as is common in UN norm-making procedures, and the

¹¹ Ruggie (2014, 8-9) describes polycentric governance as an approach developed out of New Governance Theory which ‘rests on the premise that the state by itself cannot do all the heavy lifting required to meet most pressing societal challenges and that it therefore needs to engage other actors to leverage its capacities.’ Polycentric approaches to governance are forms of “‘responsive regulation,” and informal cooperation’ which include ‘public-private partnerships, and multi-stakeholders processes.’

inclusive multi-stakeholders process more generally, have enabled the various actors to ‘contribute expertise, question assumptions and make proposals’. This eventually led to the ‘acceptance’ of the UN-based guidance (57). Multi-stakeholders participation alone, however, cannot explain this broad-based acceptance, in Buhmann’s view. She argues that the discursive strategy deployed by the UNSRSG throughout the process demonstrates his ability to strategically draw upon system-specific language familiar to the various actors with whom he was interacting to create guidance that resonated with their respective interests. Buhmann explains how ‘a combination of arguments relating to economic system concerns of business and the combined economic and legal risk aspects (the economic losses in a wide sense that may result from litigation) fed into a general argumentative strategy to prepare stakeholders to accept the idea that businesses have human rights responsibilities’ (42).

The UNSRSG’s discursive agility has been criticised by other lawyers, however. For example, Deva (2013, 80), has criticised the consensus drive and its discursive process for having ‘undermined the goal of making companies legally accountable for human rights violations.’ He argues that the deliberate use of terms like corporate human rights ‘impact’ rather than ‘violations’, ‘responsibility’ rather than ‘duty’, and ‘respecting’ without ‘protecting’ and ‘fulfilling’ human rights defers to a corporate-friendly discourse. In opposition to Buhmann (2013), at the core of Deva’s critique (2013, 83) and the concerns of other commentators discussed below is the UNSRSG’s interpretation of a bottom-up approach as one starting from the perspective of potential duty-holders—i.e., business—rather than the experience of victims of corporate human rights harms. This critique calls attention to the politics and power inequalities of the consensus drive and the participatory claims of the UNSRSG’s polycentric approach. It echoes the warning of scholars of CSR (Utting and Zammit, 2008; Mena *et al.* 2010) regarding the need to problematize similar multi-actors and dialogue mechanisms deployed in global governance.

In her preliminary analysis of the geography and patterns of participation in the consultations conducted by the UNSRSG, Segerlund (2010, n.p.) takes up this task. She finds that although the mandate attempted to include diverse actors who matter in business and human rights, already marginalised groups were not able to participate. By marginalised groups she understands ‘people who have little control over the global production of norms allegedly dedicated to improve their situation.’ Her review shows that despite the many multi-stakeholders consultations and the attempt to reach out to Southern participants by decentralising some of the consultations and conducting on-line consultations, elite actors—i.e., European and North American International Non-Governmental Organisations and

businesses—were the most represented parties in all consultations, followed by intergovernmental organisations, academia, and states. Nevertheless, importantly for this research, she also notes concerns about the lack of representation of indigenous groups and workers’ organisations, which suggests that their concerns may not be well represented in the BHR global policy. Moreover, besides the lack of first-hand exposure of the UNSRSG to critical audiences, Segerlund also finds that the ‘academic approach,’ CSR, and the legalistic rhetoric of the consultations may have contributed to the limited participation of marginalised groups. It thus seems that the system-specific language, which Buhmann (2013) highlights as having enabled consensus building, was not inclusive of the views and experiences of those which the principles seek to protect.

Melish (2014) picks up on the issue of participation in her unyielding critique of the UNGPs and the exclusive framing of business and human rights and relevant actors deployed by the UNSRSG. In the UN Framework, Ruggie (2008, 5) insisted on the significance of, and his own authority in, framing policy issues, particularly as regards defining the responsibilities of actors and providing them with effective guidance. For Melish (2014, 10) this assertiveness epitomises the contest ‘between those who advocate elite-driven acculturation-based models of social influence (the former SRSG, the UN Working Group, corporate interests, many global North states) versus those who insist on bottom-up accountability politics (affected communities, human rights NGOs).’ She then examines the dominant frames and ‘meaning management’ used by Ruggie to promote the UNGPs in public debate and argues that these worked to exclude and delegitimise critical human rights voices and alternative epistemologies seeking mandatory and participatory regulation from the mandate and the post-mandate approach (7). In her view, this appeal to elite-centred polycentric governance has resulted in the disregard of direct engagement with rights-holders and participatory access to agenda-setting. Backer *et al.* (2015, 254) corroborate this view, critiquing the essentially hierarchical form and potentially undemocratic structure and approach of the BHR global policy, and highlighting how it has privileged the largest global stakeholders. In their view, this and the asymmetry of information and resources have limited the participation of marginalised stakeholders in ‘the conversations about the meaning, scope and framework of human rights’ and their operationalisation.

The arguments of Segerlund (2010), Melish (2014) and Backer *et al.* (2015) all highlight that the apparently inclusive process of the UNSRSG’s mandate has not managed to overcome widely debated issues of representation and participation in global governance, including dialogue between unequal actors and empowerment of marginalised groups (Utting

and Zammit 2009; Mena *et al.* 2010). They point to the high-level power struggles over the making of norms and their meaning and expose the limited participation of people affected by business activities whose situations the principles seek to improve. Melish (2014) and Backer *et al.* (2015) further suggest that these questions of participation and knowledge of human rights in policy making also matter in policy implementation, particularly as top-down acculturation approaches are recommended in the BHR global policy.

This raises questions about whether and how intended beneficiaries as well as implementers of corporate human rights responsibility norms understand human rights and are able to participate. This issue is examined in Chapters 6 and 7, which respectively focus on the meaning-making processes of human rights of individuals in directorial, managerial and work-floor positions in hospitality businesses. Indeed, as discussed in the next section, despite the social expectations focus of the BHR global policy, organisational actors seem to have been marginalised in both policy-making and scholarship on business and human rights.

2.3.2. Re-situating ‘social expectations’

For the UNSRSG (2008, 54), ‘social expectations’ or the ‘courts of public opinions’ determine what is required of companies to obtain a social licence to operate. At its most basic level, this means compliance with the law and not infringing on others’ rights. Nevertheless, several legal (McCorquodale 2009; Deva 2012; Bilchitz 2013) and business ethics scholars (Arnold 2010; Cragg 2012; Wettstein 2015; Fasterling and Demuijnck 2013; Brenkert 2015) have found that the grounding of the corporate responsibility to respect in social expectations rather than in law or ethics does not provide a sufficient normative basis of responsibility. For instance, Bilchitz (2013) argues that the non-binding and voluntary character of social expectations reduces international legal human rights instruments to mere social standards for assessing corporate conduct. McCorquodale (2009) also stresses the problem of the relativity of social expectations about human rights.

By deriving the corporate responsibility to respect human rights from social expectations, the UNSRSG had another objective fitting his polycentric view of global governance. He sought not to lose sight of ‘the social logics and processes other than law which drive evolving public recognition of rights’ (Ruggie 2013, xxxv). The nuances that would be captured by doing so, however, seem lost in the minimalist social expectations of business responsibility he identified. His perspective appears to disregard the diversity and variability of social expectations while imposing a particular consensual understanding derived from consultations with only the largest global stakeholders—multinational

businesses, civil society actors, international organisations and states, (Backer *et al.* 2015, 254; Melish 2014)—as the universally accepted terms of corporate responsibility for human rights.

A number of studies have shown that generally all stakeholders, including CSR experts, local communities where companies operate, governments and NGOs, usually expect more than non-infringement of human rights (Lopez 2013, 67; Donaldson 2015, 1; Edelman 2009, 3). In many parts of the world, businesses are also expected to contribute positively to the realisation of rights (Lopez 2013, 67) or help protect people from being deprived of their rights (Donaldson 2015, 1) where the state does not do so. Through the deployment of social development and sustainability programmes as part of their CSR, companies have in some ways responded to these expectations of positive contributions (Wettstein 2012). Conversely, Cragg (2012, 14) and Bilchitz (2013, 122) observe that in countries subjected to authoritarian rule or where human rights standards are not consistent with local customs, the public might not have sufficient knowledge of human rights or accountability mechanisms for their social expectations to be effective controls on corporate action. That this knowledge gap is also a factor in Western countries, however, is a key contention of this thesis.

Legal critiques of the UNSRSG (McCorquodale 2009; Lopez 2013; Bilchitz 2013), however, often contrast the contradiction between views of human rights as contingent on social context against the universality underpinning human rights as moral imperatives. In response, socio-legal scholars Ewick and Silbey (1998, 52) suggest that the various and contradictory ways that law operates and is understood in everyday life are not problems to be remedied or managed but simply demand more theoretical attention. We should, they argue, move beyond universalist conceptions of law and, relatedly, human rights as coherent yet remote from everyday social relations to understand the way they become meaningful in popular consciousness and useful in day-to-day situations. This theoretical shift is, for me, an important first step in reducing reliance on only privileged or expert social expectations as a normative basis for human rights responsibility.

It is therefore surprising that scholars who emphasise the perspective of business as social organisations (see section 2.2.1 e.g., Deva 2012; Arnold 2010; Wettstein 2015; Muchlinski 2012; Melish 2014; Fasterling and Demuinjck 2013) seem to neglect the social situatedness of business and the perspectives of potential beneficiaries and implementers of BHR norms. For instance, Muchlinski (2001, 36; 2012, 164) stresses that business organisations are more than ‘bundles of assets’ and have real social responsibilities to workers and others. From this perspective, he recognises the need to transform ‘corporate

culture' and 'psyche' so that 'concern for human rights is instilled into officers, agents and employees of the company' as if it were constitutional (2012, 156). This further resonates with the perspective of Arnold (2010, 338) that business organisations should be regarded as intentional agents and duty-bearers because 'they are populated by individual employees who are agents and, as such, duty bearers.' However, while these scholars talk about the moral agency of beneficiaries and implementers of human rights norms in business, they seldom seek out or represent their voices in research. This is possibly due to the normative and legal nature of their arguments and may reflect a reluctance to engage with 'lay' or 'popular' conceptions of human rights as opposed to their official and expert articulations.

Furthermore, what such critiques often overlook is that the social dimension of business organisations extends beyond their social impact, role and responsibility, requiring that we see business organisations as themselves social constructs. Haines et al. (2011), for instance, stress the importance of the social and institutional context on the capacity of companies to uphold their human rights responsibilities. Dine (2001, 93) reminds us that, although companies are operated by individuals, they also act within the frames of 'accepted legal norms deriving from the dominant philosophical understanding of the societies in which their structure and form is determined.' She thus questions the tendency to 'blame' companies for their contribution to social ills without also examining 'what influences the actions of those who operate companies and the consequent barriers which prevent companies from absorbing and internalising the altruistic norms which would lead to a change in the balance of power.'

Both Dine (2001, 90) and Muchlinski (2012, 162) have further argued that the Anglo-American 'neoclassical' model of corporate governance remains a hurdle to business adopting a moral and altruistic culture and practices in business. They describe the primacy of shareholders, property rights and profit-making as an inadequate basis for the development of social responsibility, sustainability, or human rights culture in business. Dine (2001, 106) emphasizes that, in societies upholding this corporate governance model—such as the UK—managers are faced with contradictory duties and conflicting responsibilities to respect human rights while enhancing shareholder value and profit maximisation through efficiency practices which may actually undermine them. Corporate law and the contemporary corporate governance model thus act as context-dependent 'interpretive schemas or frames' which structure the sense-making of people in organisations (Ewick and Silbey 1998, 32). The concept of interpretive frames has been used in legal consciousness approaches to examine how 'legal norms and values shape the meanings, limitations and opportunities of

daily life' (Marshall 2005, 660; Ewick and Silbey 1998). This concept is also useful to unpack how social processes influence the distinct ways human rights and business responsibility norms are represented and applied in everyday business practice (see section 3.2.2 for an in-depth discussion of the framing analysis applied in this study).

Thus, considering social expectations of human rights and business responsibility among beneficiaries and implementers of policies (rather than and/or alongside the views of decision-makers) may facilitate our understanding of how human rights are interpreted, experienced and enacted in everyday life in and around business organisations. Furthermore, by calling attention to social and legal norms and other frames which influence perceptions and attitudes towards ethical considerations, this perspective focuses our gaze on how human rights responsibility is understood and represented in sites and sectors which are not often the objects of accountability investigations, altering the common perception of the influence of weak governance as a problem only or mainly for developing countries or for extractive industries. Chapters 4 and 5 therefore explore the national expectations and sectoral visions of business responsibility for human rights which have shaped the development and implementation of government and hospitality sector policy in the UK.

Below, I turn to the recent literature on the implementation of human rights in business and review complementary fields of research on CSR sense-making and knowledge in organisations and the diffusion of human rights.

2.4. Recent developments in business responsibility and human rights

Theoretical developments regarding the normative foundations and scope of corporate human rights responsibility have yet to be thoroughly examined in the complex context of business organisations, and in relation to the situated everyday experiences and knowledge of managers and employees.

Research on the implementation of human rights norms in business at the organisational level has focused to date on the implementation of codes of conducts and human rights policies in business (Preuss and Brown 2011), the development of indicators to measure corporate human rights performance (de Felice 2015b), the difficulty of translating human rights in business culture and practice (Addo and Martin 2015), and how the complexity of supply chains (Hamm 2012) and the context of operations may hinder the process (Haines et al. 2011). Preuss and Brown (2011) reviewed the level of corporate commitment to human rights in human rights policies developed by FTSE 100 companies in the UK, finding that those few who actually engaged with human rights committed

themselves to negative avoidance of infraction rather than positive promotion of rights. De Felice (2015b) evaluates the pros and cons of 30 existing sets of indicators (e.g., the Human Rights Compliance Assessment Tool, the UN Global Compact Self-Assessment Tool, or Behind the Brands, etc.) developed alongside the BHR policy to provide companies and their numerous stakeholders with ‘evidence-based’ ways to monitor and assess human rights performance and corporate responsibility. He observes, however, that the development of valid indicators which do not lose the emancipatory potential of human rights present numerous normative, methodological, practical and political challenges, especially as their voluntariness, the reliance on self-reporting, and the objective of corporate reputation all pose problems regarding the credibility and verification of the quantitative data provided. Merry (2011, 83, 87) also emphasises how statistical measures tend to replace political debate with technical information which may not be accessible to people affected by companies, and lead to their experience and knowledge of harm and violation being ignored or concealed in aggregate numbers.

In their recent paper, Addo and Martin (2015) examine some of the challenges of transposing human rights into business policy, practice and corporate identity. They highlight issues of interpretation and recommend solutions including some derived from CSR sense-making research (i.e., Jackson 2010). Their turn towards CSR sense-making research is interesting in that it expects that business will use the experience gained through CSR to integrate human rights responsibility in organisational processes. Drawing on Jackson (2010), they explain (381) how human rights concepts must be translated so that employees and managers can make sense and take ownership of them and deliver them in real-world contexts. For them, the language of the translation must align and be congruent with corporate internal identity; otherwise, managers will follow their own ‘script’ of interpretation aligned with their own tacit knowledge and experience (380; Jackson 2010, 189).

Hamm (2012), however, challenges the assumption that business organisations have any such coherent top-down identities or processes because the complex and ramified structures of supply-chains undermine the consistent implementation of codes of conduct and voluntary standards. Her findings corroborate other studies of CSR sense making; Jonker et al. (2004, 18) stress the ‘messiness’ of the process while van der Heijden et al. (2010, 1796) underscore that ‘there is no general recipe to create and share organisational meaning of CSR.’ For Hamm, the impact of standards is often limited to the ‘see level,’ which means that the lower-tier workforce usually does not benefit from their protection. This finding is not only

relevant for supply-chains in the textile, electronic, or mining industries, where most human rights violations are reported, but also for less exposed industries.

Most relevantly for this research, the hospitality sector relies on supply-chains for its supplies of food, beverage, linen and, most significantly, labour, which is frequently outsourced to specialist recruitment agencies in the country of operations or abroad (Evans et al. 2007; Balch, 2012). Rossman (cited in IHRB/Tourism Concern 2012, 22) observes that the ‘layers’ created by outsourcing both services and labour dissolve employer responsibility in the hospitality sector. In addition, the common practice of franchising and leasing of brand names, especially among the many global operators, further shields brands and directors from accountability for the actions and tort of their subsidiaries, and contributes to the fragmentation of corporate control and management of responsible standards and the conditions in which employees work (*ibid.*; Jones *et al.* 2014, 13). Font *et al.* (2012) also note that while large hotel groups have more comprehensive policies than smaller enterprises, their implementation remains inconsistent.

While Yanow’s (2004) work on translating local knowledge at organisational peripheries does not directly address the meaning-making of human rights, ethics, or CSR in organisations, its consideration of the place of employees’ local knowledge at a hierarchical and geographical remove from the centre of authority and decision-making in organisations is highly relevant. For Yanow, local knowledge—the ‘mundane yet expert understanding of and practical reasoning about local conditions derived from lived experience’—is present at all levels of organisations (12, 23). Nevertheless, employees at the lower occupational levels of organisations and those operating at their borders (e.g., outsourced agency workers) may not register on the organisation ‘mattering map’ (Goldstein 1983 cited in *ibid.*, 22). These workers may be prevented from participating in ethical knowledge in the broader organisation. This means not only that they may not have access to such knowledge, but also that their own knowledge of what matters ethically where they operate may not be ‘translated up’ the hierarchy. Such local knowledge may not be recognised as a relevant form of expertise due to the occupational status of its producers, or its different context and articulation in a way that is meaningful locally may not be translatable in the language of ethics or human rights set out in decision-making. These theoretical insights are especially important for this thesis as it considers the practice and knowledge of human rights in the hierarchically, spatially and occupationally segmented contexts of hospitality work (McDowell *et al.* 2007; Einat 2010; Sherman 2007).

Yanow's (2004) work foregrounds questions of knowledge and power in organisations which are too often overlooked in CSR sense-making research. This field often reproduces top-down decision-making by focusing primarily on the role of managers and what influences their decisions (Seivwright and Unsworth 2016; Aguinis and Glavas 2012). For instance, Basu and Palazzo (2008, 124) justify their focus on managers' sense-making as representative of an organisation's character and the way it makes sense of its world because 'after all, decisions regarding CSR activities are made by managers.' Swanson (2009, 228) also explains her focus on top-managers rather than mid- or lower-level managers or other employees because 'they often feel squeezed by pressure from above', which limits their moral agency in the organisation. These remarks expose the limited participation of individuals below senior managerial-levels in ethics decision-making in organisations, but also limit CSR sense-making to the level of decision-making rather than seeing it as a broader social process. These start from the problematic perspective that 'CSR is based on shared values' (Nijhof and Jeurissen 2006, 321). Meanwhile, research has also shown that executive-level managers have significantly different perceptions of ethical matters in organizations from that of lower-level employees (Treviño, *et al.* 2008). Likewise, Dean et al (2010, 51) argue that top-managers represent a minority removed from 'situations most "regular" managers face each day,' and are even outside the organizational context 'which both stresses and drives everyday ethical decision-making in the workplace' (65). Humphreys and Brown (2008, 413–414) also found that employees of a bank, including middle-managers and junior employees, struggled to explain a recently imposed CSR vision which clashed with the official corporate identity of the bank emphasizing economic performance and 'providing credit to people with poor or no credit record.' These CSR sense-making studies and Yanow's (2004) research on the translation of peripheral local knowledge all point to the importance of considering the dialectic between the multiplicity of voices which constitute organisational life and knowledge and the structuring dimension of the organisational context and identity on individual and collective moral agency.

From a socio-legal perspective, Marshall (2005, 120) calls for research on legal consciousness to 'bring institutions back in' and account for the influence of specific organisational practices. In her analysis of how employees use existing conceptual schemata (i.e., injustice, feminist, managerial) to make sense of sexual harassment and related workplace policy, she shows how different understandings of law and justice overlap in the way her participants constructed the meaning and legality of their situation (2003). Marshall (2005) also describes the significance of organisational settings and relationships in enabling

employees to frame their situation in terms of rights and decide to act upon it. Her arguments are rejoinders to the views of Dine (2001) and Muchlinski (2012) regarding the significant influence of the Anglo-American corporate governance model on the ethical decision-making ability of managers and by extension companies (see section 2.3.2). Thereby, struggles over the meaning of rights in business organisations should be investigated at the intersection of both the organisational context and the local social and institutional context of operations.

This perspective finds resonance in the works of Merry (2003; 2006) and Relis (2011) who investigate the diffusion of human rights and human rights consciousness in relation to gender violence in developing countries, and problematize the disparities between global human rights laws and policies and the lived realities of the subjects of human rights. They both explore the different social processes enabling or hindering the development and use of human rights ideas and language to challenge violence against women, which in many parts of the world remains seen as a quotidian and normalised problem rather than a violation of human rights. This perspective is especially significant for the field of business and human rights because it reveals how violations may remain invisible and unchallenged in local social relations or organisational practice where there is limited understanding of human rights and their relevance.

Their focus on non-Western countries as sites where human rights are the most culturally foreign may lead to a form of complacency, however. Merry (2006, 179), for instance, concedes that, even in seemingly highly rights-conscious countries such as the United States (U.S.), people who have a clear basis to assert their rights may be reluctant to do so. Recent research by social theorists of human rights provides insights into the misrecognition of human rights law and policies in everyday life in liberal democracies. For instance, Morris' (2003; 2013) research on civic stratification and the human rights of migrants and lower social classes exposes how rights status and social status intersect to create stigma and sites of inequality in British society. Morris (2013) and other social theorists of rights (Lockwood 1996; Honneth 1996) have shown that the absence of rights and/or restricted access to rights can undermine the perceived moral status of people categorised as belonging to certain groups with less rights, which in turn affect their ability to assert their rights. Therefore, questions about lay knowledge of human rights and relatedly about the social and institutional support people enjoy in advanced economies and democracies should be urgently investigated in business organisational contexts.

Whether they draw on organisational or social theory, the above studies highlight the various structural influences on an individual's ability to give a human rights-related meaning

to a situation and act upon it in organisations and in society. Together, they offer important theoretical insights about how local social, institutional and organisational contexts, their practices and norms, and the interactions and performance of people in their midst may act as interpretive ‘frames’ (see section 3.2.2) which can influence the practice and consciousness of human rights in business organisations. These insights are especially relevant to my analysis of the interview material and the relationship between the social and organisational positionalities of the participants and their framing of human rights, detailed in chapter 8.

2.5. Summary

This chapter has reviewed the different theoretical perspectives on business responsibility for human rights and the process-making of the BHR global policy. The debate has been dominated by often overlapping legal and business ethics perspectives. These perspectives understand human rights as imperatives, and therefore contest the minimalist framework and principle of corporate responsibility to respect human rights defined in the BHR global policy, arguing that, at minimum, such responsibilities should be binding on business not just states. This suggests that, although corporate responsibility for human rights may be a salient concern in international and corporate policy, there is as yet little consensus on its substantive content and normative scope in both academic and policy circles.

Concerning the making of the BHR global policy, issues have been raised regarding the lack of participation and representation of marginalised groups, including workers. This has led to concerns that these actors will also be marginalised by the top-down acculturation processes recommended for the implementation of the global policy in business processes, relationships and activities. Despite a focus on business organisations as social organs and constructs, contemporary research on business and human rights remains at a remove from organisational life. Studies in the related-field of CSR sense-making tend to be focused on the top-level of decision-making, and only rarely give interpretive accounts of what ethics principles and human rights mean across business organisations.

Through the interpretive qualitative approach and framing analysis described in the next chapter, and insights drawn from organisational and social theory, I seek to address theoretical and methodological gaps in the literature by exploring the meaning-making processes of human rights across government and business policy-making and occupational layers within business organizations.

3 Methodology

3.1. Introduction

This chapter aims to show how the selected methodology enabled me to research and develop a better theoretical understanding of human rights meaning-making processes in the hospitality sector in Britain. It offers a rationale for undertaking an interpretive qualitative study and provides a detailed and reflexive overview of my research methods, procedure and process.

I have researched and written this thesis mindful of how my own positionality and that of the research participants have shaped the process of research and its knowledge claims (Ybema and Kamsteeg 2009, 9). This chapter foregrounds questions of ethics when entering a field with a more or less cool attitude towards research on business ethics and on human rights in particular (Yeager and Kram 1990), and when meeting employees in precarious occupations and from migrant backgrounds. It also reflects at length on the issues which arose during the research in relation to my own biases and those of the participants and gatekeepers, the power relationships at play in our encounters, and their influence on my analysis and writing (Koning and Ooi 2013).

The chapter is divided into five parts. Section 3.2 justifies the interpretive qualitative research philosophy and design, discusses the choice of ‘framing’ analysis and defines the evaluation criteria including trustworthiness, participants’ bias, mapping, exposure, intertextuality, and voice. Section 3.3 outlines my approach to the public and corporate policy documents, while section 3.4 offers a reflexive overview of the fieldwork and interview analysis, introduces the research participants in their ‘communities of meaning’ (Yanow 2000, 27; see 3.4.3 for a discussion) and describes ethical issues encountered in the research process.

3.2. Research design

3.2.1. Interpretive Study

The research is designed as an interpretive qualitative study. An interpretive lens ‘asks not only *what* a policy means—a context-specific question about a specific policy—but also *how* a policy means—questions about the processes by which meanings are communicated’ (Yanow 2015, 412). This approach suits the socio-political and organisational lens of the inquiry as it enables an exploration of the relationship between international, governmental and corporate human rights policies and practices in the British hospitality sector, and how

this has meaning for people working in the industry. In line with the contextualised and meaning-focused purpose of interpretive inquiry (Schwartz-Shea and Yanow 2012, 10), the study is based on:

- analysis of policy documents produced and published online by the UK Government and related institutions, and by nine international hotel groups which had a human rights policy at the time of research.¹²
- Individual and group interviews with directors, senior and middle managers, and;
- Individual and group interviews with both in-house and outsourced work-floor staff from a variety of hospitality businesses in London and Oxford.¹³

To analyse both the documents and the interview material, I used framing analysis, that is, inductive identification of issues and language patterns reflecting particular intersubjective framings of a policy problem or situation as related to human rights. This enabled me to analyse meaning-making processes at the macro-level of policy-making – i.e. in the institutional framings of the policies and statements on corporate social responsibility and business human rights responsibility of the UK Government –; at the meso-level of policy making – i.e. in the CSR and ethics policies of UK-based hospitality businesses –; and in the micro-level everyday understandings of the ‘hows’ and ‘whys’ of corporate responsibility and business ethics among hospitality employees —an often underrepresented level of analysis (Crane 1999; Brand 2009; Seivwright and Unsworth 2016; Bass and Milosevic 2016). Audits of corporate human rights performance rely increasingly on indicators of human rights performance and global governance (Merry 2011; Sarfaty 2015; de Felice 2015b), and are often based on a company’s own reports and declared commitment to international standards. Few studies of CSR and ethics in business focus on local knowledge across occupational hierarchies beyond the perspectives of directors and senior managers and the literature produced by organisations themselves (Brand and Slater 2003; Humphreys and Brown 2008; Aguinis and Glavas 2012; Seivwright and Unsworth 2016). This interpretive study takes a different ontological starting point, seeing individuals across the occupational spectrum of organisations as constructing the meaning of both social norms and their organisation’s ethical policies and practices (Czarniawska 1997).

¹² The research was carried out between 2013 and 2015. Government policy and the CSR and human rights policies of the nine international hotel groups were up-to-date as of December 2015.

¹³ Only some participants worked in establishments related to the nine international hotel groups.

The framings of the government and business policy documents account for the institutional significance of human rights and business responsibility. Meanwhile, participants' accounts tell us about what is significant or “*meaning-ful*” (Schwartz-Shea and Yanow, 2012, 41; their emphasis) for them in corporate responsibility and human rights norms and how these are meaningful in their socially and culturally situated experience. Comparing the concerns in the framing of policy texts with those I identified in interviews with work-floor employees, managers, and directors helped identify the intersections and differences between policy and practice, between understanding and decision-making in the boardrooms, and between expectations and lived-realities at the work-floor.

3.2.2. Framing Analysis: Multi-level, multi-vocal, process-oriented, discursive, and reflexive

Frames refer to ‘principles of organization which govern the subjective meanings we assign to social events’ and help actors interpret, understand and articulate ‘what’s going on’ (Goffman 1974, 11).¹⁴ In other words, frames are intersubjective interpretive structures which enable individuals and groups to categorize and assign meaning to social events (Cornelissen and Werner 2014, 197), as well as identities and relationships between actors (van Hulst and Yanow 2009, 9). Different types and levels of frames have been described which are not consciously created but are unconsciously adopted—e.g., prior frames of reference or institutional frames—or interactively developed—e.g., interactive frames or strategic frames—to define and communicate about a situation (*ibid.*, 4; Cornelissen and Werner 2014, 184–186). As the metaphor suggests, frames focus attention on certain elements of a situation that actors find important or problematic, while simultaneously excluding others (Yanow 2000, 11). Correlatively, the act of framing is the active task of defining what is going on and representing a situation through language or other symbolic gestures (Cornelissen and Werner 2014, 197). Actors might frame a situation by drawing on a prior cognitive or institutional frame of reference to make sense of a situation in ways that reinforce or challenge existing frames (i.e., trying to ‘fit’ a situation into a frame). They might also

¹⁴ The concept of interpretive frames formulated by Burke (1937), developed by Bateson (1955), and later popularised by Goffman (1974) has been the foundation of a variety of framing analyses across objectivist and interpretivist methodological boundaries (Cornelissen and Werner 2014, 182; Dewulf et al. 2009) and across various disciplines, including journalism and media studies (Entman 1993; Gamson and Modigliani 1989; Van Gorp and Vercruyssen 2012; 2007; Vliegthart and van Zoonen 2011), social movement studies (Benford and Snow 2000; Ferree and Merrill 2000), dispute resolution (Dewulf et al. 2009), and socio-legal studies (Marshall 2003). The concepts of frames and framing have also been widely used in organisations and management studies (Creed et al. 2002; Cornelissen and Werner 2014) and policy analysis (Schon and Rein 1994; Fischer 2003; Laws and Rein 2003; Verloo and Lombardo 2007; Ferree 2009; van Hulst and Yanow 2014).

interactively and discursively (re)construct issues or problems through ‘a process of selecting, categorising and naming elements of a situation’ that are important to them and upon which they seek to act (i.e., defining the contents and contour of a frame) (van Hulst and Yanow 2014, 8). Thus, while pre-existing cognitive and discursive frames work together to provide often tacit¹⁵ theories of a situation, frames are also (re)produced in socially and culturally situated, intersubjective, but also interactive and iterative, processes of meaning-making (Cornelissen and Werner 2014, 183; van Hulst and Yanow 2014, 4–7; Creed *et al.* 2002, 36). In that sense, framing is situational and interactional, and entails a socio-political process of selection and articulation of what matters to actors and what needs to be done concerning a particular issue. The role of the analyst is thus to reconstruct the framing process, and identify the cognitive and discursive frames at play in the definition of a problematic (policy) situation.

A multi-level and multi-vocal framing analysis is a relevant analytical approach to explore the different implicit and explicit meanings of human rights and business responsibility for the different stakeholders and meaning communities involved in or targeted by policies. The analysis is multi-level because it explores the way human rights are framed—understood, interpreted and articulated—at the micro-level of individual negotiations of policy in organisations, the meso-level of corporate policy-making, and the macro-level of policy-making in government and international organisations. While the micro-level analysis explores the cognitive dimension of framing, that is, how individuals activate different knowledge schemas to make sense of a situation, the meso and macro levels focus more on the discursive negotiation of framed-based meaning in corporate organisations and policy institutions (Cornelissen and Werner 2014, 196). The analysis is also multi-vocal since it supplements the ‘expert’ voices and perspectives of policy actors—i.e., nine international hotel groups, and key ministries and parliamentary committees involved in the British business and human rights national strategy—with those of organisational actors—i.e., work-floor, management, and director participants.

Nevertheless, it is important to avoid reifying the interactive and situated processes of framing into taxonomies of stable meaning systems structuring individual expectations and

¹⁵ ‘Tacit knowledge’ is a concept proposed by Michael Polanyi (1966) and commonly referred to by interpretive scholars. In Polanyi’s sense, people ‘know more than they can tell’; that is ‘knowledge need not be explicitly articulated in order to be used’ (4). The work of the researcher is thus to reconstruct this underlying knowledge or ‘taken for granted assumptions which underlie meaning-making activities, in the symbols, rituals, stories, and other artefacts through which actors make sense of their world’ (Schwartz-Shea 2006, 92).

behaviour (van Hulst and Yanow 2014, 14; Cornelissen and Werner 2014, 183). This study therefore follows the turn in organisation and management studies (Creed *et al.* 2002; Cornelissen and Werner 2014) and policy analysis (Schon and Rein 1994; Fischer 2003; Laws and Rein 2003; Verloo and Lombardo 2007; Ferree 2009; van Hulst and Yanow 2014) towards a more process-oriented approach to framing analysis, which is interested in the dynamic and socio-political processes of frame construction, negotiation, maintenance and change. My analysis was therefore both inductive and iterative; first identifying the what, when, where, how, of a human rights problematic and any proposed solution, then comparing and grouping chunks of text thematically. This enabled me to identify consistency, continuity, change and interaction in the government and corporate policy framing of human rights and business responsibility over time. While I applied the same inductive method to chunks of interview material to group the participants into their communities of meaning, however, the interview data was necessarily cross-sectional rather than longitudinal.

Finally, there is a discursive level to the analysis, because frames and the act of framing are constructed in and articulated through language, which in turn shapes understandings, interpretations and articulations of a situation (Yanow 2000, 11; Cornelissen and Werner 2014, 222). In both policy texts and the accounts of policy-relevant actors, I paid particular attention to the linguistic ‘framing devices’; that is, those ‘manifest elements in a message that function as demonstrable indicators of the frame, such as vocabulary, catchphrases, and depictions; all of which contribute to the rhetorical structure of a message’ (Van Gorp and Vercruyse 2012, 1275). The wording and the value-concepts used in individual accounts and in policy texts serve to further emphasise specific issues, settings, relationships and other aspects of a situation which matter to an actor in terms of human rights, while marginalising others (van Hulst *et al.* 2014, 457; van Hulst and Yanow 2014, 9); that is, while the work of naming and selecting places issues into a frame, the language used further embellishes the frame through which issues are seen. I thus focused on identifying language patterns reflecting particular frames and the different ways actors in government and business organisations articulated policy issues and their social situation, positionality and identity in terms of human rights and business responsibility.

3.2.3. Evaluative criteria

This section lays out the qualitative interpretive criteria through which the advantages and limits of the research methods and the overall inquiry should be evaluated (Lincoln, *et al.* 2011; Yanow and Schwartz-Shea 2006).

This study is based on a qualitative interpretive design. Consequently, it cannot match the expectations of mainstream positivist evaluative criteria by claiming validity, objectivity, rigour, falsifiability and (statistical) generalisability unless their meaning is adapted to an interpretive lens. These do not reflect the nature of knowledge and evidence from an interpretive perspective which is not about measuring the social world for law-like generalisation, testing models or hypotheses for causal relationship, or making predictions.

The interpretive paradigm recognises the diversity and complexity of human lived-experience and emphasises understanding of human meaning-making across contexts, that is, what and how things mean to people in light of a recognition of the situated and constructed nature of knowledge and the ambiguities of human experience (Schwartz-Shea, 2006, 92). Therefore, this inquiry can be evaluated on the basis of interpretive research criteria which follow the logic of interpretive inquiry. Schwartz-Shea and Yanow (2012, 99) define this logic as following an approach privileging: bottom-up, *in situ* concept development; constitutive understanding of causality; attention to researcher's positionality (and participants' positionality) when accessing fieldwork but also in deskwork and textual analysis; flexibility to field conditions; and co-generation of evidence in field relationships. Yet, as Schwartz-Shea's (2006, 100) review demonstrates, there are no accepted universal criteria to evaluate the quality of qualitative interpretive research, because universality is inconsistent with the ontological and epistemological basis of interpretive research. Nevertheless, while different terminology is used by scholars across the disciplines, she stresses that the criteria themselves usually share common grounds and are interrelated (*ibid.*, 97). My approach has sought to meet some of the evaluative criteria defined by Schwartz-Shea and Yanow (2012, 99) as desirable in interpretive research: trustworthiness; reflexivity; mapping, intertextuality and exposure; voice in representation; and ethics. This methodology chapter has been written in a reflexive way and the limitations and advantages of the inquiry are reviewed in chapter 9 based on these criteria.

Trustworthiness

'Trustworthiness' of knowledge claims is at the core of such criteria and the onus is on me, the researcher, to demonstrate the logic and explanatory coherence of the analysis. I have done so through transparency of methods and procedure in the fieldwork, deskwork and textual analysis and by attending to the influence of the researcher, participants and research contexts on analysis. Trustworthiness evidences the 'systematicity' of procedure, argumentation, and representation including improvisation and flexibility in the field

(Schwartz-Shea and Yanow 2012, 88). It also requires accounting for researcher's sense-making through engaging in reflexivity, but also recognising evidence which has challenged my own assumptions and explanations.

Reflexivity

Reflexivity is a core element of quality in qualitative and interpretive research (Schwartz-Shea and Yanow, 2012; Lincoln, *et al.*, 2011). Rather than hindering the trustworthiness and quality of qualitative inquiry, reflexive exploration and exposition enhances qualitative study by revealing the complexity of interactions between the researcher, the research context, and the participants and the ensuing choice of what narratives and knowledge get produced (Donnelly, *et al.* 2013, 5; Lincoln, Lynham, and Guba 2011; Koning and Ooi 2013).

Reflexivity is also a practice recommended by framing scholars. Schon and Rein (1994) invite frame analysts and policy-makers to become aware of the *tacit* frames underpinning their *explicit* policy position (34, their emphasis). They remind us that 'frames must be constructed by someone, and those who construct the frames (the authors of this book) [...] bring their own frame to the enterprise, [but] maybe unaware of doing so' (36). In other words, science is neither neutral nor objective but is underpinned by particular theories, assumptions, and experiences. Bacchi (2009) coined the notion of 'reflexive framing', stressing the need to reflect on the frames we deploy as researchers and encouraging us to draw upon a variety of perspectives and experiences to confront our own taken-for-granted class and culture-based assumptions (28–29). Creed *et al.* (2002, 50) also note the importance of what we bring to the project through our social embeddedness and identities and draw attention to the purpose of the research project itself and what it seeks to reveal. Each of these scholars discusses the researcher's reflexivity and explicitness regarding their frames and framing processes as an issue of the ultimate trustworthiness of research.

Reflexively speaking, then, my own understanding of human rights and business responsibility is informed by ideals of social justice and equality. Importantly, it has been informed (or tainted?) by years of work as a researcher for NGOs campaigning on business accountability for human rights, and as a tutor of English and literacy for refugees, asylum seekers, and migrant workers. Because of the former experience in particular, I understand business responsibility as accountability and justice for human rights harms. While I appreciate that business can positively contribute to human rights, I am sceptical of the CSR, philanthropy, and sustainable development frames which often instrumentally present these as marketable and profitable assets. Although aware of these frames, it has not always been

easy for me to hold to the purpose of this project as a ‘pure’ exploration of the meanings of human rights and business responsibility.

Mapping, exposure, intertextuality

Organisations are hierarchized and politicised contexts. Therefore, participants’ social bias is another aspect to manage which raises significant limits on the scope and method of empirical work on morality in organizations (Crane 1999, 243–244; Miyazaki and Taylor 2007). An inquiry on human rights and business responsibility will have to account for what the respondents think the researcher is looking for and what they want the researcher to tell the public. Schwartz-Shea and Yanow (2012, 111) explain how performances put on by participants are in fact of intrinsic interest for interpretive research. For instance, identifying variations between the accounts of managers and work-floor staff is informative of how business ethics are distributed throughout the organizational hierarchy. Intertextuality—reading across interviews, observations and documents—thus can help identifying exaggerations or understatements, inclusion or silences, in participants’ accounts, which are another kind of information about the research setting.

Mapping, exposure and intertextuality are about exposing the researcher to a variety of meanings. Encounters with different sources of evidence enabled me to identify different viewpoints on the research subject but also challenged my own sense-making. My aim was not to establish the ‘truth’ of the accounts I was told or read in documents (Czarniawska 2004, 4), but to look for the meanings human rights and business responsibility have for the various participants, and how these differ across social and organisational hierarchical positions in the hospitality industry in the UK. Mapping, exposure and intertextuality enabled me to check both my own cynicism about businesses’ social responsibility discourses and practices, and to identify where participants performed an agenda (e.g., limiting themselves to the company’s line) or what they thought I wanted to hear (e.g., accounts of human rights abuses) (Schwartz-Shea and Yanow 2012, 84–89).

Presentation of findings—voice

My aspiration in this thesis is to convey with fairness the various perceptions of human rights and business responsibility not simply in a one-dimensional contestation between ‘good’ and ‘bad’ actors (Lincoln, *et al.* 2011), but to impart the sense of a complex, intertwined configuration of multiple voices, multiple interests, and multiple ideals of social realities (Ybema *et al.*, 2009, 8). I have sought to represent these within the broader social, legal and policy developments of business and human rights in general, and, in particular, in the

hospitality sector in the UK with regards to the precarization of migrant workers and low-level jobs. Nevertheless, to paraphrase Fine (1992, 218), despite the objective of fairness, the ‘voices’ presented here remain fragments carved out as narrative evidence, selected, edited and deployed to frame the argument and aims of this thesis.

3.3. Government and corporate policy documents

3.3.1. Overview of the document analysis

According to Atkinson and Coffey (2011, 78), organisations depend on the production and exchange of documents to function and to represent themselves to other similar organisations and stakeholders. Hence, their activities as readers and writers cannot be ignored in the study of policy processes. The inclusion of UK government and hospitality company documents in this study serves two purposes: Firstly, like the interviews, they are primary data about the contexts of UK Government and international hotel groups’ policies and, more broadly, business and human rights and corporate social responsibility discourse. Though they present a distinctively documentary version of social reality which carries less contextual meaning for the researcher, the construction and circulation of documents plays its part in the social processes of policy development and implementation (*ibid.*, 80), and the final documents themselves may contain traces of these negotiations. Analysis of documents thus explores how they construct particular realities and value-cultures; how they represent particular policy issues and the accounts they give of them and their own identity; and how their language is addressed or adapted to particular expert or non-expert audiences. Secondly, these documents help contextualise findings from the interviews, group discussions, and informal conversations, which in turn situate the policies and norms they negotiate in communities of meaning who are not often considered or included in the policy-making process (Schwartz-Shea and Yanow 2012, 84–89).

I gathered a variety of policy documents relevant to the issue of business and human rights produced by the UK Government and by nine leading international hotel groups. I used documents available online on the websites of the relevant Government Ministries and departments (i.e., Foreign Commonwealth Office, Foreign Affairs Committee and Joint Committee on Human Rights) and the Equality and Human Rights Commission (EHRC; the national human rights institute), and the websites of the hotel groups. My approach to identifying relevant documents was intertextual and regressive; starting from documents published at the time of research (2011–2014), I moved backward to identify other relevant documents referred to in the policy texts or similar documents as in the case of annual reports.

Most were produced in the noughties and early 2010s; a timeframe which corresponds to the rise of the business and human rights debate at the UN and the negotiation of global norms on the issue. I generally accessed documents produced, edited and authorised for a public audience, though certain documents from the hotel groups were circulated internally and were not usually available on the companies' public websites.

Focusing on policy, ethics and guidance documents which are publicly available has a number of limitations. Firstly, I lacked insight into the process and the people involved in the construction of a document. The final version of the UK National Action Plan on Business and Human Rights, for instance, does not reveal the names of participants in its multi-stakeholders consultations. Furthermore, as an outsider to the business organisations, I have only a limited understanding of how and in what form or language ethical policy and value statements are circulated to employees, and can only offer a partial mapping of the relevance of these policies to external auditors and individuals inside organisations. Nevertheless, together with the findings from individual and group interviews and informal conversations, the range of documents analysed contributes to a rich-picture of the ways business responsibility and human rights are framed in this context (Humphreys and Brown 2008, 406).

Table 3.3a offers an overview of the policy documents produced or commissioned by different bodies of the UK Government, while Table 3.3b presents the various online documents I gathered to reconstitute the ethics policy of the nine international hotel groups (not necessarily the ones in which the interviewees were employed), as presented to different audiences. They include human rights policy statements, codes of conduct, CSR reports,¹⁶ and CEOs' messages which refer to the companies' human rights commitments.

¹⁶ The groups refer to CSR using various terms, including sustainability, business responsibility and global citizenship. These terms are used to discursively differentiate the companies in their approach and commitments, but seem to be used interchangeably to describe the companies' commitments to society, local communities, and the environment.

Table 3.3a. UK Government documents

Government department/individual	Title of document	Type of document
Foreign Commonwealth Office (FCO)	Human Rights Annual Report 2002 (2003) Human Rights Annual Report 2003 (2004) Human Rights Annual Report 2004 (2005) Human Rights Annual Report 2005 (2006) Human Rights Annual Report 2006 (2007) Human Rights Annual Report 2007 (2008) Human Rights Annual Report 2008 (2009) Human Rights Annual Report 2009 (2010) Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report (2011) Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report (2012) Human Rights and Democracy: The 2012 Foreign & Commonwealth Office Report (2013) Human Rights and Democracy: The 2013 Foreign & Commonwealth Office Report (2014) Human Rights and Democracy: The 2014 Foreign & Commonwealth Office Report (2015)	Annual reports
FCO and BIS	Good Business Implementing the UN Guiding Principles on Business and Human Rights (2013)	Policy report and Guidelines
FCO, UKTI, BIS, and DFID	Business and Human Rights Toolkit: How UK overseas missions can promote good conduct by UK companies (2012)	Guidelines
Foreign Affairs Committee (FAC)	Human Rights Annual Report 2006 (2007) Human Rights Annual Report 2008 (2009) The FCO's Human Rights Work 2010–11 (2011) The FCO's Human Rights Work 2011 (2012) The FCO's Human Rights Work 2012 (2013) The FCO's Human Rights Work 2013 (2014)	Annual Reports
Joint Committee on Human Rights (JCHR)	Any of our business? Human rights and the UK private sector Volume 1, Inquiry's Report Any of our business? Human rights and the UK private sector, Volume 2, Oral and Written Evidence	Reports
Twenty Fifty (independent thinktank)	<i>The Private Sector and Human Rights in the UK</i> , report prepared by Twenty Fifty Limited for the Ministry of Justice and the Department of Health	Guidance report
Equality and Human Rights Commission (EHRC)	A Guide to Business and Human Rights How Human Rights Can Add Value to Your Business (2014)	Guidance report
Foreign Secretary William Hague	Speech at Launch of UK National Action Plan on Business and Human Rights (2013)	Speech

Table 3.3b. International Hotel Groups Documents

Hotel Group	Title of document	Type of document
Accor Hotel Group	Accor Reaching for the Impossible, 40 Years of History, 1967–2007 (2007) Challenges and history (2015) Management Ethics (2009) Ethics and Corporate Social Responsibility Charter (2014)	Report Webpage Code of conduct
Hilton Worldwide	Code of Conduct (2013) Communities (2014) Human Rights Key Initiatives (2014) Travel with Purpose Corporate Social Responsibility Report 2012 to 2016	Code of conduct Webpage Annual CSR report
Hyatt	Human rights policy statement (2010) Thrive Corporate Responsibility Report 2011 to 2014 (2012)	Policy statement Annual CSR report
InterContinental Hotel Group	Human Rights Policy (2013) Corporate Responsibility: CEO Message Corporate Responsibility, Human Rights Corporate Responsibility, Sustainable Communities (2013) Corporate Responsibility Report: Evolving the Future of Responsible Hotels (2008)	Policy statement Online CSR report Online policy statement part of CSR report
Marriott	Human Rights Policy Statement (2011) Our Commitment to Human Rights (2012) Principles of Responsible Business (2012) Sustainability Report 2009 to 2014	Policy Statement Annual CSR report
NH Hotels	Code of Conduct 2013 and 2015 Annual Report Corporate Responsibility 2009 to 2013	
Rezidor (Carlson)	Human Rights Policy Statement (2015) Sustainability/Responsibility Report 2007 to 2014 Rezidor History (2013) Marilyn Carlson Nelson Biography (2014)	Policy Statement Annual CSR report Chair biography
Starwood	Human Rights Policy Statement (2007) Global Citizenship Report (2012)	Policy statement Annual CSR report
Wyndham	Human Rights Policy Statement (2007) Commitment to Human Rights and Human Trafficking (2013) Corporate Social Responsibility Report (2014)	Policy statement Annual CSR report

3.3.2. Interpreting the documents

The framing analysis of the policies of the international hotel groups and the government highlights the more strategic and interactive processes of framing policy problems and solutions in organisations and institutions. I analysed the texts produced by the different government agencies and each hotel group separately. I first reviewed the documents from the most recent to the earliest, identifying core concerns for human rights and business responsibility, and identifying points of continuity and change in the way government and international hotel groups have defined human rights and business responsibility problems and solutions. I then conducted the analysis from the earliest documents to the most recent in light of historical developments in the international business and human rights debate and policy context. I also considered developments in CSR and sustainability from the late 1980s, as these appeared as the conceptual basis of the ethics policies of some of the hotel groups. In this way, I was able to identify the integration or marginalisation of particular ideas and issues and their formulations across the different government agencies, and in and between the international hotel groups.

At the level of government, I reconstructed the liberal framing of the policy process and parliamentary critiques observing the language patterns and use of concepts related to a business-oriented liberal worldview. I also identified a policy controversy in the ways the Government and Parliamentary Committees respectively frame human rights objectives and business interests as complementary or conflicting. These different framings build on selective accounts and catchphrases emphasising the role of business as a contributor to development and human rights or corporate-related harm. I was able to reconstruct the institutional liberal frame underlying the diverging policy framings by comparing the concerns and selective accounts of the various departments and placing them in their political contexts.

At the level of corporate policy, I reconstructed the CSR framing of human rights and business responsibility. Besides the historical analysis, I analysed the policies of the international hotel groups in light of their social-life (e.g., how international hotel groups rely on existing standards and benchmarking tools and develop sectoral partnerships promoting responsible practices). This approach enabled me to examine the association of human rights with selective risks in the hotel industry (e.g., child trafficking). I was able to retrace the process through which specific human rights concerns are defined and legitimised as part of CSR and risk management practices. These concerns also shape and, more often, are shaped

in the positive accounts and language which each hotel group deploys to describe and construct their organisation's ethical culture and identity.

The findings of the analysis of the policy documents are presented in chapters 4 and 5.

3.4. Fieldwork and interviews

3.4.1. Overview of the fieldwork

The fieldwork took place over a year between December 2012 and November 2013. I formally interviewed 24 participants through fourteen individual interviews and four group interviews; and had twelve informal conversations during participant observations (see Table 3.4a below). The eleven months included time to identify and meet with gatekeepers, canvass directly in hotels to talk to managerial staff, conduct participant observations to build rapport with work-floor migrant participants, snowball through some participants and personal contacts, and meet the participants for interviews or group interviews. Two of the group interviews (Groups 1 and 2) were planned as such, but Groups 3 and 4 were initially planned as individual interviews. As explained later, on these two occasions, I had to adapt individual interviews to a group situation. The individual interviews lasted between 40 and 100 minutes, and the group interviews lasted 90 minutes, and took place in different contexts. I let participants chose the place of interview, except when I could provide a convenient place that would not incur any financial costs to the participants, as I could not pay for their transport.

Table 3.4a. Overview of methods and fieldwork*

	Community of meaning, Gatekeepers, and # of participants	Individual interviews	Context	Group interviews	Context
Fieldwork—11 months	Work-floor community of meaning - Brookes School of Hospitality and Tourism - Trade Unions - Migrant associations - Personal Contacts 13 participants interviewed formally 12 informal conversations with trade union officers, and other work-floor employees	Nilan Kaja Maria Mario Bircan	Trade union meeting room Skype Trade union classroom Trade union classroom Oxford Brookes meeting room	Group 1: Alma Chigozie Cintia Group 2: Gracia Oscar Cesar Group 3: Adi Dian (included in managerial community of meaning)	Trade union meeting room Trade Union classroom (in Spanish) Oxford Brookes meeting room
	Managerial/directorial community of meaning - Canvassing in person and email - Brookes School of Hospitality and Tourism - Trade Unions 11 participants interviewed formally	Lea Mila Tariq Seema Magalie Karim Sebastian (HR Director) Hilde (CSR Vice-President)	Oxford Brookes meeting room Participant's restaurant (notes only) Participant's home (partly in French) Hotel lounge Participant' office in hotel Skype (notes only)	Group 4: Sonia (CSR Coordinator) Laura (Marketing Director) Harry (HR Director)	Hotel lounge (notes only)

* Unless otherwise stated all the interviews were in English and digitally recorded.

Approaching the field and getting access

In qualitative interpretive research, access and control over the field are not taken for granted, but represent a methodologically relevant issue (Schwartz-Shea and Yanow, 2012, 67).

Questions of access include decisions about who should be interviewed and who can grant access, and decisions about how access will be sought. These questions unveil power relationships between the researcher, gatekeepers and participants which affect field interaction and negotiation (*ibid.*, 61). In this study, I sought access within business organisations but also through other organisations (e.g., trade unions and migrant organisations). The explicitly hierarchical and political context of organisations meant I had to confront the power gradients of organisational life to access individuals at different occupational levels in hospitality businesses (Fine and Shulman 2009, 178). Because of the sensitivity of my research focus on human rights and business responsibility, and to maintain participants' anonymity, I chose to access work-floor employees, managers, and directors through different routes. For instance, I did not recruit work-floor staff through their employers to avoid hierarchical interference and issues of consent. I met these participants through trade unions, migrant associations and the Oxford Brookes University (OBU) School of Hospitality Management. To meet managers and directors, I canvassed directly in hotels and also met some of them through trade unions contacts and OBU School of Hospitality. The different routes of access and gatekeepers enabled me to interview participants in different hospitality establishments and across occupational hierarchies thereby achieving the multi-level and multi-vocal objective of the inquiry.

Either complete openness or refusal to participate can demonstrate the (ir)relevance of an inquiry's concerns and/or an (in)appropriate approach to the field. But they are also part of the findings. For instance, they may illuminate and evidence recurrent stories, such as, time constraints in the industry and issues of work-life balance, power relations evident in employer or managerial pressure and job insecurity, or claims that ethical and social responsibility are to be dealt with by the company's human resources or legal departments. Brigley (1995, 222) argues that qualitative research into business ethics 'challenges the ideological façades of organisations constructed by their managements, [and] access and conduct of the research may run into obstacles for precisely that reason.' Businesses tend to be wary of researchers' interest in their ethical practice. The danger that public critique could bring reputational embarrassment can lead to a reluctance to contribute to research on business ethics (Crane, 1999; Yeager and Kram, 1990). A significant dilemma has been how forthright to be about my focus on 'business responsibility', 'human rights', and 'migrant

workers' when presenting my project to managerial gatekeepers and participants in invitation letters. My assumption was that such an association of terms could worry potential respondents from hotels and jeopardise any chance I had of interviewing managers. For example, in my initial approaches, I tended to emphasise human rights as a matter of concern. The British Hospitality Association immediately noticed this in my email requesting their input. They responded by stressing the role hospitality businesses play in contributing to human rights through employment, community engagement, and campaigning on the elimination of child trafficking. Bircan, a participant, then explained that the negative perception of the relationship between business and human rights was common but detrimental. Some participants also thought I wanted to hear about cases of abuses. I have felt compelled a number of times to explain that my objective was not to find accounts to name and shame hospitality businesses. Limited opportunities to build a good rapport with managers who usually have little time to dedicate to strangers (Yeager and Kram 1990, 129) also intensified the dilemma of how much to reveal about the research when seeking access without risking deception during the interview.

I therefore revised the call for interviews and tailored the invitations to the managers or directors I wanted to meet. I used the external communications and internal publications of companies to learn about their contemporary moral, social and environmental concerns and the way they are expressed (Philip and Brown 1993, cited in Crane 1999, 243). I carefully read CSR reports and internal codes of ethics and conduct given to staff in case the language was different to that available to the external public. I took on board the CSR framing of vision and organisation (Brigley, 1995, 225) and learned a new jargon which speaks of: 'vision' and not 'ethics'; 'responsible business' and not 'business responsibility'; 'diverse workforce' and not 'migrant labour'; 'associate or operatives' and not 'employees, staff or colleagues'. The organisations' ethics literature provided a vocabulary through which I could frame questions and against which I could identify discrepancies between corporate and managerial perspectives (for examples of changes see Appendixes 4a and 4b).

Neither would it have helped, however, to appear *too* knowledgeable about a company's ethical policies. Although such knowledge provided me with an 'expert-like' profile and earned me access in some cases, in two cases, a Human Resources Director (Sebastian) and a trade union gatekeeper became wary about my 'knowledge' and my interests in interviewing them or their trade union members. Sebastian insisted that his participation was not on behalf of the company and asked me to detail the anonymization

procedure. The trade union coordinator asked for my credentials and eventually declined access.

Many requests for contacts or interviews directly in hotels fell through and follow-up enquiries by email and phone received no responses. I was also frequently directed to the human resources or legal departments although I had requested access to managers and work-floor staff. This suggests both caution and an assumption that knowledge of ethics and human rights is a specialist area more or less removed from the considerations of staff on the ground, in hospitality organisations. Nevertheless, barriers may come from both organisational resistance to research by outsiders and from researchers' own concerns (Yeager and Kram 1990, 129). While resistance has to be born in mind, it creates an extra layer of caution and can prevent the researcher from asking key questions. My own background in political science and NGOs was a comfort zone; it was often easier for me to liaise with participants and organisations with whom I was familiar, and it took me longer to get through to hotels than migrant associations and trade unions. It was also difficult to present my approach in a non-threatening way and to see managers as individuals and not as representatives of the corporate entity. Yet, as will be seen in Chapter 5, businesses themselves also tend to successfully employ discursive practices that help them appear as corporate entities and protect individual employees (Crane 1999, 243).

Contrary to my initial expectations, however, it was actually easier to meet individuals with managerial roles for interviews than migrant workers working in operational positions in the hospitality sector. A number of factors should be considered. Firstly, the 'invisibility' of workers in back-of-house jobs (Sherman 2007, 50) is compounded by factors such as lack of time, work and family commitments, and tiredness. As both gatekeepers and participants explained to me, such issues could prevent them from getting involved in migrant organisations, taking time to socialise, or even being interviewed. Furthermore, fear of jeopardising already precarious jobs, and thereby lack of trust in me and the purpose of my research seem to have been further obstacles. Lack of interest in the study and the requirement that the interview be in English, French or Spanish might have also contributed to the low number of responses; I was not as successful with Eastern and Central European migrants who reportedly represent a majority of the operational workforce in hospitality (Wills *et al.*, 2010, 80). Although a number of participants and other individuals interested in the research's topic offered to help and circulated information about my study in their networks, snowballing was not successful.

I encountered various difficulties with the different gatekeepers. Although some migrant associations and ESOL schools agreed to circulate information about my study to their members, they often had limited resources and time to assist research projects. I only met one participant through this route, probably because of prospective participants were unfamiliar with me, my work or the topic of the study and the absence of incentives for participants other than telling me their story. The union route was more successful, despite relatively low unionisation in the hospitality sector. A major trade union which offers weekly English classes to migrant workers and has a dedicated hospitality branch running weekly advice clinics allowed me to sit in, help out, and conduct participant observations (as in DeWalt and DeWalt 2011, 23) twice a week over a couple of months. They also invited me to some of their events with learners or branch members, who sometimes invited me to join them in their own socials. I ate, walked, and took the bus with some of them to get an understanding of their life outside work, their aspirations and struggles at work and everyday relationships in the UK. Participant observations in and around the English classes and advice clinics, at the socials and on the streets enabled me to enter the field, meet potential participants, socialise with them and create trust and confidence. I was also able to have informal conversations with individuals who were reluctant to take part in interviews, had no time to spare for a formal interview, or sometimes just wanted to open up to someone who could speak their language and listen to their story. I also built rapport and trust with people who offered to act as intermediaries and circulated information about my study. Even if it did not yield many interviews, this time spent exchanging and observing was more constructive than snowballing and distributing leaflets and information about the inquiry. The notes I took during these short participant observations and the interaction I had with participants provided important insights to enrich the analysis of the interview material (*ibid.*, 10).

My inquiry was popular among those attending the union English classes, who found the topic pertinent and relevant. Learners had been in the UK between one month and four years for the beginners, and up to twenty years for those attending the advanced classes. Many who wanted to participate were excluded by my focus on the hospitality sector because most worked for recruitment agencies providing cleaning to non-hospitality businesses. The class coordinator and some potential participants questioned my privileging of the hospitality sector and my unwillingness to listen to the issues raised by cleaners who did not work in hospitality establishments. I initially felt that the gatekeeper had misled me, but was also prompted to question whether I had chosen too-narrow a focus, or had imposed my own view about what and where the problems were. But it was also part of the union's agenda to let me

in to report their own programme to help migrant workers. I had to remind myself that while I was seeking local knowledge, my study was not participatory.

People attending the union's hospitality branch clinics were of both British and foreign origin. The foreigners had been in the UK for between one and thirty years and held positions from chambermaids to middle managers. Those with whom I had informal conversations or was able to interview had been in the UK for many years and worked both front-of-house and in back-of-house jobs. They did not consider themselves 'migrant workers' anymore, however; they were settled in the UK or felt that, because of their Western European origins, they were not to be considered migrants at all. Through these clinics and ESOL classes and thanks to their coordinators, I was able to run two group discussions with three participants each, and interviewed another three participants individually.

I made my way into the fieldwork by emphasising or understating different dimensions of my positionality and drawing on commonalities in attempts to manipulate participants' perceptions. For instance, with Karim and Magalie, the two French participants, I emphasised my Frenchness and experience of having left France to live in the UK, over a decade ago. I used my background as an English tutor and in NGOs to my advantage to get through trade union gatekeepers and build trust with the migrant workers. I downplayed these identities when seeking access to managers and directors in hospitality businesses, and instead stressed my academic background and my eagerness to learn about good business practice. As Fine and Shulman (2009, 178) argue, though far from ideal, such perception management is part of the opportunistic reality of conducting fieldwork.

Interview approaches, schedules and changes

I planned my individual and group interviews according to the participants' schedules, and adapted the language and themes of the meetings to participants' roles and positions. Managers and directors were questioned on CSR and ethical policies and their significance in managing people. Work-floor employees were asked only one question about their knowledge of their company's ethical policies, and were encouraged to discuss their experience of living and working in the UK and their relationships at work (see Appendices 4c and 4d).

The schedules also differed according to the distinct purpose of the methods. The group discussions aimed to foster interaction, exchange of experience and construction of meaning of human rights between the participants with myself (Kamberelis and Dimitriadis 2011, 548). The group situation was also conceived as a space to create comfort and trust

among the participants, whom I initially tended to see as vulnerable and marginalised, by offering a potentially empowering collective and solidary context (Liamputtong 2011, 107, 127). My choice of the group interview method was perhaps influenced by my experience as an ESOL tutor, which perhaps also coloured my tacit (though also popular and naïve) perception of the migrant workers. The interviews, however, were planned with participants in managerial and senior administrative roles in mind. They aimed towards conversational exchange drawing on participants' experience in the hospitality industry and perspective on business ethics.

Both individual interviews and group interviews were planned in semi-structured ways, with questions opening up themes to cover during the interview, enabling a more relaxed style of interviewing with more openness and less interference on my behalf. The openness of the themes gave me more flexibility to probe certain answers further and encouraged participants to give more detailed accounts. This approach fit with the inquiry's interpretive paradigm, which recognises that participants have their own agency and are partners in the co-generation of evidence (Schwartz-Shea and Yanow 2012, 74). As the field and my confidence developed, the interviews took on a more active and conversational style encouraging the co-construction of meaning between the participants and myself (Gubrium and Holstein 1998).

I adjusted my questions ahead of each individual and group interview to attune them to the expected participants (Hermanowicz 2002, 494). This was easier when I had met the participants beforehand, either during canvassing or participant observation, or when I had talked to them on the phone, as email exchanges only led to guess work, unless the participant had given some information about why they wanted to take part and their background. These personal encounters enabled me to establish some relationship and familiarity with the interviewees, and for them to get a fuller sense of what the study was about. It often happened that the participants had not paid much attention to the information sheet, and preferred that I explained the purpose of the inquiry myself.

For practical reasons, I was only able to run two group interviews with work-floor participants. To work-floor migrant staff, the need to compensate for low wages by taking on more hours and unexpected requests to cover for colleagues at short notice can come in the way of other important commitments such as attending English classes or even enjoying some social time. Thus, after postponing and cancelling a couple of focus group sessions because of the participants' unpredictable workload, I decided to run individual interviews instead. While this meant losing the insight of participants' interactions when discussing

human rights, as well as the learning and participative dimension of exchanging experiences (Kamberelis and Dimitriadis 2011, 545), individual interviews did allow participants to talk more openly and in-depth about what concerned them without hierarchical pressure or interference from their peers (Mitchell 1999, 36). For instance, although the participants in the second focus group were motivated to take part because of the ‘colleagues/friends’ group, one of them remained withdrawn and mainly contributed by prompting the others. Interviews, by contrast, enabled me to build a trusting rapport directly, focus more on the experience of participants since their arrival in the UK, and delve deeper into the concerns they raised. One activity from the group interviews which I also used in some individual interviews with both work-floor staff and managers was a set of prompt cards with human rights related concepts (see Appendixes 6a and 6b).¹⁷ The concepts, taken from the UN Global Compact’s website and then from John Ruggie’s book *Just Business* (2013, 21–22), represent a particular way of framing human rights in business, emphasising some issues over others and using legalistic terms to define rights issues. The cards provoked curiosity and interest among both managerial and work-floor participants, and prompted them to critically discuss the institutional framing of human rights, the way this related (or not) to their own experience, and what responsibility they entailed (or not) for the UK hospitality sector and employers. These discussions shed much light on the (dis)connections between institutional and social articulations of human rights.

Participants’ Communities of Meaning

Responding to the importance of labour issues and divisions in participants’ accounts, I have categorized and ordered the participants’ by occupational position within their organisation, from the work-floor to the boardroom, or, to reflect the ‘hospitality-theatre’, from backstage to front-stage operations and/or management (Sherman 2007, 21). While these groupings for analytical purposes do admittedly result in a momentary and perhaps indelicate fixation of participants within their labour force divisions (Ackerly 2000), they also enable a mapping of

¹⁷ The rights identified as most commonly relevant to business by the UNSRSG include: 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 (Ruggie 2013, 21-22).

participants as communities of meaning reflecting their situated and often shared concerns and knowledge (Yanow 2000). As noted by Yanow (2003, 237):

‘Location’ within an agency’s organizational structure, professional training and membership, sex and gender, and a myriad other possible dimensions lead to a set of values, beliefs and feelings that can bind people together in communities of meaning.

Some dimensions of the participants’ social location cut across categories of gender, nationality, age, class, and other elements of social and organisational positioning (Anthias 2013), such as their level of education, union membership and hierarchical status within their organisation. These dimensions intersect and may influence the ways participants frame particular situations and relationships, use a particular frame to interpret their experience, or again respond to or contribute to constructing the frames of human rights and business responsibility. They may also contribute to their attachment to a particular frame, or how they frame their own positionality and relationships in their everyday interactions in the workplace or society (Dewulf *et al.* 2009, 159; Sinha and Gasper 2010; Creed, *et al.* 2002; van Hulst and Yanow 2014, 11). Tables 3.4b, 3.4c and 3.4d introduce the participants in their respective communities of meaning: work-floor, managerial and directorial (see also the introductory vignettes in Appendix 3).

Table 3.4b Work-floor community of meaning

Name (group)	Origin, status and time in the UK	Age range	Job	Unique traits
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.
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 3.4c. Manager community of meaning

Name (group)	Origins—time and status in the UK	Age range	Job	Unique traits
Lea	Dutch 2 years	20-25	Food and Beverage Trainee Manager (MSc Hospitality Management)	Enthusiastic about hospitality sector, intermediate position between operative staff and management, concerned about differences between own values and labour practices in sector, especially for outsourced staff.
Tariq	Swedish, Palestinian refugee 2 years	35-40	Housekeeping Manager (MSc Hospitality Management)	Experience in variety of hospitality work, felt discriminated against in Sweden and found UK more open-minded, concerned by acts of discrimination against appearance and nationality, and undignified working conditions, quiet, reserved but sarcastic.
Mila	Slovakian 5 years	25-30	Reception Manager	Career driven and really enthusiastic about hospitality sector, came to UK thinking she'd have to start from scratch despite her hospitality degree and would be discriminated against because of nationality, justified age discrimination.
Seema	Indian, temporary visa seeking sponsorship 5 years	30-35	Head Hostess in Indian restaurant	Committed to get employer-sponsorship for a long-term visa, treated as the Brown girl (from India) and knew she was partly hired for being one, feeling the pressure of having to perform like somebody from India.
Magalie	French 12 years	35-40	Food and Beverage Department Manager	'Bubbly' and pregnant, started to work as housekeeper to make way up to management, loves job, concerned by discrimination in the hospitality sector and inequity, which she would change.
Dian (G3)	Indonesian, student visa 2 years	40-45	Former Night Auditor (USA) and Hotel Manager (Indonesia)	Adi' husband, joined in her interview, unsuccessful in getting a job in hospitality in UK for lack of time (PhD) and older appearance, accepted existence of age discrimination in hospitality sector.
Karim	French 13 years	35-40	Hotel Manager	Hands-on friendly manager, started career young as apprentice, did not know about company CSR and had few ideas about human rights, stressed difference between legal obligations and ethical aspirations of workforce.
Sebastian	Spanish 6 years	35-40	Human Resources Director	Busy and nervous, cautious when speaking about hotel group's CSR programme, concerned with issues of respect, gender equality, and condescension in hospitality work. Perspective closer to manager community despite director role.

Table 3.4d. Director community of meaning

Sonia (G4)	British citizen	30-35	CSR Coordinator	Reserved, new to CSR, started as an operative staff before moving on to office role.
Laura (G4)	Ghanaian, British citizen	30-35	Director of Marketing	Outgoing, distinguished UK's regulated labour practices from arbitrary ones in Africa, differentiated CSR in small and big business.
Harry (G4)	Mauritius, British citizen	35-40	Human Resources Director	Reserved, elaborated on hotel CSR programme, contrasted UK with developing countries.
Hilde	Belgian	Not known	CSR Vice-President	Championed company's CSR, interested in my own view.

Reflections on power relations in interviews

The settings of interviews and group discussions provided micro-contexts which raised questions about power relations and control over the interview. The context often threw into relief negotiations of positionality between the researcher and the participants and manipulative constructions of rapport and trust to achieve personal disclosure (Kvale 2006, 482; Fine and Shulman 2009). These negotiations in turn revealed the considerable variation of research relationships and how the researcher walks a thin line between the positions of the ‘beggar’ (Fine and Shulman 2009, 179) or ‘supplicant’ (Schwartz-Shea and Yanow 2012, 60) who desperately needs disclosure and that of the dominant leader who later analyses and interprets (Kvale 2006, 484). Nevertheless, participants also have their own agendas when participating in research, due to which the researcher may not be able to benefit from her customary sources of power (Schwartz-Shea and Yanow 2012, 60). For instance, issues of power relationships and control over the interviews arise when interviewing across occupational hierarchies, cultures and languages. Most of my participants were foreigners who had been in the UK for varying lengths of time and had varying degrees of knowledge, familiarity and fluency with the English language and how things work in the country. These basic considerations required me to negotiate ‘authority’ when interviewing participants in senior administrative and managerial roles (Conti and O’Neil 2007) and ‘vulnerability’ when interviewing participants in low-paid operational occupations and precarious situations who had recently arrived in the UK or become unemployed (Birman 2006, 175; Liamputtong 2006, 2).

The ‘incidents’ reviewed in this section are not representative of all the interview situations or relationships with participants; they are only those situations which made me reflect on my positionality and my role as a researcher, and the influence of the participants and the interview context on the research and my interpretation of the findings.

White, French, and middle-class

Except for during the two Skype interviews (with Kaja and Hilde), the participants and I could see each other and could make sense of our body language and the context. At first sight, I am a white middle-class woman, and when I speak one can guess I am not British but French. But, because not all participants were familiar with foreign accents in English, particularly those only recently arrived in the UK, some did not guess my foreign origins until I told them. As a white, middle-class, educated, multi-lingual French woman, I am often

categorised as an ‘expat’. I cannot compare my experience as a foreigner in the UK to that of some of the participants in low-paid baseline occupations or working in recruitment agencies or requiring a visa and employer sponsorship. Nor can I fully understand their experience on the basis of empathy alone, or the short experiences I had when I worked as bar-staff for a catering agency servicing horse races, or as a waitress to support my studies in the UK. Nevertheless, I was able to draw on my experience of migration and my ability to speak French, Spanish and Italian to create bond and rapport. My interest in accounts of migrant workers and human rights encouraged many to talk to me informally, even though it was not always enough to motivate them to be interviewed.

Activist leaning

According to Kvale, the interview may be underpinned by the researcher’s agenda and instrumentalized to serve it (2006, 484). This order, however, can be challenged in the fieldwork. Many who contributed to informal conversations during my participant observations in the English classes or the hospitality branch clinics at the union took a sceptical view of human rights. They did not see the point of an interview but wanted to question me about human rights and their relevance to what they were going through. Nevertheless, because of my interest in human rights and because I recruited through unions, some participants saw me as an ‘expert’: someone who could help them, and might even be an advocate on their behalf.

When I initially chose to use group interviews, the idea was that they would diffuse the power asymmetry built around expectations and cultural and linguistic misunderstandings by enabling discussion and peer support between participants. Nonetheless, although the participants said they enjoyed this exchange and felt comfortable being with and learning more about their acquaintances and friends, their accounts were directed to me. They sought my attention as a witness and an advocate. For instance, Chigozie, Alma and Cintia wanted me to use their real names in the thesis. Like Oscar, Gracia and Kaja, they saw the group discussion or interview as a place to be heard and to regain some sort of dignity. Bircan and Adi, who had different experiences and views of the hospitality sector, had no such expectations, although Bircan was rather disappointed that the research was not about migrant workers and the responsibilities of the UK Government.

Migrant workers in operational low-paid occupations and precarious jobs may be seen as having less power over the running and subject of interviews. Nevertheless, their

participation, what they talked about, and their eagerness to put their names to the findings, put pressure on me, and stirred power in their favour. They were able to play on my leaning towards social justice and manipulate my feelings.

Being the guest and studying-up

I met Karim, Sebastian, and Harry, Laura and Sonia as a ‘guest’ in the coffee lounge of their hotels or their offices. This and the sense that I was ‘studying-up’ and deferred to their seniority compounded the power asymmetries between us. This perspective might have led me to over-estimate their agency and to see them not as individuals but as the institution for which they work (Conti and O’Neil 2007, 80). This did not suit the interviews with Karim and Sebastian who were unimpressed by my knowledge of their companies’ policies: the former knew little of them himself, and the latter preferred to avoid the subject. Both participants stated that they would not speak on behalf of their organisation, so we focused on their personal experiences in the hospitality sector. In these two cases, I was also able to build on experience we had in common, such as being a foreigner in the UK.

Yet, not all participants approached because of their seniority were able and willing to distinguish themselves from their organisation in the short time we had together. Some chose explicitly to represent their organisation. In interviews with Hilde and Harry, Laura and Sonia, I was not able to record the interviews and was only allowed to use my notes after some negotiation. My email requests to audio-record the interviews after we agreed on a date received no response. The possibility of an interview with Harry, Laura and Sonia was also skewed when my request for an ‘interview’ was accepted as a ‘meeting’ which eventually changed the terms of the encounter. Harry organised a meeting which rather than an individual interview became a group interview with him, the company’s Global Marketing Director and the CSR Coordinator. Our conversation covered mainly general CSR topics and I struggled to draw on their personal experience as much as I would have liked. Furthermore, in both cases, although I asked the questions and they made me feel as though they would try to answer as best they could, the topics discussed were set and directed by the participants according to what they felt they could tell me within the limits of safe disclosure for the company.

These participants, however, were pleased that I had done my homework on both companies, and complimented my expertise. Although they made flattering remarks—Hilde compared me to an outsider ‘expert,’ and Harry and Sonia sought my opinion on the

company's CSR and were interested in my knowledge of policy developments in CSR and business and human rights in the UK—I felt like something of a supplicant before and during the interview. The title 'expert', or their perceptions of me as an expert, also singled me out as an outsider (though potentially a credible one) and established a formal distance between the company and myself, and between them and myself. Nevertheless, they each carefully checked at the end that I was not going to use our conversations for purposes other than my research, though eventually insisting that they trusted me. It gave me a sense of power—they knew my interpretation could possibly hurt their companies' reputations, even though this was not in my interest. Moreover, I am bound by ethical requirements, and their declaration of trust meant a tacit contract between us. I also felt that whatever they had disclosed remained within what could be publicly known even if it was not published on their companies' websites.

Thus, while I perhaps retain power and authority as the interpreter and writer of the participants' stories, these incidents highlight power asymmetries which raise questions about research trustworthiness, ethics, and voice.

3.4.2. Interpreting the interviews

My analysis of the interview material firstly focused on the cognitive micro-level of framing, before considering individual framing in relation to other participants' accounts and corporate and government framings. My first reading of the transcripts focused on the content of participants' answers to my questions and any similarities in the what, when, where, who, and how of their perspectives on human rights and other ethical issues in the hospitality industry. This served as a basis to group them into communities of meaning based on their shared concerns, knowledge of human rights or CSR policies and the language they used. In a secondary reading, I focused on participants' responses to my questions related to human rights, business ethics and values, what they liked or disliked about their work/organisation, any specific problem they had, and what they would change/keep in the industry. The purpose was to identify participants' concerns and any correlations between the interviews to start reconstructing accounts which would contextualize and explain those concerns. Although the boundaries between the work-floor, managerial and director communities of meaning are not always clear-cut: shared concerns or assumptions occurred between directors and officers and to some extent managers; senior-managers and middle-managers also shared some concerns about labour issues with work-floor participants whose concerns revolve around questions of equality and respect. From there I reconstructed three frames underlying

and informing the perspectives of human rights of the three groups: an equality frame (work-floor community), a management frame (manager community) and a CSR frame (director community, and international hotel groups).

Having identified framing devices which point to and succinctly define a problem and then piecing accounts together, I regrouped these under the concerns for each of the three communities of meaning. On this basis, and as I drafted and redrafted the analysis chapters, I carried out a detailed study of the framing process between the three groups exploring similarities and differences and why participants framed issues the way they did in light of their positionality. I also considered if, how, by whom and in relation to what circumstances participants used the language of human rights and business responsibility. A schematic example of the analysis procedure is presented in appendix 5. The findings co-generated in the interviews, group discussions and informal conversations have been analysed bearing in mind the context of my encounters with the participants. My interpretations of these framings are presented thematically in chapters 6 and 7.¹⁸

3.4.3. Ethical issues

The research design followed Oxford Brookes University ethics guidelines and was approved by the Ethics Committee on 5th December 2012 (Appendix 1). Some of the anticipated ethical issues did in fact arise during the fieldwork. Language barriers are dimensions of inquiries in cross-cultural contexts that raise particular ethical issues of both consent and voice. Some misunderstandings, for instance, occurred about my role and the purpose of my invitation to interview which led to some participants feeling deceived. Furthermore, in cross-cultural contexts and in interview-based inquiry, there are risks related to participants unequal command of language (Barber, 2011, 116). Therefore, my inquiry might have unwittingly privileged more educated and middle-class individuals, as well as participants whose language I could speak (i.e., English, French, Spanish and Italian). I have met people of diverse social and migrant backgrounds working across occupational hierarchies in hospitality businesses. This raises a number of ethical issues related to power relationships between researcher and participants. Consent and anonymity are among such preoccupations. As Miller and Bell (2012) ask, what do participants consent to in the long-run beyond the

¹⁸ I reproduce ‘cleaned up’ quotes from the interviews as chunks of stories or bounded segments of text pulling together bits of answers using ellipses ([...]) to indicate deleted speech. Where participants were especially expressive about a point this is marked by exclamation marks. Where they hesitated in a way that seemed significant, I have marked this by (...).

interview encounter? Whilst the interview is a restricted social exchange and findings are co-constructed throughout, ultimately participants' views and their momentary voice are in my hands. They are transcribed and lose some of their context. They are then interpreted in relation to my own experience of the context of interview and against other opinions and scholarly debates on the inquiry's subject. As is common ethical research practice, participants were offered access to the transcript of their interview, but no one has yet required it. They can also ask for a summary of the findings.

Some participants, however, performed a line, questioned, and resisted giving their authorisation on the consent form until after they had checked my motives at the end of our encounter. Participants in the director community were concerned for their organisation and themselves. They seemed somewhat more vulnerable than work-floor participants and some managers who were apparently more able to detach themselves from the organisational context. In small-scale research complete anonymity is hard to guarantee, and the contextual focus of the research means that I cannot decontextualize the field without hindering the quality of my interpretations and the research itself. Despite the pains taken to anonymize participants and the organisations they worked for and to not recruit work-floor participants through hospitality businesses, some participants may still recognise themselves. Those participants among the work-floor participants who wanted to put their real names to their stories may feel deceived, but protecting them is my utmost concern.

The next four chapters respectively explore the framing of business responsibility and human rights in the UK Government, by the nine international groups, and by participants from corporate directors to outsourced cleaners.

4 Policy Framing by the UK Government

4.1. Introduction

In this first document analysis chapter, I trace the development of policy on the question of business and human rights in the United Kingdom (UK) from its inception in 2005 to 2015 under the Labour Government (1997–2010, hereafter Labour) and Conservative-Liberal Democrat Coalition Government (2010–2015, hereafter the Coalition). This period corresponds to the mandate of the Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises (UNSRSG) (2005 to 2011) and the publication of the UK's first National Action Plan (NAP); *Good Business Implementing the UN Guiding Principles on Business and Human Rights* (FCO and BIS 2013).

In section 4.2, I offer an overview of the government agencies involved in the business and human right policy agenda. In section 4.3, I reconstruct the liberal framing of human rights issues and business responsibility evident in the UK policy agenda and proposed solutions, focusing on framing devices (i.e., catchphrases) used by the main departments involved, and examine how, despite differences in issue selection, this liberal policy frame presents business as a partner in and enabler of human rights under both Labour and the Coalition. In section 4.4, I explore how this framing brought about controversy over the Government's business-focused and *laissez-faire* approach to business and human rights issues and, relatedly, their framing of the state's human rights obligations versus business' human rights responsibilities. Parliamentary committees, by contrast, have tended to argue for a policy built on UK human rights obligations rather than commercial interests.

4.2. Government agencies and business and human rights policy

The UK business and human rights (BHR) policy agenda has been divided between ministries and departments depending on whether issues are considered domestic or international (JCHR 2009b, Ev.90). Being associated with economic interests, business and human rights has been seen as primarily a matter of foreign affairs, international engagement, and international development, and the main ministry involved has been the Foreign and Commonwealth Office (FCO). This institutional arrangement also reflects the broader international and academic concern for business responsibility for human rights in the global south rather than in the UK.

Through the FCO, the UK Government has supported UN policy work and developments related to corporate social responsibility (CSR) and also specifically business and human rights. Its overseas missions and posts promote the UK's economic interests and human rights objectives abroad, for instance, by encouraging other states to uphold corporate and human rights governance. They also support business interests and provide guidance and advice on issues such as human rights to UK companies (FCO 2014, 78). The business and human rights work of the FCO has been recorded since 1997 in its annual reports which cover core themes in the ministry's work on human rights. Focusing on these reports provides an overview of the significance which Labour and the Coalition gave to business and human rights issues after 2003, and reveals changes and continuities in the Government's framing of BHR policy—the particular accounts it foregrounds to define a policy issue, the language it deploys to define its relationship with business—and how these have informed policy and guidance overtime.

The Department of Business Innovation and Skills (BIS), the UK Trade and Industry (UKTI), and the Department for International Development (DFID) have also been involved in developing and implementing BHR policy across Government and in their missions in support of the FCO. Together they form the Core Working Group (CWG) on business and human rights. The inclusion of two ministries promoting business and trade in this prominent body suggests the significance given to the representation of business concerns and interests in this policy area. The CWG has published several policy guidance documents, notably: the Business and Human Rights Toolkit (FCO *et al.*, 2012), which offers guidance to government's missions overseas to help promote good corporate conduct, and the UK NAP, which outlines the Government's strategic plan on the implementation of the UN Guiding Principles, and sets out to clarify its expectations of business responsibility for human rights (FCO and BIS 2013). The NAP presents itself as the start of a policy journey, but this chapter will show that it is the synthesis of many years of policy activities on business and human rights.

The Core Steering Group (CSG) is supported by a broader Government Steering Group (GSG), and is comprised of ten other departments and agencies to implement the strategy on business and human rights across Whitehall, the central government administration (FCO 2015), including the Ministry of Justice (MoJ) and the Equality and

Human Rights Commission (EHRC, the national human rights institution),¹⁹ whose domestic policy focus complements the international policy focus of the CSG. The group promotes voluntary regulation as international policy to promote and realise ‘a human rights culture within the operations of business’ (JCHR 2009b, Ev.72). The MoJ and the Department of Health (DoH) were the first ministries to look into the implications for businesses of ‘the corporate responsibility to respect’, the second pillar of the 2008 UN Framework ‘Protect Respect Remedy.’ As part of their joint Private Sector and Human Rights Project, they commissioned a scoping study to gain ‘an understanding of how UK businesses are currently engaging with human rights and whether they see a need for any further guidance on how to integrate human rights into their business practices’ (JCHR 2009b, Ev.90; Twenty-Fifty 2009).²⁰ The study was used by the EHRC to develop guidance for UK-based companies, particularly small and medium enterprises (EHRC 2014).

Joint Committees are committees consisting of Members of Parliament and Members of the Lords tasked with examining government policy, proposed new laws, and wider topics in detail (McCrudden 2004, 13). The Joint Committee on Human Rights (JCHR)²¹ and the Foreign Affairs Committee (FAC), tasked with an annual review of the FCO’s human rights work, both stand out for their critical oversight of the Government’s policy on business and human rights.²² In 2009, the JCHR mounted its first in-depth inquiry into Labour’s policy on human rights and the private sector, gathering evidence from ministries, businesses, and civil society, and making a number of critiques regarding the Government’s emphasis on voluntary mechanisms and the lack of policy coherence across departments (JCHR 2009a, 4).²³ The JCHR has continued to investigate related policy issues, particularly the implications of the 1998 Human Rights Act for private entities carrying out public functions.

¹⁹ The EHRC is ‘a Non Departmental Public Body, established under the Equality Act 2006 as a corporate body’ with a ‘mandate to challenge discrimination, and to protect and promote human rights’ (EHRC 2016).

²⁰ Some of the findings of the MoJ and DoH’s study informed this thesis and were reviewed in Chapter 1.

²¹ Joint Committees are committees consisting of Members of Parliament and Members of the Lords. They examine issues in detail from government policy to proposed new laws, to wider topics. The Joint Committee on Human Rights is a permanent committee whose work includes scrutinising every Government Bill for its compatibility with human rights. See <http://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/role/>.

²² The Foreign Affairs Committee’s remit is to examine the expenditure, administration and policy of the Foreign and Commonwealth Office (FCO), other bodies associated with the Foreign Office. See <http://www.parliament.uk/business/committees/committees-a-z/commons-select/foreign-affairs-committee/role/>.²³ The second inquiry of the JCHR into the Government’s policy on human rights and business was launched on 16th June 2016 and is not included in this study, see <https://www.parliament.uk/business/committees/committees-a-z/joint-select/human-rights-committee/inquiries/parliament-2015/inquiry/>.

Since 2011, the FAC has questioned the Coalition's perspective on and approach to business and human rights, which it does not find entirely consistent with the Government's human rights obligations.

4.3. From CSR to a culture of human rights

In this section, I reconstruct the corporate-oriented liberal framing of the BHR policy in the FCO annual reports and the CSG and GSG policy guidance. I identify core issue and solution foci—i.e., partnerships, weak governance, voluntary mechanisms / standards—and show how these have developed from Labour's aspiration to partner with business in promoting human rights and development through CSR to the Coalition's desire to place human rights at the service of good governance, global trade, and Britain's prosperity. A corporate-oriented, liberal frame underlies the aspirations, the issue foci, and the language deployed in the policy documents. The language of using 'good governance', the 'rule of law', 'human rights', 'democracy', 'economic growth', 'corporate self-regulation' against conflict and poverty underpin the framing of policy issues and solutions and the role and responsibilities the Government has been devising for the state, business and civil society.

4.3.1. From apparent policy incoherence to coherence

Under Labour, BHR policy developed in a somewhat haphazard way. Nevertheless, it underwent a shift in conceptual emphasis from CSR to business human rights responsibility, which shows a clear preference for informal over legalistic forms of business accountability and suggests an overall international rather than domestic emphasis.

In 2005–2009, policy activities and developments related to business and human rights were included as sub-sections under other policy thematics in the FCO's annual reports. In the 2005 (2006, 178) and 2008 (2009, 241–243) reports, business and human rights was included under considerations for labour rights, trade unions, and global business, while in the 2006 report (2007, 22), it was included under the CSR heading. The 2007 report (2008, 21–28) included a longer sub-section 'Human Rights and Global Business' under 'Human Rights and Globalisation'. Finally, in the 2009 report (2010, 39), a text-box entitled 'Business and Human Rights: Promoting good conduct by UK companies' was included in the chapter on 'Conflict, Counter-terrorism and Counter-Proliferation'. Despite the apparently incoherent categorization of business and human rights issues, there are clearly recurrent preoccupations, such as global business—indicating a policy focus on big business operating overseas—trade

unions—indicating a tendency to associate human rights with workers’ rights and labour issues—and conflict/weak governance—reinforcing the overseas focus.

The conceptual shift in Labour policy from CSR to business and human rights—the paradigm developed under the UNSRSG mandate—is also suggestive of a similar trajectory in thinking among advocacy groups and international policy actors. As noted by Clapham (2006, 198–199), the term ‘corporate responsibility’ was advanced in the 1990s to emphasize voluntary corporate endeavours on social issues based on ethical and bottom-line considerations, while ‘corporate accountability’ was promoted at the turn of the millennium to emphasize the consequences for business, such as loss of investment by pension funds and the risk of international litigations, if they did not comply with social norms, including human rights. Clapham also observes that unlike advocacy groups, who have tended to seek accountability and compliance through law, however, states have preferred to invoke corporate accountability as a way to sensitize business to human rights responsibilities through the threat of negative impacts on their development.

No exception to this trend, UK BHR policy under first Labour and later the Coalition came to emphasise three main issue areas—creating partnerships between government and business; encouraging foreign states to improve governance and to help build a level-playing field for global trade, and; promoting voluntary approaches and multi-stakeholder dialogue to encourage business to develop a human rights culture—which are explored in the subsections below.

4.3.2. Partnerships between Government and Business

Under Labour in the early and mid-2000s, the FCO reported on its policy and activities related to CSR and business and human rights in chapters dedicated to Economic, Social and Cultural Rights (2003; 2004; 2005; 2006), framing the basic problematic as being driven by concern for inequality in the context of ‘globalization’ and the related challenges of governance and sustainability:

Globalisation offers many opportunities for individuals, as the cost of travel and communications has fallen dramatically over the last two decades. The accelerated economic integration through the increased exchanges of goods, capital, services, people, technology and ideas can also contribute to democracy, human rights and good governance—e.g., the spread of the internet has made it easier for citizens to hold their governments to account. However, it is also important to ensure that globalisation is inclusive. (2008, 21)

This discourse can be understood as extending to the international stage the promotion of CSR domestically in the 1980s and 1990s, when the Thatcher, Major and Blair governments promoted CSR policies as helping to overcome social problems (Moon 2004). Despite standing by the principle that only states hold obligations under international human rights law (FCO 2005, 178), Labour also appealed to business and other actors to ‘support’ states in the realisation of human rights and sustainable development:

The realisation of human rights can never be the sole responsibility of government. Governments need the support of business, trades unions, non-governmental organisations (NGOs) and multilateral institutions, as well as the support of ordinary people. (2007, 234)

The 2007 report even flattered the business community as a ‘rising power,’ increasingly as (or more?) able than government to act internationally:

In 2006/07, our human rights policy took increasing account of the rising power of business in world affairs. More than ever, we sought partnership with companies in order to influence global change and meet our human rights obligations. (2008, 21)

The catchphrase ‘partnership’ is significant in the way it seeks to link business interests, national economic interests, and human rights objectives, and suggests that government and business can engage in a cooperative endeavour on the basis of shared interests and values. With this rhetoric, Labour sought to acknowledge the work already carried out by many businesses in the name of CSR, enhance the positive role of business in society, and encourage it to take on more responsibility for social change and human rights, domestically as well as internationally. For instance, as a Secretary of State reporting on behalf of the Ministry of Justice before the Joint Committee on Human Rights explained:

We believe that it is very strongly in business interests to engage with this agenda (business and human rights). The evidence is that many of the companies that we are looking at in the Private Sector and Human Rights Project are actively engaged already. [...] They may call it other things like corporate social responsibility and so on, but we would hope and to a large degree expect this to be a cooperative venture where we can work together in promoting this agenda [...] (JCHR 2009b, Ev.67)

Taken together, these quotes suggest a key trajectory of the framing of BHR policy under Labour: starting from an acknowledgement of the need for economic development but a concern for the unequal benefits of globalisation, which appears as a challenging (if largely beneficial) phenomenon for states to realise human rights, the government pointed to its own weakness and called upon business and other actors for help. Thus, while the role of the state

as the custodian of human rights was reaffirmed, the gist of partnership was on distributing responsibilities to realise them. As explained by Moon (2004), this worked to shift social expectations for social and economic development onto other actors. The notions of partnership and cooperation with business for the realisation of human rights foregrounded the role and existing activities of business in economic and social development and cast its responsibilities in a positive light. Taking place at a time when public-private partnerships were becoming increasingly popular in overseas development and at home (Utting and Zammit 2009; Moon 2004), it contributed to what Scholte (2005) has described as the decentralisation of neoliberal forms of governance by opening up the space for private regulatory activities.

The rhetoric of a necessary ‘partnership’ between government and businesses, which are framed as anyway already taking moral responsibility for rights protection, was extended under the Coalition through an even more explicit and consistent message, as evidenced by the speech given by William Hague, the former Foreign Secretary, at the launch of the National Action Plan (NAP),

Today, the duty to uphold [human] rights cannot be the responsibility of governments alone. We live in a world where open markets and more equitable trading rules mean that British companies—large or small, public or private—are increasingly transnational; where it’s not unusual for our companies to purchase materials from Bangkok, manufacture products in Bangalore, sell them in Bogota; and we live in a world where legal standards and practices for working conditions and the treatment of staff may differ from country to country. Today, business and government have to work together. The vast majority of companies, I believe, understand the moral imperative of respecting human rights, and they are active in ensuring that they do exactly that. (Hague 2013)

Nevertheless, sidestepping the global development outlook under Labour, the introduction of the chapter ‘Human Rights in Promoting Britain’s Prosperity’ in the FCO’s 2010 annual human rights report reflects the more nationalist orientation of the Coalition and its commitment to pursue an austerity agenda following the financial crisis of 2007/8. Since 2010, BHR policy has been framed as a secondary (though ‘complementary’ and ‘consistent’) priority to that of promoting the nation’s economic interests in the face of global challenges:

Promoting trade is vital for our economy and prosperity. Our commitment to supporting UK business internationally is entirely consistent with our determination to hold human rights at the core of our foreign policy. Our approach is to ensure economic growth, development, human rights and the rule of law are complementary and mutually reinforcing. [...] In a time of austerity, the Government needs to ensure that our foreign policy supports UK

jobs and livelihoods. In a networked world of rising economies and shifts in power, the traditional means of influence we have enjoyed in world affairs are eroding. This means that we have to work even harder as a nation to maintain the position of the UK economy as a home of investment and business and to build our relationships with emerging powers. (FCO 2011, 70)

Here, the undermining forces of globalisation are still present as a problematic, but the central issue is overcoming the economic crisis and ensuring that the UK retains its competitive position as a top economy through the promotion of trade, investment and business. The wording of the passage suggests a strong risk that, despite the protests about the ‘core’ centrality of human rights considerations in UK strategy, human rights might be subordinated to economic interests and to good relationships with emerging economies. Aware of this risk, the Coalition has repeatedly reiterated its commitment to balance both interests (i.e., economic growth and development) and values (i.e., human rights and rule of law) in all the five FCO human rights reports published to date. Through repetition of this commitment, or belief, it has been framed as the coherent framework underpinning the UK BHR policy. The NAP, for instance, opens as follows:

The Government *strongly believes* that the promotion of business and respect for human rights *should go hand in hand*. Private sector entrepreneurship, industry and trade are key to Britain’s economic success. It is now more important than ever for us *to help British companies succeed*, and to do so in a way that is *consistent with our values*. (FCO and BIS, 2013, Ministerial Foreword, emphasis added)

While the intensified and unqualified phrases here all relate to the need for government partnership in promoting business and trade, the complementarity of economic interests and human rights objectives are nonetheless emphasized in the catchphrase ‘go hand in hand’ (see also FCO 2014, 112; 2015, 77), and the former Foreign Secretary elsewhere described them as ‘two sides of the same coin’ (Hague 2013). This framing enables the Government to outline its policy objectives and expectations of business responsibility in a way which is attractive and non-threatening to business actors, in a spirit of complementary ‘British’ values. Such beliefs, values, and purposes also chime with the more explicitly liberal frame articulated in the Ministerial Foreword to the NAP, which appeals to the ‘enlightened self-interest’ of business (Richter 2010):

Personal freedoms contribute to economic development. The thread of safeguards running through society that are good for human rights—democratic freedoms, good governance, the rule of law, property rights, civil society—also create fertile conditions for private sector led growth. The absence of such safeguards takes individuals out of markets, reduces

innovation, restricts access to opportunity and drives political instability and conflict. Responsible action by the private sector on human rights is good for business and communities; it helps create jobs, customers and a sense of fairness; it contributes to a market's sustainability and therefore its potential to generate long-term growth. (FCO and BIS, 2013, emphasis added)

That said, the use of 'should' in the opening sentence of the NAP, however, suggests that this complementarity remains an aspirational—that is, unfulfilled—normative drive of foreign policy. It also hints at the problematic divergence between economic interests and human rights objectives, and implies that business practice can fail human rights values.

Nevertheless, framing business as a partner with an interest in the protection of human rights, who can enable positive change while being concerned about its responsibilities, has particular consequences for policy, as discussed below in section 4.3.4. Furthermore, although both governments' framing of the issues acknowledged (albeit implicitly) that businesses can have adverse impacts on human rights, the context in which harms were discussed served to shift ultimate responsibility away from business and back onto the state.

4.3.3. Weak governance and the obligations of foreign states

Under both Labour and the Coalition, the FCO seldom mentioned the adverse impacts of business on human rights. When it did, the references were indirect, foregrounding the work done by government agencies to foster ethical business conduct and respect for workers' rights:

Through our posts overseas, we support the work of the UK national contact point, encouraging British companies to meet their obligations to their workers under [OECD] guidelines. There are also a number of other initiatives that the FCO has been involved in this year which have promoted ethical business practices. (FCO 2009, 22)

In the ten FCO reports published under both Labour and the Coalition examined in this study, only once (under Labour) did the FCO cite examples of corporate malpractice as a basis of policy:

In 2009, various cases came to light that raised serious questions about the human rights responsibility of multinational companies. For example, in the Ivory Coast, Trafigura, a Swiss-based multinational company, settled legal proceedings brought on behalf of nearly 30,000 people who claimed that they had suffered health problems as a result of toxic-waste dumping. In India, the rights of some indigenous people were threatened by the potential activities of Vedanta Mining at the bauxite mines in Orissa. In Nigeria, a long-running case in which members of the Ogoni community alleged that Royal Dutch-Shell was complicit in the violations of human rights committed by the Nigerian military against those campaigning against environmental degradation caused

by oil extraction, was concluded when the parties announced they had agreed to a settlement in the case of \$15.5 million. Corporate behaviour and standards are increasingly attracting a great deal of scrutiny and there is considerable pressure for mandatory rules regulating the activities of businesses abroad. In line with *our view that human rights are legal obligations undertaken by states*, UK action is focused on encouraging and helping other countries to put in place higher standards of business accountability and responsibility, and ensuring that natural resources are not used to fund conflict. It is clear that multinational companies and industry groups can play a positive role by driving and supporting this agenda. (FCO 2010, 39, emphasis added)

The framing and location of this account in the chapter on ‘Counter-terrorism, Counter-proliferation and Conflict’ are interesting, as this was the only time considerations of UK BHR policy were included under this particular heading. This focus follows the perspective in the international debate on business and human, as, for instance, a complete chapter of the UN Framework ‘Protect Respect Remedy’ is dedicated to weak governance and conflict zones (UNSRSG 2008, 10–11). Numerous standards and mechanisms of responsible business conduct, transparency and certification have been developed in the last twenty years with the support of the UK Government to help business operating in these zones, or to delink trade and investment from conflict without prejudicing development. These include, for instance, the Kimberley Process, the Voluntary Principles on Security and Human Rights, and the Extractive Industry Transparency Initiative, all of which have had a dedicated section in the FCO’s annual human rights reports since 2010.

The above account suggests that these incidents stood out not only because of their gravity but because they were the objects of court trials or complaints under non-judicial grievance mechanisms in Western jurisdictions: in the complaint brought by Survival International before the UK National Contact Point for the OECD Guidelines on Multinational Enterprises, Vedanta’s operations were found in breach of the Guidelines including Chapter II paragraph 2 which requires companies to respect human rights of those affected by their activities (*Survival International v Vedanta Resources plc* 2008).²⁴ Both Trafigura and Shell had also been the object of lawsuits respectively in a civil action before the High Court in the UK (Amnesty International and Greenpeace 2012, 10), and in *Wiwa et al v. Royal Dutch Petroleum et al.* (2009) in New York. Settled through Western courts, these

²⁴ The OECD (2011, 68) defines National Contact Points as “government-based agencies established by adhering governments to promote and implement the [OECD] Guidelines. NCPs assist enterprises and their stakeholders to take appropriate measures to further the observance of the Guidelines. They provide a mediation and conciliation platform for resolving practical issues that may arise with the implementation of the Guidelines.”

cases raised the critical possibility of extraterritorial-jurisdiction for corporate human rights crimes committed overseas. Nevertheless, the account clearly frames redress for human rights harms as the responsibility of the states where they occur—though the implication is that international ‘scrutiny’ and ‘pressure’ are an increasing business risk—and concludes with the role business can play to improve national governance. As also later stated in the NAP (FCO and BIS 2013) and the Business and Human Rights Toolkit (FCO *et al.* 2012, 4), the UK Government does not support extraterritorial jurisdiction.

The UK is subject to international human rights obligations under customary international law and as a result of the international legal instruments we have signed and ratified. Human rights obligations generally apply only within a State’s territory and/or jurisdiction. Accordingly, there is no general requirement for States to regulate the extraterritorial activities of business enterprises domiciled in their jurisdiction, although there are limited exceptions to this, for instance under treaty regimes. The UK may also choose as a matter of policy in certain instances to regulate the overseas conduct of British businesses. (FCO and BIS 2013)

Under the Coalition, the UK Government therefore upheld the centrality of the state as the bearer of international human rights obligations, and in doing so put the onus on other individual states to guarantee the rule of law and good governance in their jurisdiction. In their view, this meant not only that states should not violate human rights, but that they also have to regulate the activities of companies to fulfil their corporate responsibility and ensure that individuals are able to enjoy their human rights (FCO *et al.* 2012, 5). This would limit the need for either extraterritorial jurisdiction or extension of international human rights law to business.

The Coalition was keen to emphasise the distinction between the ‘social’ responsibility of business for human rights and the ‘legal’ duty of states to protect, promote and, fulfil human rights. This distinction is derived from the UNSRSG mandate, and is operative in the way the UK Government has defined its expectations of business and that of states (including itself). Domestically, however, the UK prefers to follow a *laissez-faire* regulatory approach and upholds a neoliberal perspective on rights. Browne (2009, 31) describes this approach as one that ‘honours few social rights’ but instead provides ‘for individuals and businesses to enjoy a system with far fewer rules, regulations, and taxes’. Furthermore, reflecting the Anglo-Saxon influence in the UN Framework and UNGPs, the UK privileges ‘the rights to be free from interference and the moral duty not to interfere with the rights of others’ (11). In other words, and as illustrated in recent studies (Balch 2012;

Balch and Rankin 2014; Einat 2010; Bell and Cemlyn 2014), the regulatory system and social norms in the UK reflect a negative conception of rights protection and morality, which could be said to amount to a form of ‘weak governance’.

As regards the role of foreign states, the Coalition clarified it in their policy guidance for overseas missions as follows:

As the SRSRSG has said, the corporate responsibility to respect human rights does not stem directly from international human rights law, which places legal obligations **only on States**, but it is rooted in prevailing social expectations. This distinction between States and companies is important for HMG. The UK is nevertheless committed to promoting responsible corporate behaviour amongst UK companies operating (or considering potential opportunities for operating) overseas. The operations of companies can be both beneficial to and detrimental to the enjoyment of human rights of individuals affected by their operations. If a UK company knowingly or inadvertently becomes complicit in human rights abuses by the host State, it may run the risk of legal liability. In such cases the host State will be in breach of its human rights obligations to its own citizens. (FCO *et al.* 2012, 5 existing emphasis)

Here, the Government acknowledges both the positive and negative impacts business can have on human rights. Nonetheless, the risk of detrimental impact is linked to complicity with a state committing human rights abuses, suggesting that the Government primarily blames the state for failing its obligations. The adverse impacts of business activities or relationships on human rights can thus be explained away as resulting from the governance failures of a state, and downplays the legal responsibility of business in human rights harms. Nevertheless, like the UNSRSG (UNSRSG 2011, 4), the Government also frames business responsibility as originating from social expectations, which have increased in response to the exponential economic power of companies and their adverse impact on human rights:

At a time when many companies have bigger turnover than some countries’ gross domestic product (GDP), business can exercise enormous influence in the development of economies and societies. With that influence, and opportunity, comes responsibility. It is consistent with our support for human rights and our need for economic growth that we should help British companies succeed in a way that is consistent with our values. (FCO 2014, 112)

Thus, rather than framing the corporate responsibility to respect human rights as, in the phrasing of the UNSRSG, ‘doing no harm’ (UNSRSG 2011, 4)—a term which the Government has conspicuously failed to use in any of its key policy documents (the NAP and the Toolkit) or FCO reports since the launch of the UNGPs—the Government offers to help companies to implement their responsibility to respect human rights, as recommended in the

UNGPs, and thus to contribute to good governance. For instance, overseas missions were enjoined to help business to identify human rights risks where they operate abroad and to work with foreign governments to improve their human rights obligations and develop their own action plans (FCO *et al.* 2012; FCO 2015, 77). This framing builds on both the liberal approach to CSR and the view that the economic might of business can be harnessed for development purposes. The FCO also emphasises the ability of businesses to contribute to human rights with an understanding of the moral imperative attached to their power and a stake in respecting these ‘national’ values while abroad:

We live in a world where companies are increasingly transnational, and where legal standards and working conditions differ from country to country. Human rights violations and abuses and business risks often share the same root cause, in governance failings. UK business and government have a shared interest in working together to tackle these failings, and uphold British values. (FCO 2015, 77)

Framing the core problematic of the UK BHR policy as a (manageable) ‘risk’ arising from conflict, failures of governance and the weakness of developing economies reflects the business-oriented liberal frame underpinning UK foreign policy. The language of good governance, the rule of law, and responsible business to enable sustainable markets and growth becomes a teleological argument in the FCO’s annual reports and the introduction of the NAP:

towards more liberal market environments internationally in which commerce can flourish, which are stable and sustainable over the long term and where transparency, good governance and the rule of law prevail (FCO and BIS 2013, Ministerial Foreword)

The Coalition’s framing of business and human rights problems as primarily resulting from governance failings of foreign local and national contexts means that it can avoid problematizing potential corporate misconduct or the demands and ethics of a market logic driven by growth. Thus, rather than accusing business of undermining social, labour and human rights protections and accountability mechanisms in overseas contexts, the framing seeks to convince business of its responsibility to help states improve governance to fulfil their human rights responsibilities.

Finally, the Coalition’s framing of business and human rights as an issue of overseas contexts falling within the remit of the FCO and its own promotion of the UNGPs and other international standards of good governance and responsible business conduct led it to neglect the context in the UK. The making of the NAP included no thorough review of existing UK

laws and policies relevant to or impeding the realisation of the three pillars of the UNGPs— i.e., the state obligations to protect, the corporate responsibility to respect and effective access to remedy for victims (ICAR and ECCJ 2014, 7). For instance, there was no consideration in the NAP regarding what Balch and Rankin (2014, 16) describe as a UK labour market ‘loosely regulated by a complex array of agencies, governed by a set of protections that are patchy, multi-level and often unavailable, and dominated by a negative conception of rights-enforcement.’ It also shields remedial mechanisms in the UK from scrutiny, particularly with regards to the limits it has set on extraterritorial jurisdiction (*ibid.*; FCO and BIS 2013).

Overall, the framing of BHR policy as an issue of overseas contexts encourages businesses to concentrate on managing risks in these geographies and to view their human rights responsibility as a question of contributing to development rather than of accountability for the impacts of their relationships, operations and practices, which ultimately remain the legal responsibility of the states where they occur.

4.3.4. Voluntary approach, multi-stakeholder dialogue and a culture of human rights

BHR policy under Labour and then the Coalition developed with the particular preoccupation of avoiding the burden of regulation both internationally and domestically. Both governments favoured voluntary mechanisms towards building a human rights culture in business, and committed themselves to helping business understand its human rights responsibility through dialogue and engagement with other stakeholders. By framing itself as a partner helping business to act more responsibly, government was able to work with business in policy-making and legitimise its attention to business’ needs and concerns as part of its supportive and guiding role.

International approach

In 2005, the Labour Government welcomed the mandate of the UNSRSG and outlined its objective for:

multinationals to support, rather than inhibit, respect for human rights through their activities. But we must also address genuine business concerns about the extent of its responsibilities and maintain the principle that only states hold obligations under human rights law. We welcome the appointment of the Special Representative as an important step towards achieving this objective. (FCO 2006, 178)

The 2006 FCO report (2007, 242) explains how the FCO works with other agencies to ‘promote CSR and provide a framework to help businesses act more responsibly’. The 2008 report (2009, 22) outlines how the FCO ‘Through our posts overseas [...] encourag[es]

British companies to meet their obligations to their workers under these guidelines’ and is engaged ‘in a number of initiatives [...] which have promoted ethical business practices.’ In 2011, the Coalition Government welcomed:

the creation of the UN Guiding Principles on Business and Human Rights. Governments, businesses, trade unions and civil society all have roles to play in implementation of these, domestically and internationally. We want British companies to succeed and for the UK to show a lead on business and human rights, given the global reach and impact of UK business. That means working hard to secure a level playing field for companies to operate to the same high standards everywhere without unfair costs or unnecessary regulatory burden. (FCO and BIS 2013)

The 2012 report (2013, 110) states that the FCO ‘work[s] to encourage companies to adopt responsible business practices and policies, including human rights due diligence and anti-bribery practice.’

In its BHR policy and documentation, the UK Government has consistently framed business and human rights questions as best addressed by voluntary mechanisms including multi-stakeholder consultations, codes of conduct, and self-regulatory standards for business which fit into the liberal, *laissez-faire* ideal of a minimalist state. As observed by Richter (2010, 633–634) beyond the fundamental imperative that companies respect and comply with the law, governments may also encourage business to take action on the basis of social expectations. From there, business can legitimately allocate its own resources on the assumption that it knows best how to both help society and guarantee the efficiency of its operations while enjoying maximum market freedom.

To date, the 2014 FCO report (77–84) offers the most detailed overview on BHR policy activities undertaken by the UK Government. It highlights that policy activity since the 2013 launch of the NAP has mostly developed around the first and second pillars of the UNGPs; that is, the state duty to protect human rights (Pillar 1) and the corporate responsibility to respect human rights (Pillar 2). No policy activity on Pillar 3 to enhance access to remedy for victims and people affected by corporate operations is reported (80). This indicates the confidence the Government places in voluntary and self-regulatory initiatives and the existing legal structure, or again its lack of political will to act on this contentious pillar. In 2014, the FCO was involved in funding programmes to promote responsible business conduct and lobby other states to uphold minimum wages and freedom of association; supporting a new corporate human rights performance benchmarking initiative; working with different institutions to improve human rights and labour conditions in a variety

of sectors in developing and emerging economies (e.g., OECD, ILO, Ethical Trading Initiative and Centre for Responsible Business in Burma); and promoting different standards for other states to adopt and implement in their jurisdiction. The report also focuses on key areas of concern including private security companies, responsible sourcing of minerals, anti-corruption and transparency in supply chains, arms export licensing, EU trade and human rights and sanctions. It only briefly mentions new legislation, the EU Non-Financial Reporting Directive (2014) and the UK Modern Slavery Act (2015). The former requires that companies over 500 employees operating in the EU disclose information that is relevant for an understanding of the impacts of their activity—and by embedding the concept of (human rights) due diligence (Chaplier and Gregor 2014). The latter requires that ‘any commercial organisation in any sector, which supplies goods or services, and carries on a business or part of a business in the UK, and is above a specified total turnover (£36 million) must produce a slavery and human trafficking statement for each financial year of the organisation’ (Home Office 2015, 9).

The UNGPs encourage states to implement a ‘smart mix’ of approaches balancing both mandatory and voluntary mechanisms (UNSRSG 2011, 8). The UK Government opted for the latter presenting itself as a partner of business with the objective of cajoling it into its new responsibility. Giving evidence before the FAC on the FCO’s human rights work, Baroness Warsi, former Senior Minister of State for the FCO, explained the rationale for the Government’s preference for voluntary mechanisms:

Our national action plan on business and human rights, of which I am incredibly proud—we are the first country that has published an action plan—is based on guiding principles but, fundamentally, focuses on the voluntary aspect. The reason we have been able to have the action plan is that business and Government have worked together to achieve it. Having spent a large part of my life in the private sector, I know that if business does not want to do something, it will find all the documentation to show that it will, and then it will not do it. Big business certainly will not do it. That is why it is important, on the issue of business and human rights, that we get businesses working with us, and that they buy into the fact that it is in their interest to have a good human rights record and good human rights policy. (FAC 2014, 12)

Baroness Warsi thus emphasised the reluctance of business to be tied to human rights responsibilities, and takes the view that states, while obliged to drive human rights regulation and business responsibility, have limited power over business actions. Businesses and states are thus framed as unequal partners with the latter having to woo the former into shared

interests. In the NAP, the strategy was to emphasise the familiarity of business with human rights and take care to praise what companies are already doing:

Many companies have already made the link between their business activity and respect for human rights; many already have human rights policies woven into their objectives and operations. Other companies, which consider human rights unfamiliar territory, are already addressing some issues linked to human rights within their operations but calling them by different names, such as labour standards, health and safety, or non-discrimination. (FCO and BIS 2013)

The Coalition also foregrounded the business case for promoting human rights responsibility.

At the launch of the NAP, the former Foreign Secretary declared:

The truth is that incorporating human rights properly into business operations across the world matters: It matters to companies, as weaving human rights deeply into corporate cultures not only protects and enhances reputations, but it also reassures shareholders, attracts investors, and increases the attractiveness of their brands. It matters to the reputation of this country and the prosperity of its people. And, perhaps most of all, it matters to the health, safety and livelihoods of employees, and the communities to whom they belong. (Hague 2013)

The congruence of economic growth, business interests and human rights objectives are reproduced here as an undeniable fact, although the instrumentalist perspective of the business case emphasizes the common good and the everyday concerns of people affected by business operations. Drawing on this speech, the business case has been variously reiterated in the subsequent FCO human rights reports like the moral guide of a story unfolding towards global and local prosperity and business sustainability. To this end, the language deployed throughout the FCO's annual human rights reports, the NAP, the Toolkit, and by government representatives who gave evidence before the Joint Committee on Human Rights supports business. For instance, verbs such as 'encourage', 'help', 'support', and 'enable' business, and 'promote' responsibility are recurrent throughout the policy documents. This language reflects the canon of the UN Global Compact with its emphasis on encouraging and supporting business in understanding and taking up shared-responsibility and committing to corporate sustainability (2016).

Domestic approach

This supportive language has also been deployed in domestic policy on business and human rights with a view to foster a 'culture of human rights' in business. The MoJ, which as part of the GSG focuses on the domestic aspect of business and human rights, reported the findings of its 2009 study to the JCHR. It explained that although:

‘companies operating domestically do not often use the term “human rights” beyond the enclave of corporate responsibility’ and see it ‘as mainly applicable to overseas operations’, they incorporate human rights issues ‘within other policies and refer to them under broad, overarching terms such as equality and diversity, work-life balance and flexible work patterns to cover aspects of human rights’ (JCHR 2009b, Ev.89).

The MoJ recognised this awareness as suggesting ‘fertile ground’ among UK operating businesses to engage with and participate in human rights. Yet, the study also found that where businesses had policies and statements on human rights they ‘tend to be aspirational and overarching, with a blurring of corporate social responsibility and human rights’ (*ibid.*, Ev.85). Additionally, it revealed that ‘businesses typically see the term “human rights” as mainly applicable to their wider operations only when they operate overseas, particularly in the least developed countries’ (*ibid.*, Ev.89). In the view of the MoJ, the lack of explicit use of human rights language by the UK operating companies it surveyed and their almost exclusive focus on labour relations and employees’ rights reflects a ‘limiting view of human rights’ (*ibid.*, Ev.70).

To build on what the study revealed companies already understand about and do for human rights and to respond to these perceived shortcomings, the MoJ committed itself:

to look at how you promote a human rights culture, and this is not about more regulation in business, it is important to say that, it is about the promotion of a human rights culture. (*ibid.*, Ev.72)

The MoJ explains that building a culture of respect for human rights should proceed through the ‘better integration of human rights in their businesses’, ‘developing a human rights consciousness’ and ‘take into consideration matters of dignity, respect and human rights not previously considered within the remit of business’ (*ibid.*, Ev.70). Accordingly, UK operating businesses ‘would derive value from articulating some of these domestic operations in human rights terms’ (*ibid.*, Ev.71).

In response, the Equality and Human Rights Commission (EHRC) commissioned a study by Middlesex University which identified that smaller businesses (which form the majority of hospitality businesses, for instance) needed particular support. In 2014, the EHRC produced a policy paper to guide small and medium businesses in the UK and ‘explain what human rights are relevant to business’ (2014, 3). The basic guidance outlines six steps to help businesses respect human rights and focus on nine human rights issues which it identifies as particularly important for business. These include the rights to non-discrimination, to a safe work environment, to rest and leisure, to freedom of association and to organise and take part

in collective bargaining, to privacy and freedom from child labour, forced and trafficked labour, and slavery. All these rights and freedoms are protected under UK law and should already be integrated in businesses operations and practice.

Beyond this guidance, however, the strategy and processes through which the development of a ‘culture of human rights’ is pursued is not widely reported. As noted earlier, the domestic context has been neglected in the development of the UK BHR policy strategy, even though the NAP recommends continuous reassessment of the national legal and regulatory apparatus (FCO and BIS 2013). This could suggest complacency as regards the existing UK legal and regulatory framework, and confidence that UK businesses are familiar with it and its human rights components.

Furthermore, as ‘soft’ appeals to embed the shared-values and language of human rights in business operations are premised on the possibility of cooperation and partnership, the Government tends to emphasise engagement and dialogue between states, businesses and other stakeholders and to downplay the role of civil society agencies in providing scrutiny and oversight of corporate activities:

The strategy and subsequent implementation plans are the result of consultations, with NGOs, business and other parts of government. [...] We identified voluntary industry codes of conduct as a priority, focusing especially on multi-stakeholder dialogues that bring together companies, governments and civil society. (2008, 22)

This framing presents government policy as a compromise between parties usually seen as opponents, and tends to occlude the efforts of NGOs and other civil society organisations in naming and shaming businesses and calling for accountability and responsibility through legal coercion. The Government’s support for voluntary mechanisms is instead framed as an outcome of the multi-stakeholder consultations, suggesting an approach based on consensus building to cajole business into the cause of human rights responsibility.

Indeed, during preparations for the first NAP, the FCO organised individual workshops with NGOs, civil society organisations, and small and big businesses. The minutes of the meetings suggest that, while all parties agreed with the need for policy coherence, they were divided over the need for stronger accountability mechanisms, and the launch of the NAP had to be delayed so that it could be rewritten to achieve business buy-in (FAC 2014, 52; Baroness Warsi 2014, 12). It was eventually presented as the outcome of engagement with business and civil society organisations and called on all parties to endorse it (FCO and BIS

2013). This suggests that consultations with key stakeholders were used in a ritualistic way to provide the appearance of a participatory process which might legitimate the preferred policy.

As observed by Rajak (2011), the paradigm of partnership or complementarity between economic growth through the free market and the moral imperative of development is not an innovation of CSR policies. In reproducing it to engage business and other stakeholders on the question of business human rights responsibility, the Government exploited its powerful assertion of consensus and equality between different parties and values. As will be seen in the next section, however, divergent views were not equally or fairly represented in the Government's policy framing.

4.4. Parliamentary critiques and alternative framing

Not all British political institutions supported the corporate-oriented framing of the UK Government's BHR policy. Two parliamentary committees, the JCHR and the FAC, have been particularly critical of the Government's policy on business and human rights. In this section, I reconstruct their framing which places UK human rights obligations at the centre of the frame and explore their critiques regarding the dissonance they identify between the Government's emphasis on voluntary principles and its human rights obligations.

4.4.1. Exposing policy controversy

The JCHR was mandated 'to consider matters related to human rights in the United Kingdom' (JCHR 2009a, n.p.). The scope and register of its 2009 inquiry into human rights and the UK private sector, however, reveals its role as a critical watchdog of the compatibility of Government policy, legislation, and actions with its human rights obligations, as also noted by McCrudden (2004). The JCHR's 2009 inquiry is based on a broader problematic than that which the Labour Government set out to address, and opens on a bleaker note:

During the past year, in the coverage of the "credit crunch" which led to the recession, politicians, academics and commentators have consistently called for increased responsibility on the part of the banking and wider private sector as corporate citizens. Opening the G20 summit in London, the Prime Minister advocated new "family values" for the financial sector and argued "markets need morals". [...] It is now widely accepted, including by many businesses, that business can affect the human rights of individuals not only when performing public functions, but also in their everyday activities. There are many reasons why we consider that this inquiry provides a timely opportunity to consider the relationship between the activities of the private sector and the human rights obligations of the UK. For example, over the course of the past year several issues have been raised in Parliament and reported in the press raising concerns about the impact of private sector activities on rights such as

the right to respect for home and private and family life [...] It is also relevant to consider the impact of UK companies operating overseas on the UK's international human rights obligations. Over the past decade there have been a number of high-profile stories about the role of UK companies in alleged human rights abuses overseas. (JCHR 2009a, 5)

The JCHR outlines its broad preoccupations with the responsibility of business in society and for human rights against a backdrop of contemporary and, as it stresses, 'widely' reported issues (*ibid.*,7). The language of 'concern', 'impact' and 'obligations' also stand out against that of support to business deployed in official policy and policy reports described earlier. The inquiry also drew on oral and written submissions from government, business and civil society, but these are considered as 'evidence' in response to an investigation rather than the outcomes of dialogues or consultations between parties. The JCHR recognises and stresses the positive impact business can have on society and the help it can provide government towards realising human rights. Yet, this initial review of problems related to business operations suggests that, rather than risks to business reputation and interests, government policy should be addressing the possibility of human rights harms. The report's main preoccupation was with the way BHR policy developed under Labour. Particularly, it raised concerns about the Government's bias towards voluntary and self-regulatory approaches and its narrow interpretation of the state's legal duty to protect human rights in the policy field of business and human rights. Its first recommendation stressed that:

There is a strong incentive on the Government to ensure that it has a clear understanding of how its policies on business relate to the human rights obligations of the UK. (JCHR 2009a, 13)

This implies that the Committee saw a contradiction in the Government's approach and the incongruous character of business interests and the Government's human rights obligations. This is captured in the use of the verb 'fight' in an exchange between the Chair of the JCHR inquiry and the Minister of State in the Ministry of Justice:

Q361 Chairman: [...] Supposing Professor Ruggie comes up with ideas, suggestions, proposals, recommendations that British businesses do not like, are you going to fight for Ruggie or are you going to fight for British business if they resist what he comes up with?

Mr Wills MP (MoJ): I would not necessarily agree with your verb, Chairman. Fight is not necessarily what is going to happen here. We believe that it is very strongly in business' interests to engage with this agenda. The evidence is that many of the companies that we are looking at in the Private Sector and Human Rights Project are actively engaged already. (JCHR 2009b, Ev.67)

Less combatively, the FAC publishes annual reports reviewing the human rights work of the FCO. Its reviews are informed by evidence taken from the FCO and from a stable of civil society organisations including Amnesty International and Human Rights Watch. Under Labour, the FAC was supportive of the Government's CSR policy so long as it helped improve governance and the regulatory playing field for business:

We conclude that the Government must do its utmost to encourage states to improve their corporate social responsibility (CSR) standards so that companies can compete on a level playing field and that states with human rights failings are not tempted to work with unethical trading partners. (FAC 2006, 37).

The Committee, however, became critical of the development of BHR policy under the Coalition. In its 2011 report, the FAC notes the change of priorities:

Probably the most widely-noted aspect of the Government's foreign policy—at least until the events of the 'Arab Spring'—has been the greater emphasis being given to the pursuit of UK commercial interests. The Prime Minister has said that the UK must “plac[e] our commercial interest at the heart of our foreign policy”, and the Foreign Secretary has described supporting British business as an “existential mission” for the FCO. (2011, 37)

The FAC was particularly critical of the Coalition's belief in the complementariness of the UK's commercial interests and its human rights objectives:

The Foreign Secretary has argued consistently that pursuing UK commercial interests and promoting human rights overseas are not incompatible. Indeed, he has suggested that pursuing commercial interests may in some cases enhance the UK's ability to secure human rights improvements, by acting as a source of leverage [...] We are not as confident as the FCO that there is little conflict between its pursuit of both UK commercial interests and improved human rights standards overseas. (2011, 8, emphasis added)

The use of the word 'conflict' (as opposed to 'complement') became a recurrent feature of the FAC's critical frame and its subsequent annual reviews of the FCO's human rights reports (2012, 46; 2014, 49–50).

4.4.2. Alternative framing

The choice of words 'fight' and 'conflict' by the JCHR and the FAC respectively responded to the dominant policy frame, its paradigm of 'partnership' and the catchphrases like 'going hand-in-hand' and 'two sides of the same coin'. Both Committees raised similar concerns about a policy which put commercial interests at its centre and developed primarily to respond to business needs and concerns about its human rights responsibility (FCO and BIS 2013). In the JCHR and FAC framing, however, human rights were at the centre and took

priority over trade and business interests. Their critiques thus converged on the weakness of the Government's approach and its avoidance of mandatory measures under both Labour and the Coalition.

Unlike the Government, both committees supported the 'smart mix' of legal and self-regulatory mechanisms recommended in the UN Framework (UNSRSG 2008) and UNGPs (UNSRSG 2011). Commenting on the Government's preference for voluntary approach, the JHCR recommends that:

The Government should be clear about the human rights standards it expects UK businesses to meet. It should not merely recommend a list of voluntary schemes, but positively advocate for certain standards to be applied. (2009a, 103)

The Committee based its recommendations on high expectations of UK leadership and powerful critiques of the policy gaps identified during the inquiry. It commended the Government for recognising that the activities of business may affect its ability to meet its own human rights obligations (93). But to the JCHR, a policy approach which privileged voluntariness was based on the incorrect belief that existing CSR initiatives were purely voluntary and conveniently ignored existing compliance and regulatory mechanisms (100). Seeing voluntary measures as an underestimation of businesses human rights responsibilities (4), it called for a clear and coherent policy strategy beyond an 'accommodating path of least resistance' to business interests (97). As regards business, it encouraged the Government to push for 'a culture change in the way that businesses think about their responsibility' (39). A human rights culture, in its view, would mean that business understood human rights not as 'good PR' through philanthropic activities, but as a moral and social responsibility to 'do no harm' (*ibid.*). Like the Government, the JCHR too anticipated a culture in which human rights principles are understood by all individuals and corporate entities alike to enable both the protection and respect of human rights (20). To achieve this, however, the JCHR recommended stronger language than that of encouraging business to take steps to address human rights (54).

Likewise, the FAC was critical of the message which the Coalition's framing of BHR policy sent to its ministers, particularly as it subordinates human rights to economic interests.

The Government maintains that human rights and business interests go hand in hand. This was undermined by UK Government Ministers sending conflicting messages that appeared to indicate that advocating human rights was subservient to promoting UK trade and investment. The Government should recognise that this conflict exists: by doing so, the Government would be

better able to articulate how it is able to achieve both of its legitimate foreign policy objectives. (2014, 50)

The FAC remained unconvinced by the government's rationale for an approach privileging the voluntary aspect of the UNGPs, and described the NAP as 'a set of aspirations' (FAC 2013, 12). Furthermore, drawing on evidence from human rights NGOs critical of the Government, it found that the latter's reliance on voluntary measures to get business to buy into human rights responsibility undermined confidence in the state's ability and willingness to uphold its duty to protect human rights (FAC 2014, 49). Although business was not the target of its reports, the FAC's critiques betray a sense of scepticism about the interests of business in respecting human rights, stressing the incompatibility of short-term profitability with the long-term social change objectives underpinning a human rights focused approach (2012, 46).

The critiques which the JCHR and the FAC levelled at the UK Government's BHR policy placed protection and respect for human rights at the centre of their framing, stressing the danger that human rights were becoming subjugated to commercial and business interests. They highlighted that although the UK Government upholds the state's duty to protect human rights, its preference for voluntary approaches to encourage business responsibility undermines its scope, ability and political will to protect individuals from corporate harm. Furthermore, while the committees expected that business both protect and respect human rights, they found that the Government's policy framing altered the 'do no harm' paradigm of the UN principle of the corporate responsibility to respect human rights to make it fit more common CSR and risk management perspectives. Their critique suggests that the state obligations and corporate responsibility for human rights as set out in the UNGPs were being diluted or occluded by the business-oriented liberal frame of the Government's BHR policy.

4.5. Summary

This review has offered an account of the conflicting framing process of the BHR policy strategy in the UK from 2005 to 2015. From Labour to the Coalition, the Government's BHR policy saw the extension of a business-oriented liberal policy frame bring coherence and consistency to the policy. The official storyline builds on the congruence of respecting human rights and business interests, and what companies already do for human rights. In this framing, business is at the centre, as a partner of Government. The Government supports business by tackling the problematic of seemingly new and increasing social expectations of good corporate practice, and pressure for binding human rights regulation on business.

Through the business case, it foregrounds the moral imperative for business to take on human rights responsibility to help in the realisation of human rights at home and overseas and enable sustainable market environments. This framing encourages the mainstreaming of human rights in business culture, but it shifts the focus to developing countries and zones of weak governance while overlooking adverse corporate impacts or governance failings in the global neoliberal market system and particularly at home, with the domestic side of BHR policy appearing as secondary. Furthermore, as also observed by de Felice and Graf (2015, 19–20), the NAP does not commit the Government to ensuring that companies respect human rights, but focuses on solutions to avoid and ‘manage human rights risks’ for business—such as weak governance, complicity in the abuses committed by a state or its governance failings, and legal liability. The UK Government’s emphasis on the needs and concerns of business rather than legal human rights obligations in its national strategy has led two parliamentary Committees to publicly stress the need to place human rights at the centre of the UK BHR policy. This policy controversy exposes a tension between the framing of BHR policy as an extension of CSR and their framing in terms of human rights obligations. At a deeper level, this highlights a reframing of the Government’s own role in upholding its obligations and adjusts it to its contemporary negative approach to the protection of rights.

The next chapter explores the framing of human rights and business responsibility by nine international hotel groups.

5 Policy framing by the international hotel groups

5.1. Introduction

In this chapter, I explore how human rights and business responsibility are framed as part of the broad apparatus of Corporate Social Responsibility (CSR) in nine leading international hotel groups operating in the UK. I observed that the language of human rights is a recent addition to these groups' CSR reporting and that they rely on sectoral partnerships and international standards rather than the business and human rights (BHR) global policy to define and validate the scope and substance of their commitments. I also found that the hotel groups' use of the language of human rights in their policies and accounts of practices tends to downplay any reactive engagement with human rights and replace it with a proactive stance which emphasizes the company's ethical identity.

Section 5.2 is a chronological account of the intertwined development of CSR and human rights policies by the nine international hotel groups, showing how they have developed in response to new international norms and expectations and how the hotel groups' emphasis on international standards and membership of sectoral partnerships have enabled them to selectively define what human rights issues matter in the sector. Section 5.3 explores how this framing enables the hotel groups to construct a proactive ethical identity as protectors and defenders of rights through their use of verbs, catchphrases and references to hospitality values, thereby historically narrating and normalizing sectoral human rights practice.

5.2. Reactive engagement with CSR and human rights

At the time of research (2012–2015), few hotel groups operating in the UK had a distinct or explicit human rights policy. I was able to identify nine international hotel groups which had either published a separate human rights policy statement,²⁵ or described sets of human rights principles or commitments under the heading of human rights in their codes of conduct and CSR reporting.²⁶ They include, in alphabetical order: Accor Hotels Group (Accor), Hilton Worldwide (Hilton), Hyatt Hotel Corporation (Hyatt), InterContinental Hotel Group (InterContinental), Marriott International (Marriott), NH Hotel Group (NH), The Rezidor Hotel Group (Rezidor), Starwood Hotels and Resorts (Starwood), and Wyndham Worldwide

²⁵ As distinct from the companies' code of conduct or ethics policy booklets.

²⁶ See table 3.3b for a list of the documents reviewed.

(Wyndham). These are some of the best-known and biggest international hotel chains operating in the United States or in Western Europe, some in both following mergers (e.g., between Rezidor and the Carlson Group in 2012). All run worldwide and complex owned, managed, leased, and franchised operations with brands ranging from high-end luxury to budget. These groups thus have organisational structures which add layers to the ‘corporate veil’ (Dine 2001; Muchlinski 2012) and make it difficult to pinpoint corporate responsibility and accountability for human rights (IHRB and Tourism Concern 2012) or communicate ethics principles across companies (Jones, *et al.* 2014). They are also familiar names in studies reviewing CSR policy and practice in the tourism industry (Holcomb *et al.* 2007; Bohdanowicz & Zientara 2009; de Grosbois 2012; Font *et al.* 2012; Jones *et al.* 2014; Balch 2014).

The language of human rights has only recently entered CSR reporting and ethics policies in the hospitality industry. Since the early 1990s, the hospitality sector has been involved in the development of CSR and sustainability initiatives with a particular concern for its environmental footprint, but formal reporting of these and other social responsibility commitments only started in the mid-2000s (Holcomb *et al.* 2007). This section examines the way the nine international hotel groups have framed human rights in their policies and reporting since 2005 and relative to the prior development of CSR in some of these organisations.

5.2.1. First steps in CSR

The last decade has seen a global trend of standardisation and codification of CSR in the hospitality industry and increasing uptake of voluntary standards and reporting mechanisms (Holcomb, *et al.* 2007, 463–4). As can be seen in table 5.1, initially, the industry focused on responding to environmental concerns prompted by the development of international policies on sustainable development.²⁷ Besides developing individual policies, some of the groups joined industrial partnerships to develop common environmental standards and promote awareness and responsibility in the sector.²⁸ More recently, as part of their commitment to human rights, the groups have become involved in industry-driven initiatives to address child

²⁷ For example, the Brundtland Report (WCED 1987), Agenda 21 (WTTC, *et al.* 1997), and the Global Code of Ethics for Tourism (UNWTO 1999).

²⁸ IHEI, 1992 and ITP 2004.

trafficking and sexual exploitation.²⁹ There was thus a shift from sustainability, as initial commitments and endeavours to improve the sector's environmental footprint, towards social responsibility through enhanced attention to local communities. As discussed below, this shift was in part triggered by the 2008 financial crisis, and, is related to the development of global business and human rights norms.

²⁹ The Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism (ECPAT 1996); and the International Tourism Partnership Position Statement on Human Trafficking (2011).

Table 5.1. Timeline of key international standards and the nine international hotel groups' reports, CSR programmes and Human Rights policies

Date of key international reports/codes	1980	1990	2000	2005	2010	2015
Hotel Groups		1988 Brundtland report				
			1992 Rio Summit, Agenda 2 International Hotels Environmental Initiative (IHEI) (International Tourism Partnership since 2004)			
			ECPAT, UNWTO, UNICEF Code of Conduct 1996			
			UNGC 2000			
				UNSRSG Mandate 2005		
				UN PRR Framework 2008		
						UN Protect Respect Remedy Guiding Principles 2011
Rezidor		1989 1 st environmental policy	1996 founder IHEI as Radisson SAS	2001 Responsible Business Programme	2004 Carlson Rezidor's majority shareholder signed ECPAT Code of Conduct	2005 joined International Tourism Partnership—Youth Career Initiative
					2007 human rights mentioned in Responsible Business report	
					2009 Signed UNGC	
						2015 Human rights and human trafficking statements
Accor		1992 founder IHEI	1994 Environmental Department	2001 Partnership with ECPAT	2003 signed UNGC	2004 founded International Tourism Partnership
					2009 Code of Ethics for Management refers to specific human rights documents and articles from the UDHR and ILO Conventions	Signed ECPAT Code of Conduct
						2013 Registration Document refers to human rights
						2014 Ethics and CSR Charter refers to specific rights conventions
InterContinental		1992 founder IHEI		2004 founded International Tourism Partnership	2006 Corporate responsibility function and first Corporate Responsibility report	2008 Human rights policy statement
						2010 signed UNGC
Wyndham		1992 founder IHEI		2004 founded International Tourism Partnership	2007 Human Rights policy statement	2011 partnership with ECPAT, signed Code of Conduct
						2012 human rights and human trafficking policy statement with reference to UNGPs

Table 5.1. continued

Date of key international reports/codes	1980	1990	2000	2005	2010	2015
Hotel Groups		1988 Brundtland report				
			1992 Rio Summit, Agenda 21, International Hotels Environmental Initiative (IHEI) (International Tourism Initiative since 2004)			
			ECPAT, UNWTO, UNICEF Code of Conduct on Child exploitation in tourism industry 1996			
			UNGC 2000			
				UNSRSG Mandate 2005		
					UN PRR Framework 2008	
						UN Protect Respect Remedy Guiding Principles 2011
Marriott		1992 founder IHEI		2004 founded International Tourism Partnership		
				2006 Human Rights Task Force for human rights policies and the Human Rights and Child Protection Programme		
					2009 CSR report includes reference to human rights	
					2011 Human rights policy and principles	
						2012 Commitment to human rights and human trafficking Principles of responsible business
Starwood		1992 founded IHEI		2004 founded International Tourism Partnership		
				2007 human rights policy statement		
						2014 first CSR report includes indirect reference to UNGPs, refers to human rights
Hyatt		1994 joined IHEI		2004 founded International Tourism Partnership		
					2009 Code of business ethics and conduct	
					2010 human rights policy statement	
					2011 code of conduct for suppliers	
						CSR reporting refers to human rights
Hilton		1992 founder IHEI		2004 founded International Tourism Partnership		
					2011 signed ECPAT	
					CSR reporting includes human rights section	
					2012 signed UNGC	
						2013 Code of Conduct includes human rights section
						2014 started human rights impact assessment
NH				2006 signed UNGC		
					Published CSR reports from 2009–2012 the reports included references to human rights	
					Joined International Tourism Partnership	
					2011 Code of Conduct includes section on human rights	
						2013 updated Code of Conduct includes longer, more detailed section on human rights

Global recession and eroding public trust

With a few exceptions, the bulk of CSR and ethics related documents available on the hotel groups' websites have been published between 2010 and 2013. The absence of published CSR reports before the late 2000s does not necessarily mean that the groups did not already have ethics policies and CSR programmes in place. On the contrary, the groups' engagement with CSR issues predates their reporting and, as discussed in section 5.3, they describe their policies as an actualisation of historical and innate values. Nevertheless, this recent formal engagement with and approaches to CSR has usually followed a strategic revision of their CSR paradigms and public outreach in the wake of the financial crisis of 2007–2009.

Some studies of CSR in the hospitality sector have observed that the hospitality industry experienced a severe recession during the global economic crisis, triggering hospitality companies around the world to review their strategies including their identity programmes to improve their image and re-establish their market positions (Martínez, *et al.* 2014; Alonso-Almeida and Bremser 2013). As Marriot's 2009 Sustainability Report explains:

[This] reflects a most challenging two-year time for our company, given the economic and financial uncertainty created by the global recession. Revenues and income fell but we worked to maintain jobs even as business travel and meetings and conferences shrunk and travel worldwide was declining. Yet this was also a time of bold moves at Marriott, many of which will benefit both our long-term sustainability and the communities in which we operate. We made significant environmental investments to aid our global community, focused on operating more efficiently, and embarked on a global reorganization that puts leadership and executive decisions in continental regions around the world to better harness market-specific knowledge, experience and partnerships. (Marriott 2009, 1)

In 2011, Rezidor renamed their own sustainability report the *Responsible Business Report* after their decade-old responsibility programme, revamped in 2008. The change of emphasis suggests how the company responds to contemporary preoccupations; initially with environmental impacts (post-Brundtland) and then untrustworthy business practices (post-financial crisis). The message of Hyatt's CEO in their first corporate responsibility report also locates their new sustainability programme as a solution to crisis, change and eroding trust:

When the world is changing at an accelerated pace, we must continue to build trust with our customers and our key stakeholders by demonstrating an unwavering commitment to responsible business practices. We must demonstrate our positive impact on our local communities and the environment and develop meaningful ways to report on that progress. We must be transparent and authentic in our approach to being a responsible company and be willing to make significant changes, even if they aren't always easy. (Hyatt 2012, 4)

The financial crisis also led governments and market regulators to push for new transparency and disclosure requirements, driving the new CSR reporting.³⁰ In their Ethics and Management Charter, Accor reference the new regulatory context:

As globalization gradually gives companies more freedom to conduct their business, legislation and regulations governing their activities are becoming stricter and more far-reaching. (Accor 2014, 8)

To legitimise their strategic changes, the hotel groups deploy CSR-related concepts—such as ‘sustainability’ (e.g., Marriott and Rezidor), ‘shared value’ (e.g., Intercontinental and Hilton), ‘global citizenship’ (e.g., Starwood), or ‘responsible business’ (e.g., Rezidor)—which resonate with broader value orientations in society (Cornelissen, *et al.* 2011, 1702; Creed, *et al.* 2002, 476). By deploying them, the groups seek to define common objectives and approaches to demonstrate the integrity of their business and foster good relationships between their hotels and the communities they operate in. Addo and Martin (2015, 351), however, suggest that these are merely shifts in terminology, not in practice, highlighting the symptomatic instability of CSR, which, they argue, lacks a common core ideology. For instance, introducing their first CSR report in 2013, Hilton stressed the change in their approach and their embrace of a shared-value frame:

Today, corporate responsibility is an important part of our transformation and a critical component of our business; one that I believe is key to our global leadership [...] Hilton Worldwide started this journey by hiring our first Vice President of Corporate Responsibility, and in 2011 we launched Travel with Purpose—our global corporate responsibility commitment to provide shared value to our business and communities around the world. (Hilton Worldwide 2013b, 2)

The shared-value approach was popularised by Harvard scholars Porter and Kramer as a new approach to corporate responsibility in the aftermath of the 2008 financial crisis with the explicit objective of rebuilding trust in the capitalist system and business in particular by reconceiving the intersection between society and corporate performance (Porter and Kramer 2011, n.p.). To Hilton, this on-going process means recognising that:

While there are many social, economic and sustainability issues Hilton Worldwide could address, only some will impact our business and only some

³⁰ New reporting rules have been issued, for example, in the UK (i.e. The Companies Act 2006 section 172(1) and 414(7)) and by the European Commission (i.e. Directive 2014/95/EU) regarding corporate non-financial narrative reporting, including disclosure on human rights risk and due diligence in organisations’ supply-chains. The 2015 UK Modern Slavery Act also requires companies over £36m turnover to report on actions taken to prevent human trafficking and slavery in their supply-chains.

can benefit from our resources and expertise. It is on these issues that we must focus to create a sustainable model for driving shared value. In developing Travel with Purpose, we conducted a materiality assessment to identify and prioritize which issues we would address.

Critiques of the creating shared-value approach stress that its framing of what issues matter and should be addressed by a company is often limited to those which can be transformed into business opportunities (Crane *et al.* 2014, 130). The approach is also couched in the language of prioritisation, which, as discussed below, is common to other CSR approaches and corporate social performance standards.

Business thus reacts to changing circumstances by hurriedly embracing concepts and approaches designed in unrelated contexts which are not always readily transferable to business culture and practices, such as human rights.

Aligning with global standards

The hotel groups' strategic reviews have also aligned their CSR reporting to the Global Reporting Initiative's (GRI) sustainability performance indicators; a leading standard for corporate sustainability reporting launched in 1997 and supported by the United Nations Environmental Programme (Sarfaty 2015, 105). The objective of GRI reporting is to increase transparency to build and maintain trust in business by demonstrating the link between an organisation's strategy and its commitment to a sustainable global economy (GRI 2016). The GRI requires organisations to report on their economic, environmental and social impacts, both positive and negative, caused by their everyday activities. The GRI sustainability indexes derive their authority and legitimacy from that of other linked global principles, such as the UN Global Compact (UNGC), the Organisation for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises, and the UN Guiding Principles (UNGPs) (GRI 2014, 87–89).

The hotel groups currently report using GRI's G3.1 and G4 sustainability indexes, which include eleven and twelve human rights indicators respectively, and should report:

the extent to which processes have been implemented, incidents of human rights violations, and changes in stakeholders' ability to enjoy and exercise their human rights. Among the human rights issues included are non-discrimination, gender equality, freedom of association, collective bargaining, child labour, forced or compulsory labour, and indigenous rights. (GRI 2014, 70)

An overview of the reports of the nine hotel groups based on the GRI indexes, however, shows that they usually only report on some of the human rights indicators. For example, only five of the eleven human rights indicators of the GRI 3.1 index are covered in the most

recent CSR reports (2013 or 2014).³¹ The following list highlights the frequencies of the most commonly covered indicators:³²

- human rights screening of supply-chain (HR2) (n = 5);
- employee training on policies and procedures on human rights aspects relevant to the organisation's operations (HR3) (n = 5);
- risk to the right to exercise freedom of association and collective bargaining in company's operations and supply-chains (HR5) (n = 3);
- risk of incidents of child labour and measures taken to contribute to the effective abolition of child labour in company's operations and supply-chains (HR6) (n = 3);
- risk of incidents of forced or compulsory labour and measures to contribute to the elimination of all forms of forced or compulsory labour in company's operations and supply-chains (HR7) (n = 3).

This suggests that the hotel groups' human rights responsibility is most pressing in labour issues, child labour and supply-chain relations. GRI recommends this selective reporting as a form of 'prioritisation'. As in the shared-value approach described earlier, companies can report on aspects of human rights that have been identified as materially relevant to their operations. By this, GRI means that 'sustainability reports will be centred on matters that are really critical in order to achieve the organisation's goals and manage its impact on society' in order to 'enable organisations to better inform markets and society on sustainability matters' (2014, 3). Here, GRI emphasises the role which business can play in shaping the sustainability landscape and agenda on the basis of its interests, but it narrows the focus of reporting to critical risks for a business.

Sections of CSR reports corresponding to the specific indicators also show the importance which the nine hotel groups give to reporting on their positive actions—that is, actions commonly seen as contributing to the realisation of human rights or elimination of human rights harms in society. Reports describe the hotel groups' activities in support of certain causes such as eliminating human and child trafficking or improving access to education in local communities. They also explain their human rights policies, show they

³¹ Seven of the hotel groups use the GRI 3.1 index but Starwood and Wyndham 2014 CSR reports are based on the GRI 4 index. It was possible, however, to match the GRI 4 indicators which they report on to their equivalent in the GRI 3.1 index for the purpose of this review.

³² I have accounted for three mentions and above of an indicator between the nine hotel groups to consider the indicator as 'most frequently covered'.

have won awards, or note their membership with the UNGC. In their reports, the groups do not yet account for their negative impact—i.e., how some of their operations, relationships and practices may undermine the fulfilment of human rights or harm individuals. For example, they remain silent about the findings of their human rights impact assessments in their supply-chains. Neither do they report on incidents, corrective actions, and grievances filed for problems such as discrimination (G3.1 HR4), the rights of indigenous people (G3.1 HR9), or general human rights concerns (G3.1 HR11). Thereby, absent from reporting are considerations about the practice of outsourcing labour and reliance on self-employed workers who enjoy fewer statutory rights, or again the increase in the numbers of rooms to clean per housekeeper and piece rate wage (IHRB and Tourism Concern 2012, 23). As will be seen, this focus on positive actions extends to their human rights policies. The hotel groups have also become members of international partnerships through which they can demonstrate their commitment to specific human rights issues (see table 5.1 above). Five of the hotel groups examined here, for instance, signed the 2000 UNGC between 2003 and 2012. The UNGC encourages corporate sustainability by requiring member companies to adopt and report annually on their work based on ten principles derived from the UDHR, the ILO's Declaration on Fundamental Principles and Rights at Work, the Rio Declaration on Environment and Development, and the United Nations Convention Against Corruption. It was the first self-regulatory mechanism to require that:

Businesses should support and respect the protection of internationally proclaimed human rights (Principle 1); and make sure that they are not complicit in human rights abuses (Principle 2). (UNGC 2000)

To the hotel groups which have joined the UNGC, their membership is evidence of their support for human rights and other shared and universal principles for a better society. Hilton, for example, declare that:

To further underscore our commitment to supporting human rights, we signed the United Nations Global Compact in 2012. This strategic policy initiative is for businesses that are committed to working toward common goals with the UN in the areas of human rights, labour, environment and anticorruption. (2012, 53)

Hotel groups have also sought to demonstrate their commitment to human rights by measuring their performance on specific human rights issues. For instance, the Fortune 1000 publicly-traded American hotel groups Marriott, Hilton, InterContinental, Hyatt, Starwood, and Wyndham support the Human Rights Campaign (HRC) for workforce equality, diversity and inclusion. The HRC is the 'largest civil rights organization working to achieve equality

for lesbian, gay, bisexual and transgender people' (HRC 2015). These groups also participate in the HRC's Corporate Equality Index (CEI) survey so their corporate policies and practices pertinent to lesbian, gay, bisexual and transgender employees can be evaluated and rewarded. In the 2016 survey, they all scored 100 percent, and, with the exception of Wyndham, were all ranked as best places to work for LGBT equality (HRC 2016).

These various associations and reporting endeavours provide the hotel groups with authoritative definitions of corporate human rights problems, responsibilities and areas of action. They offer a legitimising basis upon which they can develop their own framing of their human rights responsibilities. They also suggest that the hotel groups primarily submit themselves to the 'rituals' of audit culture and self-regulation in normative areas with which they are familiar and already aligned (Rajak 2011, 10). Such practice has been described as monitoring rather than reforming business practice (Power 1994 cited in Benson and Kirsch 2010, 94).

5.2.2. Human rights policy statements

The nine international hotel groups have all taken what are commonly seen as the first necessary steps in developing their human rights policy—i.e., publishing human rights policy commitments and defining objectives and targets related to specific human rights (Sullivan and Seppala 2003, 103). As illustrated in table 5.2a and 5.2b below, the hotel groups started to publish policies, codes of conduct and reporting on human rights at different times and used different media to communicate their human rights commitments.

Table 5.2a Hotel groups with a human rights (HR) policy statement

Hotel group	Type of HR policy document	Date	HR concerns	HR section in CSR Reporting	Issue focus
Wyndham	<ul style="list-style-type: none"> HR Policy Statement Commitment to HR and fighting human trafficking 	2007 2012	<ul style="list-style-type: none"> Ethical business conduct: no corruption, compliance with law Protection of the rights of children: condemns exploitation of children, no child labour, support law to prevent and punish child exploitation Protection of rights of employees: safe and healthy work environment, elimination of forced labour, (desired) freedom of association and collective bargaining, non-discrimination and inclusivity 	Yes	<ul style="list-style-type: none"> Workforce diversity and inclusion Protecting HR and eliminate human trafficking Opposing child exploitation
Starwood	<ul style="list-style-type: none"> HR Policy Statement 	2007	<ul style="list-style-type: none"> Ethical business conduct: no corruption, compliance with law Protection of rights of children: condemns all forms of child exploitation labour and sexual, support laws and partnership to help elimination of child exploitation and context leading to it Protection of rights of employees: diversity and non-discrimination, no forced, bonded labour, support lawful freedom of association and collective bargaining, safe and healthy working environment 	Yes	<ul style="list-style-type: none"> Social responsibility Disaster relief and human rights Workforce development, community vitality Child trafficking and sexual exploitation Supply-chain Workforce diversity
Inter Continental	<ul style="list-style-type: none"> HR Policy Statement Webpage Code of conduct 	2008 2013	<ul style="list-style-type: none"> Ethical business conduct: no corruption, compliance with law Respect of employees' rights: lawful freedom of association, safe and healthy work environment, no forced labour or exploitation of children, non-discrimination, fair remuneration Respect of rights of local communities 	Yes	<ul style="list-style-type: none"> Employees rights Local communities rights Human and child trafficking
Hyatt	<ul style="list-style-type: none"> HR Policy Statement 	2010	<ul style="list-style-type: none"> Ethical business conduct: no corruption, compliance with law Respect of HR of employees: freedom from discrimination, forced or compulsory labour, freedom of association, diversity and inclusion, safe and healthy work environment Protection of the rights of children: prohibition of use of child labour, supports legislation to prevent and punish crime of sexual exploitation of children Eliminate human trafficking 	Yes	<ul style="list-style-type: none"> Human and child trafficking
Marriott	<ul style="list-style-type: none"> HR Policy Statement HR Commitment 	2011 2012	<ul style="list-style-type: none"> Ethical business conduct: no corruption, compliance with law Protection of rights of children: condemns all forms of child exploitation labour and sexual, support laws and partnership to help elimination of child exploitation and context leading to it Protection of rights of employees: diversity and non-discrimination, no forced, bonded labour, support lawful freedom of association and collective bargaining, safe and healthy working environment HR commitment document focus primarily on actions against or to raise awareness of child exploitation 	Yes	<ul style="list-style-type: none"> Protecting vulnerable youth Human trafficking and child exploitation Workforce diversity and inclusion Community engagement
Rezidor	<ul style="list-style-type: none"> HR Policy Statement 	2015	<ul style="list-style-type: none"> Ethical business conduct: no corruption, compliance with law Protection of the rights of children: no child labour, supports law against exploitation of children Combating human trafficking measures to protect victims and raise awareness of employees, partners and community to oppose it Protection of the rights of employees: well-being and inclusion, non-discrimination, no force labour, lawful freedom of association and collective bargaining 	Yes	<ul style="list-style-type: none"> Empowering employees and social dialogue Reducing youth unemployment Human trafficking

Table 5.2b Hotel groups including section on HR in ethics charter or code of conduct for management

Hotel group	Type of HR policy document	Date	HR concerns	HR section in CSR Reporting	Issue focus
Accor	<ul style="list-style-type: none"> Ethics and Management Charter 	2009 updated 2014	<ul style="list-style-type: none"> - Respecting people - Non-discrimination, forced labour, child labour, unreported labour, prostitution, procuring and paedophilia, and equal opportunities 	No	Non-discrimination, forced labour, child labour, unreported labour, prostitution, procuring and paedophilia, and equal opportunities
NH	<ul style="list-style-type: none"> Code of Conduct 	2013 updated 2015	- Workers' and HR: dignity and non-discrimination, physical and psychological harassment, equal treatment and opportunities, lawful freedom of association and collective bargaining, no child or forced labour, no human trafficking)	No	Employees' rights
Hilton	<ul style="list-style-type: none"> Code of Conduct 	2013	<ul style="list-style-type: none"> - Compliance with employment and labour law and fundamental human rights: lawful min. age employment, lawful maximum working hours - No forced, bonded or prison labour, - No physical punishment, - Lawful freedom of association and collective bargaining - Prohibition against human trafficking 	Yes	Local communities Human and child trafficking

Human rights policy statements, available on the hotel groups' webpages for CSR or investors, are directed to an external public interested in the human rights commitments of the organisations. References to human rights included in the codes of conduct or ethics for management and employees, however, directly speak to an internal audience. Thereby, beyond stating what ethical standards they are committed to, the hotel groups show that they seek to raise management and employees' awareness. As suggested in the following introduction to the human rights section of Hilton's code of conduct, such references also partially engage the responsibility of managers and employees as individual members of the organisation:

Identified below are some key areas that can give rise to ethics and compliance concerns for Hilton in our dealings with governments and communities around the world. The following sections are intended only to help you spot relevant issues, but all Team Members should seek advice from the Assistant General Counsel, Governance and Compliance or the General Counsel whenever questions arise. (2013a, 10)

The first human rights policy statements and reporting developed in parallel with the first mandate of the UN Special Representative on business and human rights (2005–2007) and the publication of the UN Framework 'Protect, Respect, Remedy' in 2008. While the new human rights policies may be a response to the UN business and human rights agenda, the hotel groups do not acknowledge these developments.³³ Instead, they usually refer to the UDHR and/or the UNGC as the basis of their human rights policies and commitments. The five human rights policy statements reviewed here (i.e., Wyndham, Starwood, Hyatt, Marriott, Rezidor), for example, start with a variance of this statement,

Wyndham Worldwide *acknowledges, respects* and, through its Business Principles, *commits to operating its business in a manner consistent* with the principles contained in the United Nations Universal Declaration of Human Rights and Global Compact. Wyndham Worldwide's view on human rights reflects the Company's commitment to conduct its business in a manner consistent with these principles and to *protect* human rights *within the Company's sphere of influence*. (Wyndham 2007, emphasis added)

The choice of the verbs 'respect', 'commit' and, especially, 'protect'—recurrent in the various policy statements—is particularly suggestive of the way the hotel groups frame their responsibility for human rights. These words project a particular kind of responsibility which the organisations define for themselves; not only supportive and respectful of human rights,

³³ Correct as of December 2015.

but also committed to protecting certain rights. This reflects the proactive ethical identity which the hotel groups are constructing for themselves as they react to new norms. I elaborate on this point further in section 5.3.1.

Nevertheless, the launch of the UNGPs in 2011 triggered renewed and new commitments by the various hotel groups. Since 2012, four of the international hotel groups reviewed— i.e., Marriott (2012a), Hilton (2014), Wyndham (2013) and Starwood (2014, 58)—have included more or less explicit references to the UNGPs, suggesting that they are aligning their policies with the principles set out in the framework. For example, principle 16 of the UNGP requires that companies communicate their commitment to meet their corporate responsibility to respect human rights throughout their operations, including in their supply-chains (UNSRSG 2011, 15). Starwood’s first Global Citizenship Report broadly referred to this:

In 2012, in line with UN doctrine, we began adding a clause into our supplier contracts to ensure compliance with our Human Rights Policy. (2014, 58)

Hilton also started to report annually on their human rights commitments and activities in their first ever CSR report in 2011. In 2014, they were the first hotel group to announce that they would conduct a human rights impact assessment across their operations ‘to inform our materiality assessment, goal-setting and future strategy in the area of human rights’ (2014b). Principle 15 of the UNGPs requires that companies ‘know and show that they respect human rights’. Although the stated objectives differ with those of Hilton, human rights impact assessments have been recommended as one way through which organisations can implement due diligence ‘to identify, prevent, mitigate and account for how they address their impacts on human rights’ (UNSRSG 2011,15).

Beyond the preambles of these human rights policy statements, the issue focus and language are also similar (see table 5.2a). The page-long statements include four to five sections, invariably focussing on: ethical business conduct and legal compliance; the protection of the rights of employees; elimination of human trafficking; and the protection of the rights of children. As illustrated in table 5.2b, similar ethical and human rights issues are covered by the principles outlined in the Ethics and CSR Charter of Accor (2014, 11–13 and 22–25), and in less detail in the codes of conduct of Hilton (2013a, 10), InterContinental (2013), and NH (NH Hoteles 2015).

Complying with and surpassing the law

In mainstream CSR, the rule of law is a basic imperative of state governance and economic activity. In business, compliance with the law is then set out as a basic imperative and expectation for organisations to achieve a licence to operate (Richter 2010, 632). Legal compliance is outlined as the foundational principle of the codes of conduct and ethics policies of the hotel groups. Some of the hotel groups also highlight how the diversity of laws and values between countries and the weakness of certain laws and local governance can be problematic for their business. Hilton's code of conduct, for example, explains that:

Though governmental philosophies, customs and standards of conduct may vary throughout the countries of the world, Hilton's standards of honesty, integrity and fairness always must serve as the foundation of our business dealings everywhere. (2013a, 10)

Inconsistencies between countries thus make for uncertainty in business and enhance the risk of legal liability, as businesses cannot rely on coherent standards and have to adapt to different regulatory contexts. Richter (2010, 634) observes that this is a common rationale in mainstream liberal CSR to allow corporations to set the rules of responsible business behaviour and conduct. The hotel groups appropriate common moral principles as their own and commit themselves to universal principles with the objective of overcoming the weakness and unevenness of national regulatory standards and the inability of states to agree on and uphold a shared system of rules. These principles are presented as superior to national laws, although not currently binding on business. For instance, the objective of Accor in developing their Ethics and CSR Charter is 'to integrate their compliance into a broader ethical agenda' and 'to meet and exceed regulatory standards' (2014, 9). This, in their view, can be achieved by outbidding national legal frameworks and joining a voluntary global regulatory mechanism:

Accor has pledged to uphold the ten fundamental principles of the United Nations Global Compact, which are universally accepted and, in certain countries, stricter than prevailing legislation. (*ibid.*)

Furthermore, Accor are the only hotel group which refers to individual articles of the UDHR and other UN and ILO conventions. In their 2014 Ethics and CSR Charter, they cite (among many others): the 1966 International Convention on the Elimination of All Forms of Racial Discrimination; the 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (10); and the 1989 Convention on the Rights of the Child (11). Such references are used to contextualise the broader legal framework in which business operates for their managers. They are included alongside principles which the organisation

has established to tackle issues of discrimination, forced labour, child labour, unreported labour, prostitution, procuring and paedophilia, equal access, freedom of association and the right to collective bargaining, and moral and sexual harassment (Accor 2014, 101–3, 222–4). For instance, on forced labour, Accor’s Charter states:

Forced labour is defined as any involuntary work or service exacted under the threat of a penalty. The prohibition of forced labour is stipulated in article 4 of the Universal Declaration of Human Rights and is covered by an international convention signed in 1957 by the International Labour Organization, which is binding on all of the member states. (11)

Rather than the broad references to universal yet abstract principles made by other hotel groups, Accor here attempts to support their policy with the authority of international law. While Accor recognises that the law varies from country to country, it draws the attention of managers to the international obligations of states, and what, thereby, should in some way be integrated in national law and binding on businesses. Whether or not the conventions they refer to have been signed and ratified by states, however, is not taken into account. Nevertheless, as suggested in the quote below, hotel groups have been able to harness human rights as a resource to reinforce their ‘moral capital’³⁴ and define an educative and progressive role for their organisations:

Hilton Worldwide instils a culture of Integrity by communicating to our Team Members that complying with global laws protects our company and the communities in which we live, work and travel. Hilton Worldwide’s dedication to fair working conditions and supporting human rights in countries where we do business goes hand in hand with our Team Members’ commitment to refuse to engage in corruption. It is Hilton Worldwide’s goal to empower our Team Members to make a difference in their communities by acting ethically in their daily jobs. (Hilton 2014a)

Invoking corporate citizenship, these groups are thus able to frame themselves as vehicles of ethical behaviour in society.

5.3. Framing ethical corporate identity and culture

As observed by framing scholars, the framing of policy problems may be closely related to the identity of an actor and may in turn help this actor construct and reinforce their identity (Creed, *et al.* 2002, 480; Benford and Snow 2000, 632; Sinha and Gasper 2010; van Hulst and Yanow 2014). The reactive engagement explored in the previous section contrasts with

³⁴ In their recent study Baden and Chipulu (forthcoming) observe the importance of CSR for business in acquiring moral capital; that is, moral standing with their stakeholders, such as local communities, investors, NGOs and state agencies. (See also Bryant 2005).

but is not easily disentangled from the proactive ethical identity which the hotel groups construct for themselves as part of their corporate biographies, and the proactive solutions they have devised as analogous to contemporary social expectations. This discursive framing of business responsibility for human rights in the hospitality sector emphasises the sector's innate propensity to do good within a particular remit in response to global social and environmental issues. In this section, I first outline the hotel groups' proactive involvement in particular social and human rights issues and then explore how they historicise their ethical identity and describe their proactive culture. I also analyse the language which the hotel groups utilize to frame their proactive identity by suggesting a protective role and the values of hospitality.

5.3.1. Protecting human rights

The selective policy focus of the hotel groups on protecting the rights of employees and the rights of children and eliminating human trafficking derives from strategic concerns, legal developments and moral preoccupations. This suggests a common CSR approach driven by 'enlightened self-interest' (Richter 2010, 634–635), whereby the company voluntarily and proactively responds to social and labour risks which can affect its reputation and profitability (Moir 2001). The hotel groups' initial focus on human rights was on labour rights issues, as these were directly in the sphere of influence of business and concern the practices of the organisations and their supply-chains. For instance, InterContinental state that,

The Travel and Hospitality sector is exposed to human rights risks such as wages, forced and child labour. (2008, 41)

Rezidor also initially focused on workers' rights in their sustainability reports,

Key human rights issues for the hotel industry include fair wages, women's rights, skills requirements, the ability to join trade unions and collective bargaining. (2007, 13; 2008, 10; 2009, 15)

These statements outline some of the workers' rights issues which have blighted the industry for a long time (Orwell 1934; Wood 1992; Baum 2007; Mcdowell, Batnitzky, and Dyer 2007; Einat 2010; Robinson 2013; Slavnic 2013) and to which the hotel groups have attempted to respond through their diversity and inclusion policies and human rights policies. The rights and freedoms referred to by the hotel groups in their human rights policy statements regarding the protection of employees' rights (i.e., freedom from discrimination, diversity and inclusivity of the workforce and safe and healthy work environment) were integrated into

organisations' policy and strategy following legal developments which apply to employers.³⁵ Non-discrimination, diversity and inclusivity in the workplace are also liberal civil rights values endorsed by various international normative instruments (e.g., the UDHR, ILO, UNGC). Furthermore, they are said to be vital to the sustainability of individual hotel groups and the sector as a whole. For instance, Starwood states that:

Diversity is a key component of Starwood's business strategy. We believe a diverse workforce makes us smarter and more innovative and look to recruit and cultivate talented local people whose knowledge enhances our guests' experience. Creating and managing a culture of inclusion is a core part of our business and a shared responsibility among associates, supervisors, and our suppliers. (2014, 52)

Yet, in numerous countries where the hotel groups operate, many human rights conventions have not been signed or ratified or are not yet integrated in law and many workers do not enjoy their protection. Hence, the hotel groups may be upholding and diffusing rights and liberal values through their operations, such as non-discrimination based on gender, sexuality, and religion, which might surpass and conflict with local laws and values. For example, according to the most expansive and detailed statement on the protection of the rights of employees of the five separate human rights policy statements:

Rezidor seeks to maintain a culture that supports the well-being and inclusion of all employees and is committed to encouraging a positive working environment which meets and exceeds legal requirements. Rezidor recruits employees without regard to race, gender, age, disability, marital status, pregnancy, sexual orientation, nationality, caste, political affiliation, veteran status, religious beliefs, union organization, minority group or any other characteristic protected by law. Rezidor supports the elimination of forced labour, prison labour, indentured labour or exploited bonded labour and the freedom of association and the right to choose a collective bargaining representative. (Rezidor 2015)

Nevertheless, while Rezidor state their aspiration to exceed legal requirements, other hotel groups stipulate their compliance with local laws regarding certain workers' rights. In their code of conduct Hilton (2013a, 10), for example, affirms that it:

³⁵ For instance, as explained by the Equality and Human Rights Commission (n.d.), in the UK, the Equality Act 2010 which came into force in October 2010, brings together numerous pieces of legislation 'to provide Britain with a new discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society. The nine main pieces of legislation that have been merged are: the Equal Pay Act 1970; the Sex Discrimination Act 1975; the Race Relations Act 1976; the Disability Discrimination Act 1995; the Employment Equality (Religion or Belief) Regulations 2003; the Employment Equality (Sexual Orientation) Regulations 2003; the Employment Equality (Age) Regulations 2006; the Equality Act 2006, Part 2; the Equality Act (Sexual Orientation) Regulations 2007.'

complies with the employment and labour laws in every country and region in which we operate. We support fundamental human rights for all people.’

This is stipulated as applying to the lawful age of employment, wage and compensation, and maximum hours of work; the lawful rights of free association and collective bargaining (10); and non-discrimination based on characteristics protected by applicable law (3). In contrast to Rezidor, then, Hilton takes a more minimalist approach to human rights by only committing to comply with local laws, which, it should be noted, may be a poor guide to and even undermine fundamental human rights. Rezidor and Hilton both apply different framings of business responsibility and corporate identity: the former is probably motivated by ethical considerations conferring a moral role to the organisation, while the latter upholds a more mainstream positivist approach to human rights situating the scope of corporate human rights responsibility within the law of the state.

In their human rights policy statements and in the human rights sections of their CSR reports, the hotel groups also single out the rights of children and human trafficking as of special concern to their individual operations and the sector as a whole. The selective focus can be traced back to the ECPAT. The majority of the nine hotel groups have joined this long-term campaign against the sexual exploitation of children in the tourism industry or have developed their own approach (e.g., Marriott 2013). Additionally, new regulations have raised awareness and put pressure on the hospitality industry: Human trafficking has been the subject of at least two recent legislations in the state of California³⁶ and in the UK in 2015.³⁷ As important economic actors benefitting from tourism and labour migration, the industry has been challenged by governments and the media to provide fast and socially responsible responses to human trafficking and child sexual exploitation which have been found to be prevalent risks in the sector (Tepelus 2008, 98; Robinson 2013; Balch and Rankin 2014). This new awareness is reflected in Hilton’s 2014 CSR report:

According to the U.S. Department of State, child/human trafficking is one of the fastest-growing crimes in the world and is the world’s second largest criminal enterprise, after drugs. And the global market of child trafficking is over \$12 billion a year with over 1.2 million child victims, according to UNICEF. Traffickers often use the travel and hospitality industry as a

³⁶ In 2012, the ‘Transparency Act in Supply-chains’ came into force in the State of California Senate Bill No. 657, CHAPTER 556, An act to add Section 1714.43 to the Civil Code, and to add Section, 19547.5 to the Revenue and Taxation Code, relating to human trafficking. http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0651-0700/sb_657_bill_20100930_chaptered.pdf.

³⁷ The Modern Slavery Bill 2015 was preceded by another two bills related to human trafficking in 2003 and 2005.

facilitator. Airlines are used to transport victims, and hotels can unknowingly be used as the settings for this illicit activity. (2014b, 45)

The hotel groups tend to emphasise the sexual exploitation motive of human trafficking, rather than its labour exploitation dimension (Balch and Rankin 2014, 2). Trafficking for sexual exploitation is usually presented as an obscure crime committed by potential users of the hotel premises, whereas, when trafficking for labour exploitation is considered, it is discussed as a risk in supply-chains. Both are thereby framed as external social risks for the hotel industry which do not directly concern the business practices of individual hotel organisations. For instance, while recent research in the UK has identified links between the sub-contracting and outsourcing of labour to agencies and the exploitation of these workers who usually enjoy lower-level of protection under employment law, the risks of this common practice by the hotel groups seem overlooked in their CSR and ethics policies (Balch and Rankin 2014, 27). Correlatively, their human rights policy does not seem to have altered reliance on outsourcing.

Nevertheless, the use of the language of ‘protection’ rather than, for instance, ‘respect’ by some of the hotel groups to define their position on employees’ rights and the rights of children suggests proactive and somewhat politically engaged approaches towards certain rights (see table 5.2a and 5.2b). This engagement is also reflected when the hotel groups deploy the language of ‘prohibition’ (Hilton 2013a, 10; Hyatt 2010), ‘elimination’ (Hyatt 2010), ‘condemnation’ (Starwood 2007; Wyndham 2007; Marriott 2011) and ‘combatting’ (Rezidor 2015) in relation to human and child trafficking and exploitation. These issues are often foregrounded as evidence of the hotel groups’ commitments to protecting human rights in their CSR reports (Hilton 2013b, 44–45; Hyatt 2013, 19; Marriott 2012b, 21–22). For example, Hyatt declare that:

As part of our commitment to protecting human rights, we are taking on the issue of human trafficking. We recognize that the hospitality industry can play an important role in preventing the exploitation of women and children. By training our colleagues and developing strategic partnerships, Hyatt has taken aggressive steps to address and prevent human trafficking issues while protecting guest privacy. To amplify our impact on the issue, we helped develop the International Tourism Partnership’s Position Statement on Human Trafficking, which reflects the stance of the global hospitality industry. (2013, 19)

To some extent, individual hotel groups identify themselves (and the sector) as forces for the promotion of workers’ and children’s rights and freedoms, and, as the above quote suggests, for the prevention of international crimes. As regards workers’ rights, they could be seen as

playing a role as a global citizen and ‘facilitator’ of civil, social and economic rights, as described by Matten *et al.* (2003) in their seminal article on corporate citizenship. More so, as stated in their human rights policies, the hotel groups frame themselves as ‘protectors’ of the civil, social and economic rights which underpin the issues targeted by their human rights policies, as well as those which they identify in relation to their local community relationships. As employers, they are committed to the protection of the right to work, freedom from discrimination, the right to a fair remuneration, and the right to a safe and healthy workplace environment. Through charitable and philanthropic actions, they commit themselves to the right to a safe and secure childhood, the right to food and shelter in case of natural disaster, and support of the homeless.

5.3.2. Corporate identity and culture

The human rights commitments of the nine hotel groups have to be read as part of the broader CSR history and commitments of the organisations and the values attached to hospitality. In their reporting, the hotel groups seek to convey a sense of continuity and naturalness in their ethical practice by invoking the virtue of hospitality, their founder/leader’s philosophy, the ‘DNA’ of their organisation, and their pioneering CSR work. As argued by Rajak (2014, 259), this provides companies with the memory and moral self they require in their development as global citizens. This section explores the significance of these values and corporate history in their framing of the nine hotel groups’ ethical identity.

The tourism industry, and by extension the hospitality industry, have been conceived as important economic and social forces for good and in sustainable development (UNWTO 1999; Richards & Derek 2000; IHRB and Tourism Concern 2012). They have been described as enabling the intercourse of people and cultures allowing the propagation of values which underpin mutual understanding and peaceful coexistence, and contributing to the transformation of the economic fortunes of localities (Bohdanowicz and Zientara 2009, 2009). This ontological depiction emphasises the positive influence of the sector through the mere presence of hospitality establishments in a community, notwithstanding issues of unequal relationships between hosts and guests, community displacement, or energy and resource competition. It is also pervasive in the way some hotel groups have come to identify the problematic of human rights as located in the communities where they operate. For instance, Rezidor states that it:

operates hotels in countries where problems with corruption and violation of human rights issues exist. [...] Rezidor does not in any way participate in or condone practices that breach International Declarations covering these issues.

On the contrary we feel that our presence can be a positive influence. We work to rid prevalence of human-rights related issues hands-on, strengthening local communities by running a responsible operation. (2007, 13, the same account is included in subsequent reports until 2010)

In addition, the hospitality sector is above all a ‘feel-good’ industry (IHRB and Tourism Concern 2012, 12). It is unlike industries selling harmful products (e.g., tobacco, or arms), or those with deep social and environmental impacts (e.g., the extractive sector), which use CSR as a way to obfuscate, mitigate or palliate their inevitable impacts (Jenkins 2004; Benson 2014). The hospitality sector benefits from the virtues underpinning ‘hospitality’, which connotes reciprocity, belonging and comfort, protection and inclusion within everyday encounters between people, objects and places (Lynch *et al.* 2011, 12). As seen earlier, diversity and inclusion are also important aspects of the hotel groups’ human rights policies. They are at once a necessary dimension of the hospitality business as well as an ethical dimension of hospitality; managers and staff alike are required to act toward guests and towards each other in inclusive and respectful ways.

In their CSR reports, some of the nine hotel groups have also capitalised on the virtue of hospitableness underpinning hospitality to redefine their activities beyond the limited commercial scope of providing food, beverage and beds (Lynch *et al.* 2011, 4; Lashley 2007, 219). This language tends to be deployed to describe relationships between hotel operations and local communities. For instance, in the ‘Society’ section of their CSR webpage, Marriott state:

Our hotels are a “home away from home” for our guests. As a natural extension, we are committed to alleviating poverty, feeding the hungry, and creating places of refuge for people in times of disaster. (2015)

The Starwood Group also emphasises the positive and reciprocal caring and creative influence of their hotel operations on local communities:

Our character as hoteliers is to take care of people and places. We recognize that the vitality of our business is directly linked to the vitality of the communities in which we operate. We are not only building a business, we are also helping to build the community that surrounds that business. (2015)

Furthermore, the virtues of hospitality enable hotel groups to define the scope of their commitment to human rights. As articulated by Hyatt:

As a company built on caring for people, we place a high value on safeguarding the basic and fundamental rights of all people (2013, 19)

For them, the values of hospitality and human rights align:

The very nature of our business demands the utmost respect for human rights, as embodied in the Universal Declaration of Human Rights. (2012, 19)

These values emphasise the caring, nurturing and protective dimensions of hospitality (Telfer 2000; Lynch *et al.* 2011). Hence, they broaden the notion of respect, so that human rights become values which the hotel groups diversely commit themselves to ‘promote’ and ‘enhance’ (e.g., Rezidor 2015), to ‘foster’ (e.g., Hyatt 2010), to ‘protect’ (e.g., Starwood 2007), or to ‘prevent from exploitation’ (e.g., Marriott 2011). These commitments surpass the minimalist notion of respect as non-interference assumed in the UNGPs’ principle of corporate responsibility to respect human rights.

Nevertheless, as noted by Lynch *et al.* (2011, 15), from a relational perspective, hospitality can also be a means of social control and a way to exercise power. As the hotel groups describe their relationship with local communities, a reversal of roles often occurs between the host community and the guest hotel. Hotels are built and brands take over properties in existing neighbourhoods and localities, which are commonly referred to as ‘our communities’ or ‘host communities’ by the hotel groups (e.g., InterContinental 2008, 43; Hyatt 2013, 21; Wyndham 2014, 52). Yet, hospitality virtues enable the hotel groups to construct responsibility frames which place the hotel as the host of the communities surrounding it. Hotel operations are situated as the centre or as significant nodes of socio-economic and value change in more or less distant communities. Hyatt, for instance, describes how:

Thriving communities are central to everything that Hyatt does. Robust communities with excellent educational opportunities support the highly qualified workforce our hotels need, while culturally rich cities and towns serve as desirable destinations for our guests and our neighbors. We take special pride *in caring for every community, ensuring it is better because Hyatt is there*. Our connection to each of our communities *is extensive and intimate*. From stimulating local economic growth through our business activities to volunteer projects led by our colleagues, we seek *to help our neighbors succeed and thrive* as our business grows. (2014, 21 emphasis added)

Communities are represented as reliant on the operations of this caring ‘host’ which provides employment and education, or assistance in environmental and humanitarian disaster. The host, on the other hand, is presented as having a transformative capacity to better the community and enable its prosperity according to its own needs to succeed. Reference to hospitality virtues thus seeks to normalize responsible business and the protection and respect of human rights across the industry, by individual hotel groups, and by individual staff.

The language of hospitality virtues is often complemented by highlights of the history of the hotel groups and the values they have inherited from their founders. Some hotel groups accentuate their origins and find the basis for responsible practice in the wisdom of their founders (Hilton 2014b) or their cultural background (Rezidor 2013). For instance, the community and shared-value approach of Hilton is said to stem from the century old belief of Conrad Hilton:

that travel and tourism could be a powerful driver of progress [which] continues to inspire us today. For nearly a century, our hotels have welcomed guests from around the world, creating experiences that enrich people's lives and delivering economic and social benefits to our local communities. (Hilton 2014b, 3)

In their 2014 Ethics and CSR Charter, Accor describe the company's leadership in both hospitality and CSR as a matter of tradition:

For more than 45 years, our Group has built a reputation as both a hospitality pioneer and an outstanding corporate citizen that expects employees and partners alike to meet the highest standards, in line with our proud tradition of corporate social responsibility. (2014, 3)

This historical narrative emphasizes commitments which predate the recent trend of sustainability and CSR reporting and the rethinking of corporate ethical identity in the aftermath of the 2008 financial crisis (see 5.2.1). It also enables the older organisations to construct and differentiate themselves as ethical organisations underpinned by established beliefs and cultures resting on deep-rooted values (e.g., Marriott, InterContinental, Accor, Rezidor, Hilton). Positioning these organisations as somewhat ahead of their time, these beliefs and values have enabled them to align seamlessly with international standards and social expectations, and to join partnerships with other like-minded corporations, NGOs, and public institutions to address specific issues (see table 5.1 above). For example, Rezidor describe how:

The company's longstanding Responsible Business programme meant Rezidor was already well-prepared to align its operations with the ten universally accepted principles of the Global Compact in the areas of human rights, labour, environment and anticorruption. (2009, 5)

Some hotel groups also use the metaphorical catchphrase 'in our DNA' to describe their ethical culture as innate and ubiquitous (e.g. Marriott 2009 and InterContinental 2015). On their corporate responsibility webpage, InterContinental state that:

Being a responsible business is part of InterContinental's DNA. This commitment underpins our business practices and is fundamental to the way we operate. It is also engrained in our culture through our Winning Ways, a set

of behaviours that define how we interact with our guests and colleagues. Furthermore, our presence in nearly 100 countries means we have the scale to make a positive impact on the environment and communities around the world (InterContinental 2015)

The use of the catchphrase ‘DNA’ and references to an inherited culture have deeper organisational implications. To demonstrate the personal commitments of hotel employees and how these feed back into the companies’ own considerations of significant local issues, many CSR reports include examples of hotel staff taking part in voluntary initiatives run in local communities (e.g., Hyatt 2013, 21–22; Wyndham 2014, 54–58). They also include quotes from employees describing volunteering and awareness raising in their communities around particular social or environmental problems which they learned about at work (e.g., Hilton 2012 3–8; Accor 2007). These narratives are emphasised as instances of individual ‘creative’, ‘innovative’, and ‘professional’ attitude and also ‘empower’ employees in line with the company’s values. The depictions turn the companies inside out. They highlight the reciprocal influence of the company on its employees: the company is described as instilling or teaching an ethical culture to their employees to do good in the organisation and in their communities, while employees are described as informing the company about local social and environmental problems that are significant to them and which may become the object of philanthropic and social responsibility programmes (Accor 2007).

Although references to a company’s DNA or inherited culture display a coherent and harmonious organisation, they obscure the fragmentation of hotel organisations due to the growing trend of franchising out brands in the hospitality sector (Lashley and Morrison 2000, xiv; Balch and Rankin 2014). Jones, *et al.* (2014, 13) explain how this form of kaleidoscope economic management through which the intellectual property rights of a brand (i.e., its trademarks and technical know-how) are transferred from the owner of a brand name and business system to a smaller third business party has created more complex, fragmented and distant responsibility structures. This extends the brands’ CSR policy and related expectations of responsible business conduct across the supply-chain, but, as explained by InterContinental (2015), it also means that ‘not all people who work for Intercontinental are our employees’. Where the management of employees, operations and maintenance are left with the franchisee rather than the hotel company and are therefore removed from direct corporate control (Jones *et al.* 2014, 13), not all employees across the locales and hierarchies of an organisation have access to human rights training. As stated by Marriott:

Marriott’s commitment to human rights is communicated to all employees and reinforced through a variety of channels and methods. Beginning in 2012, we

integrated our human rights and the protection of children training into our onboarding process for all new employees. The training is mandatory for all Marriott managed properties covering more than 200,000 employees. We also make this training available to all Marriott franchise properties worldwide. (2012 HR commitment)

The picture thus framed of a coherent culture and organisation in which all employees voluntarily partake seems removed from the messiness of everyday interactions and the plurality of needs and interests in organisations which are hierarchically and geographically fragmented. DNA and inherited culture may create a sense of harmonious local organisational contexts in the hotel workplace, but they may disregard the common practices of outsourcing labour to agencies. Neither do they account for the potentially contradictory ethical demands on management and labour to meet the goals of profitability and that of societal and environmental responsibility underscored by the drive for sustainability. Some of these issues have emerged in my interviews with managers and non-managerial staff in hospitality organisations, which I explore in chapters 6 and 7.

5.4. Summary

The framing analysis in this chapter has highlighted how human rights have become embedded in the CSR framing and processes of the nine international hotel groups.

Firstly, I explored the external influences on the way the nine international hotel groups identified human rights issues which matter for their overall operations, defined the scope of their responsibility, and sought to legitimise their approach to gain moral capital. I found that the human rights policies of the nine hotel groups have been produced reactively; that is, in response to the making of international norms on business and human rights, pressure from stakeholders, and other triggering events, such as the 2008 international financial crisis. This reactive engagement is important in that the problematic situation confronting the hotel groups and other businesses in the last two decades has been represented as one of regaining social trust, and adapting to a changing regulatory landscape and higher social expectations of responsible business conduct. The hotel groups have joined international partnerships and knowledge sharing initiatives, reported on their endeavour and commitments, and competed for index rankings and awards. They engage in ritualistic acts to be part of a global ethical community and acquire the intangible resources of moral capital to protect themselves from disrepute (Rajak 2011, 19). Through these interactions, they become involved in the sharing and shaping of sectoral tools, values and goals (e.g., through the ECPAT or the ITP). They also borrow from and learn the official cannon of concepts, terms

and concerns deployed by the like of the UNGC and the GRI, which resonate with broader value orientations in society (Cornelissen, *et al.* 2011, 1702). These discursive and performative engagements enable them to gain the authority to define sustainability and human rights problems relevant to their own operations and sector, in a way that is less expansive than the all-human-rights focus recommended in the UNGPs. From there, the hotel groups have started to develop their own language of commitment, support and protection of human rights to frame their responsibility and construct ethical identities with a global outlook which may even seek to surpass the law and governance of states.

Secondly, I examined the language through which these human rights issues and the companies' responsibilities are described and how it serves the strategic objective of constructing ethical identities. In framing their commitments to human rights and social issues, the hotel groups emphasise their proactive identities and the positive steps they have taken towards the protection and realisation of (certain) human rights. This thrust towards doing good, making things happen, and making a difference to the world around the organisation are important in the way the hotel groups give meaning to human rights responsibility and their role therein. Their common ethical strategy and policy leads to a framing of business responsibility as *doing good* for society and local communities. It is therefore similar to the one promoted by the UK Government and, likewise, is clearly distinct from the responsibility to respect as *doing no harm* set out in the BHR global policy. This trend has developed alongside but with little reference to the elaboration of the corporate responsibility to respect human rights at the UN. This conceptualisation of corporate responsibility to respect human rights is critical as it could yet challenge the negative, minimalist, and legalistic approach of the BHR global policy (Wettstein 2012). Nevertheless, the positive framing of the international hotel groups' human rights commitments also functions to occlude the impact of their organisational and labour practices. Their declarations do not lead to a questioning of the role which they might be playing in reproducing structural inequalities and injustice through established and legally sanctioned labour practices in the hospitality sector in the UK (Einat 2010; Balch and Rankin 2014) or the influence of their economic and political power.

The next chapter turns to the framing of human rights and business responsibility by directors and managers.

6 Framing by the director and manager communities of meaning

6.1. Introduction

In this chapter, I represent the views of two closely related communities of meaning within hotel leadership and management: those at the top of the management hierarchy (i.e. directors) and those in operational manager positions (i.e. hotel manager, departmental managers and supervisor, trainee managers).³⁸ The distinction reflects particular shared experiences of organisational life among the participants. It also reflects their different focus on and concerns for human rights as either external or internal to their organisation or the hospitality sector, and their familiarity with Corporate Social Responsibility (CSR) policies. These communities of meaning are not fixed and at times overlap. I have distinguished them for analytical purposes.³⁹

Hilde (CSR Vice-Director), Harry (Human Resource Directors (HRD)), Laura (Director of Marketing) and Sonia (CSR Coordinator) are all part of a director community of meaning. Their comments are noticeably informed by the CSR frame of their organisation, and tend to focus on social issues—and by extension human rights harms—*outside* their respective organizations, while emphasising their businesses' commitments and activities to help tackle them. The manager community of meaning includes Sebastian (HRD),⁴⁰ Karim (Hotel Manager), Dian (PhD student and former Hotel Manager), Magalie (Food and Beverage Manager), Mila (Reception Manager), Lea (Food and Beverage Trainee Manager), and Tariq (Housekeeping Trainee Manager) because of their general disregard of the CSR script of their organisation and their shared focus on what is happening *inside* their organisation as regards labour relations. Their managerial values and beliefs draw on their own experiences, including migration to the UK, working at different occupational levels in the hospitality sector, and, for some, studying hospitality management. These aspects of their

³⁸ I use the distinction between regular managers and directors made by Dean et al. (2010, 52). The former includes entry, mid and senior level managers who have day-to-day contact with staff and operations. The latter include directors and other senior managers, who have responsibilities and oversight over external and internal operations and relationships of an organisation.

³⁹ See table 3.4b and 3.4c in chapter 3 and appendix 3 for the profiles of these participants in their community of meaning.

⁴⁰ Sebastian (HRD) is an outlier in his views which are closer to that of managers in that he was reluctant to speak about his company's CSR and was concerned by issues in the hospitality sector rather than how his company could help addressing social issues.

positionality in turn inform their framing of which human rights matter in the UK industry and what their responsibility and that of their organisation should be.

Section 6.2 identifies patterns in the locating of human rights issues by participants in both communities: how a number of participants across the two communities of meaning identified human rights as issues external to their organisation and foreign to the UK and themselves, while participants in managerial positions, in particular, associated human rights with certain universal ethical principles of conduct—i.e., respect, care and fairness—and specific labour rights issues—i.e., inequality, discrimination and low wages—inside hotel organisations. Section 6.3 focuses on the implicit struggles over the articulation of ethical principles related to human rights inside hotel organisations—particularly over managerial and organisational responsibility for the rights of outsourced staff—and highlights the difficulty of challenging existing management culture on the basis of ethical principles alone.

6.2. Locating and defining human rights issues

6.2.1. Human rights as external and exogenous issues

In my framing analysis, I noted the significance of how human rights issues were located in both the policy documents and participants' accounts. Van Hulst *et al.* (2014, 467) observe that the spatial setting (the *where*) of policy issues functions to reveal (or occlude) the type of social concern addressed (the *what*), the reasons they occur (the *why*), and the people whose responsibilities they engage (the *who*). This section examines where the director and manager communities of meaning perceive human rights issues to happen and matter, and which human rights these participants associate with locations outside their organisation or realm of experience.

Directors' framing: Global and local social issues

At the end of our Skype interview, I asked CSR Vice-Director Hilde if she had any thoughts on human rights and the hospitality sector in the UK. She first checked again that my study only focused on the UK, then explained that she was not personally aware that the international hotel group or individual UK hotel operations ran any programme to support youth unemployment, as they did elsewhere in Eastern and Southern Europe. In the 40 minutes we spoke, she told me about a variety of company programmes to help with local issues around their hotel operations in developing countries; programmes consonant with the hotel group's membership in, for example, the International Tourism Partnership, which works on initiatives to foster youth employment, eliminate human trafficking and reduce the environmental impact of the industry. For instance, Hilde described a pilot programme to

sponsor orphan teenage girls to study hospitality and pursue an apprenticeship in their new hotel in Mozambique. She also explained that, as the hotel group's operations expanded in developing regions—particularly the Middle-East, Sub-Saharan Africa, the Caucasus, China and India—they were confronted by increasing challenges of energy consumption and resource depletion and scarcity which impact the human rights of the communities around the hotel operations. As a solution, the chain worked to reduce the environmental impact of their hotel buildings and engaged with local communities through dialogue and education to efficiently share the resources available and support energy needs.

The main concern regarding her organisation's human rights responsibility, however, was human trafficking, especially in relation to the exploitation of children. Hilde explained that this particular commitment comes from the leadership and engagement of the Chair and the CEO of her hotel group to support vulnerable children. She stressed the global nature of the issues and the role of the annual staff training in raising awareness, as few staff know about them and are shocked to learn about the scale and frequency of the crime. The training enables them to recognise situations where a guest might be with a child or a woman who are not family and report it. Some operations are also equipped with computer software to monitor and disable guest access to child pornography on the hotel internet.

Hilde, however, queried the relevance of my interest in human rights and business responsibility in the UK. Her incredulity was underpinned by the CSR framing of the role of her organisation in relation to human rights in social and environmental injustices. In her own words, the group's policies and programmes are geared to have a 'positive impact' and 'make a difference'. The activities through which her company sets out to address the challenges in developing and emerging countries constitute her frame of reference for human rights. In her account, she foregrounded the function of her organisation as an actor in sustainable development through its 'responsible business and sustainability' programme, and as an advocate and educator in ethical practice for its staff and its contractors. She illustrated how her organisation contributes in combating, alleviating and mitigating social injustices created by poor governance or governments unable to or lacking the capacities and political will to solve social problems. In contrast, she seemed to perceive that the UK, like other advanced economies and liberal democracies, has the necessary socio-political, legal and economic governance structures to protect and provide for the welfare of vulnerable groups among its population. This suggests that her organisation sees these contexts as not needing the sort of CSR and sustainable development endeavours which can contribute to the realisation and protection of human rights in developing and emerging countries.

In contrast, from their London-based independent hotel chain, Harry, Laura and Sonia felt that CSR already has an effect on local human rights in the UK, but they queried my focus on the hospitality industry. When I asked Harry about the significance of human rights responsibility for his organisation, he pointed to their legal dimension and how it is a duty of the state to specify its expectations towards business. He referred to the 1998 Human Rights Act and the 2010 Equality Act emphasising the initial opposition of businesses towards these legislations because they were perceived to be adding regulatory burden on business. Nevertheless, he acknowledged a voluntary margin of responsibility and action for business to contribute to human rights. In his view, much of what business does in terms of investment in deprived communities and by providing employment already contributes to human rights and can be seen as a dimension of CSR.

Like his two colleagues, Laura and Sonia, Harry emphasised ‘localism’ rather than ‘globalism’, but defined the local as encompassing both their operations in London and the places in the world where the owners of the hotel chain and the staff come from. Laura also defined four areas of focus for the group’s CSR in the UK: engagement with local communities, support of local businesses, investment in apprenticeships to create aspirations in young people, and support for British charities; this last being their only commitment that extends overseas. The owners of the hotel group created their own charity to help in the aftermath of the 2004 Tsunami in Sri-Lanka, where they and some of the staff come from. They also support and fundraise for international associations and NGOs.

As these participants framed them, however, their London-focused CSR initiatives go beyond charity and philanthropy. Harry stressed that they were about pioneering investments, and gave the example of their most recent development in Tower Hamlets; one of the UK’s most deprived boroughs. He explained that they had invested in this deprived area not only because there was government support ahead of the Olympics, but also because they saw ‘potential in the people of Tower Hamlets’. In his view, local people are resources for the hotel, while the new hotel makes a positive contribution to ‘empower’ them. Harry suggested that by investing and building a green hotel in this deprived multicultural area they provide various opportunities for local people: to fulfil their socio-economic rights through access to jobs; to raise youth aspirations through apprenticeships; and to boost local pride with an eco-friendly building in the area. Furthermore, it implies a show of trust, which, according to Harry, may also contribute to changing common perspectives and attitudes towards disadvantaged groups in hotel businesses.

Harry and Laura recognised the importance of human trafficking in creating human rights harms, although their hotel chain did not have any specific programme addressing it. Rather than seeing it as a specific challenge or risk for hotel businesses, however, they critically described it as a new fashionable hype driven by the shareholders of international hotel chains. They suggest that the big hotel companies are jumping on a sort of CSR bandwagon, while their hotel chain is involved in distinct philanthropic and charitable CSR work led by their owners' sensibilities as well as suggestions from the staff.

Hilde and Harry, Laura and Sonia all framed the human rights responsibility of their organisations through their respective global and local CSR lens. In their framings, human rights are not named directly but in relation to selected social causes addressed by the CSR programmes and initiatives led by their organisations and which often reflect the ethical identity which these organisations and their leaders seek to construct for themselves. Such causes are also seen as underpinning specific external challenges confronting hotel businesses in diverse localities whether these have endogenous (e.g., sub-contracting migrant labour, resource and energy use and the rights of local communities) or exogenous roots (e.g., human trafficking, natural disasters, deprived neighbourhoods). They are framed as various concerns to which companies seek to contribute towards protecting vulnerable people and improving social conditions and the environment in which they operate.

Managers' framing: Remote harms

The emphasis on making a difference and positive impact found in the framings of the CSR, HR and Marketing directors gives way to an understanding of human rights in relation to harms and violations among managers. Nevertheless, though unaware of the CSR commitments of his hotel group, Karim (Hotel Manager) also questioned my focus on the hospitality sector in the UK:

I think we're too developed; it's an industry that is developed worldwide. There are hotels everywhere in the world! I think that's a fundamental part and there are travellers from any country that go to any country! So because of that, I don't think we'll ever have a hugely critical situation. We are a service industry, which means that we are constantly in contact with guests. And therefore, I'm not saying that there's no abuses and that there won't be abuses in the industry, but I don't think they will ever reach a critical point because of the fact that we are constantly in contact with guests! You know, they [staff] are not secluded, they are not in an office, in a factory where the door is closed, where nobody can see the staff, and they can't speak to their family, right? There is always a risk! Now, guests are [everywhere] they can see staff as well you know, so it will never... I don't think that it can happen in the Western world! I can't possibly imagine that... I think it's more in countries rapidly

developing. If anything what would be the stumbling block in the future it's in China or India, developing at a certain speed.

Karim thus situated human rights issues as severe abuses in developing and emerging regions, but did not foresee the possibility of such harms in the hotel industry in a Western context. His understanding of human rights issues in business was influenced by his life-long experience in the hotel industry in Paris and London and by contemporary stories of labour exploitation. In 2013, when I interviewed him, the collapse of the Rana Plaza in Bangladesh (April 2013) and the series of suicides in Apple factories in China (January 2013) were recent and widely reported cases. Images of sweatshops conditions in electronics and textile factories in East Asia quickly came to mind. Earlier in the interview, Karim also set a high threshold for a decision or an action of an organisation to amount to human rights abuses. With some hesitation he stated:

If I looked at the exact human rights etc. unless you might be guilty, a guilty thing to do, unless you believe you are doing something that's not humane, humanely correct, as far as I'm concerned you know, I'm going to say across the board we've created employment fairly. Now, there is no question of not paying the minimum wage, absolutely not. It's never been something that we contemplate.

Karim stressed the notions of inhumanity, intention and guilt as the criteria of human rights abuses. His framing of human rights issues, however, appears at odds with and seems to ignore contemporary concerns in the tourism and hotel industry—including those of the international hotel group he works for—regarding the risk of severe human rights harms, such as human trafficking. As seen in the previous chapter and in the account of Hilde, much of the policy focus in the industry has been on child sexual exploitation and demands a particular vigilance towards the conduct of guests within the limits of their privacy. The need to scrutinise guests contrasts with the faith which Karim invests in their presence as a factor that helps mitigate human rights risks in the industry. As we spoke, Karim observed that he had never really paid any particular attention to the ethics policies of the organisations for which he had worked. Moreover, he did not recall having received any training related to human rights or read a human rights policy statement. This raises questions about the way in which ethics and human rights policies are communicated and translated across hotel groups' operations; a point to which I return in section 6.3.1.

Some participants in managerial roles found it difficult to see the significance of human rights in their work, seeing human rights as abstract concepts unrelated to their personal experience. When I asked Dian (former Hotel Manager and night auditor) what

came to mind when I mention human rights, he exchanged some words with his wife, Adi, who also took part in the interview, and replied:

It's easy to answer but it's tough to say it. Well if we talk about human rights it's... you mentioned about human trafficking—that's very extreme—and then, thank God, we've never and no one in our family has ever gone that far, so we cannot say anything about that. But, people need to have better lives! This is my opinion, in terms of better pay and benefits, and, what do you call it; 'voting'?

When I asked the same question to Mila (Reception Manager), she also answered with some hesitation:

Human rights? I've heard a lot about human rights, but I have never really thought about it, because for me I have never got into any situation where I have to think about human rights, never!

Later in the interview, I asked Mila to consider a set of prompt cards of human rights issues (see appendices 6a and 6b), which the UN Special Representative identified as especially relevant for business (Ruggie 2013, 21-22). As she considered this set of cards, she observed:

So talking about human rights, I think (reading card) 'adequate and decent standards of living including food, clothing, housing, for health and well-being' is very important [...] Well I don't think I am responsible for [somebody's situation], I think everyone is responsible for their own life, to be honest with you! And I have never come across or I don't know anyone like me among my friends or family who don't have this decent standard of living... so I don't know if I really am the right person to talk about human rights.

Mila recognised the importance of enjoying a decent livelihood but saw it as a personal achievement. In her view, it should not incur the responsibility of others or society. Her perspective was distinct from Dian's who acknowledged the socio-economic claims which human rights enable on society and employers. She hovered between condemnation and doubt, however, on the question of slavery, forced labour and child labour:

'Freedom from slavery and forced labour and child labour'—this is something which I have never experienced because child labour is something awful, and I don't think it should be happening. But unfortunately it is. [But] I don't think it is really happening in Europe, is it?

While the general concept of human rights was familiar to Dian and Mila where it draws on moral values of right and wrong, the legalistic expression of human rights was removed from their everyday experience. Furthermore, human rights are not norms that they had had to claim for themselves or consider as a responsibility for others. Both Mila and Dian's accounts suggested that human rights could be known only negatively, when missing or violated. While both Mila and Dian are subjects and beneficiaries of rights, their socio-economic

positions seem to insulate them from personal experiences of want or harm or needing to claim rights. As such, they framed human rights as concerning those in need of protection outside of their context and sphere of experience, relationships, and probably responsibility.

Shared concerns: Use and abuse of UK rights culture

For Mila, human rights were located elsewhere, on another continent:

When I hear the word human rights, the first thing which comes into my head is Africa! Africa, because they always talk about human rights, and stuff like this. In Europe, human rights, I don't really think... and especially England is quite good regarding this sort of stuff, so you don't really feel discriminated.

Mila's perspective is shaped by her own experience of immigrating from Slovakia to the UK, and by reports about human rights violations in Africa. Describing her experience as an immigrant, she explained that she had enjoyed the same opportunities to progress into management as any British citizen would have on the basis of her skills and eagerness. She felt, however, that this opportunity would have been denied to her (as a woman) in Slovakia's more conservative society. This personal experience informed her perception of the UK as a place and a society where human rights are respected and upheld.

The legal and social contexts in which business operate are particularly important dimensions in the extent to which participants in both the director and manager communities of meaning defined a location as human-rights-friendly; that is, whether vulnerable groups are protected from the arbitrary abuses and injustices inflicted upon them by politically, economically, culturally and socially more powerful groups. For instance, Laura spoke about her experience of labour relationships in West Africa:

The African perspective on human rights is different. Human rights are not really considered there. It's a story of poor versus rich. There, employers can dismiss people without consultation whereas in Britain there is interaction between employers and employees.

Laura's colleague Harry felt that wage inequality was much less of a problem in the UK than in developing countries, and he emphasised how people in the UK too often took social welfare support for granted. Both Laura and Harry described the UK as a state supporting workers and guaranteeing their rights, and framed the problem of human rights in business as one for developing countries where the law is ignored, and where the state does not fulfil its obligations towards labour rights and social needs.

Magalie (Food and Beverage Manager) returned to the idea of human rights a number of times. In her role, she had experienced the pressure of tight budget targets and the effect of cost cutting on her headcount and the lives of her staff. She had also found herself in the

middle of a battle between her former manager and the restaurant's long serving staff who were threatened by dismissal and sought support from a union. Sometimes, as illustrated later in section 6.2.2, she recognised the relevance of human rights in the context of business in the UK. In other instances, however, she found that the UK offered enough protection to workers who often abused their employers. She explained:

I think we live in fairly civilised countries; where anything that is against human rights is usually reported in the news. It's not because your manager speaks to you a little badly, or when you've worked 60 hours instead of 50 hours. I think that sometimes we use human rights to defend certain [interests]... Because I think human rights are very broad, but not in a way when I'm badly spoken to or badly treated. I don't think we are there yet in Britain!

She later explained that the national context of operations and attitude towards human rights influence the conduct of business towards human rights:

I don't know about the rest of the world, but the Europe, Middle East and Africa branch of my hotel is very well structured. I'm pretty sure that the rest of the world is too, but I just think it's maybe more difficult to apply certain things when the whole country itself is not really into human rights.

Making the comparison with countries of weak governance and rule of law, she also observed the importance given to anti-discrimination policies in labour relationships and recruitment in the UK:

Generally, I don't know much about England, but I think that London is maybe one town where a case of discrimination [would not go unchallenged]. For me it's one of the first things I've learned. Racial, social, colour, religion, disability, it's one of the first things I've been trained into. So I think that when you're systematically given this sort of knowledge, it means that the system itself does it! It's the way I see things!

Magalie evaluated the situation in the UK on the basis of the tools she was given as a manager to take care of specific rights issues. For her, this was evidence of the strength of the legal system and that these principles are deeply ingrained in business practice.

This section has examined how human rights are often, though not exclusively, perceived and represented as problems occurring in a troubled global south in contrast to liberal, law governed democracies and advanced economies. The setting of human rights issues in these locations is commonly related to the representation of human rights as problems of poverty and severe forms of labour exploitation. Furthermore, and again *prima facie*, the hospitality sector does not appear as an industry which practices lead to human rights abuses. While the two communities of meaning both frame human rights as foreign

issues, however, the sources they use to do this differ: Managers primarily perceive human rights as remote and severe forms of harms due to their lack of any personal experience of human rights harms and external sources including the media. Directors tend to follow the CSR policies of their organizations in emphasizing the positive contribution of their business to social issues related to human rights both locally and globally. As such they rely on a CSR framing of human rights (see chapter 5) distinct from the management framing underpinning the perspectives of managers (detailed below).

6.2.2. Management framing: human rights as internal and endogenous issues

My questions about human rights also elicited participants' concerns about issues inside organisations—chiefly respect and fair treatment of employees, colleagues, and customers—and primarily among the manager community of meaning. Some of these participants also interrogated the labour practices of their organisation and the sector, suggesting a particular normative significance of human rights in everyday interactions and expectations. The perspectives of the manager community of meaning presented here highlight issues of respect as an ethical principle of interaction at individual and organisational levels. This section highlights the management frame underpinning their views and how they attempt to navigate often incommensurable frames of responsibility for their staff and for their organisation.

Discrimination

Sebastian was intrigued by the migration and human rights theme of my research, and wanted to discuss events in his hotel and issues of labour relations he had observed during his career. After some thought, Sebastian described the connotations of human rights as:

Ethics, respect and people. I think that respect is very important. It is something that I learned. Especially now I see my friends working and doing these jobs, it reminds me that whatever job people do it doesn't mean that it is the job that they want to do. What I'm trying to say obviously is if you take the example of a porter you must think 'Oh a porter he cannot do anything else!' It's not true! Probably this guy has a better education than you. It's a matter of bad luck, life situation. So I think that respect is very important.

Sebastian's reflection on the treatment of work-floor employees had been provoked by the situation of fellow Spaniards arriving in London in the aftermath of the Spanish financial crisis. Many had found work in low-level occupations in the hospitality industry, regardless of their qualifications or experience. As he observed this deskilling, he also stressed the low social value often attached to basic service, back-of-house and cleaning jobs in hotels. Asked to anticipate human rights challenges and opportunities in the industry, he coolly observed:

One of the worst things for the industry is probably the insecurity; when you want to feel important and unique, the only way [...] is to make other people small.

While Sebastian praised the industry for employing people from all walks of life, for him, this diversity also made the industry a site of inequality. Condescending attitudes and lack of respect between staff and from guests, and what seems like a common inability to consider individuals in their integrity and the broader context of their lives remain significant everyday workplace problems. Tariq made a similar observation as he recalled an incident during his induction as housekeeping manager in an upmarket boutique hotel in Belfast:

I had somebody who came just to show me a little in housekeeping when I was a manager. The tiles in the rooms were black so the girls needed to clean the tiles and she said: 'Yeah they will go on their knees', instead of bringing like mops with stuff so you can do it standing up, you know proper professional material. She said 'no, they go down on their knees and they do it'. Which for me I didn't like, and the girls didn't like. I had one girl who left just because of that comment, because it was said in front of her. Just you know: 'they go down on their knees and they just do it'. But that's not professional, you know. In my point of view we should have provided mops, buckets and pins and you stand up doing it; it's not good for you, your back. So that was the culture, abusing the title that they have against somebody else just because they have a title.

Tariq described the disrespectful attitude of a manager and the indignity inflicted on Polish women working in his team. He associated these problems with an organisational culture of not caring for their staff, with repercussions for their health and safety, highlighting a systemic issue rather than a problem of individual behaviour. Both Sebastian and Tariq drew on respect as a basic ethical principle of human rights which helped them make sense of problems of individual abuse of power and a culture of disrespect in their organisation. As they considered human rights in the context of their workplace, they implicitly problematized the structural and interactive inequality of hospitality work.

Sebastian affirmed that respect was also a basic ethical principle, which, beside fair treatment, guided his work of HRD and was required of employees against discrimination in his organisation:

I think everything I told you we apply and we comply with. Obviously, I'm not going to say that we are perfect, but we try to make sure that everything is fair and respectful. I think respect is basic; whenever and whatever your country, your ethnic group, your sexual orientation. We always have this kind of approach, when we recruit someone or when we have to deal with issues, we try to avoid stereotypes. As I said, we are not perfect; probably sometimes we make mistakes.

While Sebastian emphasised the individual responsibility to respect one another in a non-discriminatory way at work, he also explained the difficulty of implementing such a culture in organisations, stressing the vulnerability of individual employees to other sources of ideas and discourses:

Obviously it's not easy because you are bombarded every single day, and everybody is telling you, and the papers, and the TV, and the movies and... Everyone is telling you what is good, what is not good, what colour is right, what colour is not right, what sexual orientation is good, what sexual orientation is bad, [that] if you are one of these groups of people you are not good... It is very difficult, because most of us are not people who read, we don't have our own opinions, we are easily manipulated by the big conversations. So, it's not easy.

With responsibilities including recruiting staff, discrimination was a routine consideration for both Sebastian and Magalie, and its frequent rehearsal through training made it an exclusive concern for managers. Magalie's greatest human rights concern for the industry was strongly asserted:

Discrimination! It sticks to our industry yeah! The way we say certain things, to respect the person in front, the way we do things, the way we manage people, it stays around our job. They don't teach you things that are not going to be applied within your field. But mainly the strongest concern is discrimination—that is social, racial, colour—because you can discriminate somebody through recruitment, and sometimes you don't even see it.

Magalie also described discrimination as a common though subtle problem of personal interaction and attitude. She derived this perspective from an emphasis on speech in her management trainings that had at first seemed comically insignificant to her:

It's not only recruiting the right people, but using the right word! *Barman*—no good! *Bartender*—yes! [With] *Barman* you discriminate [against] women! It's those little things that don't make sense, you think: 'I'm just recruiting somebody who can make cocktails!' But to the person who is applying for the job, it can be a big thing!

Her training had constructed discrimination as a management risk, focussing trainees' attention on the possible racial, gender or religious sensitivities of individual employees in their daily interactions. She explained how she had been warned not to use religious terms such as 'Bible' to refer casually to the organisation's managerial code of conduct. She also witnessed first-hand how an employee was sanctioned for upsetting a colleague of African descent because he sulkily and insensitively compared his working conditions to 'slave work'. She eventually acknowledged how this disciplined attention helped her manage her diverse team and the relationships between in-house contracted staff and outsourced agency staff:

If you don't act upon those little things, then you allow the team; it's open door to anything!

Despite the importance given to the ethics of hospitality, which combat discrimination by encouraging and normalizing diversity in the workplace, Magalie pointed to discriminatory practices in the organisation of labour in the industry, comparing the nationalities of staff in housekeeping and catering:

Today, these are professions (housekeeping) which unfortunately remain really segregated: whether it is in five stars, four stars, three stars hotels, half are Polish women, the other half Filipino women. Whether this is related to human rights, I don't know! Whether there is attention and care for the way services are treated, I don't know! But in catering it's very different. You've got this cosmopolitanism: you've got an Italian, a Spaniard, etc. That's right! For me the housekeeping department is the only one where you get this mass of people because, in all the rest, when you are in front-of-house jobs that face the guests, you've got a mix.

Magalie remarked that this segregation in back-of-house baseline jobs was somehow still based on stereotypes which associate certain nationalities with certain jobs in the hotel industry. Nevertheless, she was unsure whether occupational segregation and stereotyping qualified as human rights issues.

Other participants in managerial roles also recognised discrimination as a human rights problematic in the hotel industry. This time, however, they related it to selectivity in recruitment based on individual appearance and the image of the establishment and the brand.

Tariq recalled with some bitterness a concern in a previous job:

I have another example: an older lady. She was supposed to do the lobby area and the public toilets and stuff. But because she was older... I met her and I said 'okay', [but] then there was a policy that the GM needs to meet in person everyone who is about to start. And after he met her, he said to me 'no'. And it's because of age, how she looked basically; she didn't fit the image of the property.

Mila and Dian also identified a tacit appearance and age sensitivity of public-facing jobs in hotels, but unlike Tariq, they understood and accepted it as recruitment criteria.

Before coming to the UK, Mila had been told and believed that, as a Slovakian, she would not be able to find work at the level of her qualifications in hospitality. In response to the 'non-discrimination' prompt card, Mila exclaimed:

Non-discrimination... This is something which I think is very important. I don't like discrimination at all. And talking about human rights, I think no one should be discriminated against if we are talking about people's skin colour, or the country they come from. I think that everyone should get the same opportunities. I don't like discrimination!

Mila's strong support of equal opportunities seemed to come from her own values rather than the values and code of conduct of her organisation. She later explained that although there was a clause on non-discrimination in her employee's handbook, the topic had never been discussed in her management trainings or between colleagues. Nonetheless, she admitted that:

There is one thing; age. I know that this owner wouldn't be happy with a receptionist who is 40–50 years old, and I find this a bit discriminating, but I understand it! Okay, it is discriminating, but if you go to some hotel where there is like some maybe quite old receptionist, I don't know, I think that the reception should be young and fresh! I know it sounds a bit discriminating. But I agree with this. Obviously, we are not talking about it, [and] we would never tell the person that we are not hiring them because of their age. But this is a kind of unspoken rule. I know that my owner wouldn't be happy if I hire some 50 or 60-year-old receptionist.

Dian also endorsed this perspective, even to his own disadvantage:

If you are talking about human rights it's wrong! Totally wrong! [But] It depends where you see it from, in my opinion [...] I used to work in a hotel, I even teach in the hospitality field, so I understand their point of view! I mean, of course you don't want to have hotels where people with white hair run around. You want to have energetic, young and attractive staff who are pleasant to the guests. I understand, but it's just sometimes I am also left out because I'm old.

Although Dian recognised age discrimination as a human rights issue, to him, the interests or 'rights' of business have a legitimate claim over the rights of individuals to equal opportunity in recruitment. His answer reveals the ethical contradiction confronting managers when looking at a situation from a human rights frame and a management frame. In the former, recruiting staff on the basis of appearance and age criteria is acknowledged to be discriminatory and wrong, but within the management frame, the practice becomes a tacitly accepted rule.

Low Pay

Participants in the manager community repeatedly raised the issue of low wages. In this section, I specifically focus on the framings of Magalie and Karim, who showed particular concern for the low wages of baseline employees in the hotel industry in the UK. They both tentatively related the problem to human rights but framed it differently: while Karim outlined the legal and pragmatic restrictions he faced when seeking to raise his staff's wages, Magalie stressed that these limits lay in unsustainable budgets and a greedy bonus culture in the industry. Both also differently represented the expectations and agency of their staff.

Karim, as a Hotel Manager, framed human rights within a complex context of interaction and expectations. In the interview, he tacked back and forth between concerns for his staff and their good work, and the diverging expectations of his General Manager, the owners of the hotel, and the international hotel brand. Earlier, I noted how Karim related his organisation's respect for human rights to their compliance with legal minimum wages and fair working conditions. He also stressed the tension between moral and legal responsibility and the financial rationale for the living wage:

Effectively, you could argue, you know, whether we give the London Living Wage; that's one of the big things, right? And something that I tried at some point here—but I got told off—and, to be honest, a lot of other hotels have tried. I mean, at one point, there was a lot of talk about InterContinental trying to go for the London Living Wage, but I don't think they did the maths as far as how that would hit the payroll across the group, right?

At the time of the interview (August 2013), a year after the London Olympic Games, the debate about the London Living Wage was highly topical. Wills and Linneker (2012, 4 and 7) confirm that the century old idea has resurfaced in response to rising levels of in-work poverty in the last twenty years. Since the turn of the millennium, living wages have also gained leverage through ongoing campaigning to encourage employers to discharge them voluntarily as part of their social responsibility to wider society. This is echoed by Karim as he sceptically pointed to the commitment of Intercontinental Hotel Group to implement the living wage in five of its hotels in London over five years (Living Wage Foundation 2012). His own attempt to introduce the living wage in his hotel, however, was curtailed because of profit margins. Karim pragmatically justified the compromise:

There is definitely a middle between the minimum wage and the London Living Wage. The minimum is £6.50. So there is £2 difference and if you go somewhere in the middle a lot of people would be happier already! But, you know, again, money talks. If you manage to be more profitable, the better you are; why reduce your profit margins in your department when you are achieving good results with the way you are operating, right?

Asked if his staff ever claimed the living wage, he admitted:

Nobody has ever come here and said: 'I want the London Living Wage!' Because they know that it's not a legal requirement; it's a wish, so to speak, right? And in hotels, it's tough! Because if we were just selling rooms it'd be easier; the profit margin is much higher on this side than it is here (showing the bar area where we met)! You need a hell of a lot of drinks to make £200 worth of revenue, but you sell a room and you make it! [...] So, yeah, it's in an ideal world.

In Karim's perspective, the realities of financial management in a business relying on high and low return activities easily overrides the idealism of voluntary commitments to social responsibility. This reasoning is also effectively extended to his staff and obscures any claim they may have. When I asked Magalie what human rights meant to her, she asserted:

Respect, human rights... pay what I'm worth; don't make me work like a crazy pig for nothing; respect the person I am as well as I would respect you. I think it's just respect in many ways. It's also the willingness of people: I can give you respect, but again it has to come back. If it's just one way it doesn't work. But human rights, it's about 'I'm a human being! I'm not a beast! I will not follow the herd!' Human rights is 'Respect me as a human being!'

To Magalie, human rights entail a reciprocal duty to respect one another in economic and individual relationships. In her response, the idea of respect and what it means to consider an employee a human being are defined in juxtaposition to animal analogies—i.e., 'crazy pig', 'beast' and 'herd'. The distinction accentuates the individual agency of people as opposed to the perceived mass passivity of animals to exploitative practices. Like Sebastian, she stressed the moral worth of people as individuals and in their work. From this, she derived practical implications for organisational practices, such as setting fair wages and workload and preventing exploitative practices. Magalie was resolute about what she would like to see improve in the hospitality sector:

The wages! I don't know if it's the economic situation, if it's all these things, but wages have stagnated a lot, and it kills me to see that my commies live with £1100 a month. They are paid £13,500 a year! It's just the minimum wage. But myself I earn around £40,000 and more. I ask myself; 'how do they get by?'

Her manager's salary enabled her to live in a comfortable two-bedroom rented flat near the centre of London within zone two of the underground and a thirty-minute commute to work. Yet, for Magalie, the precarity in which some of her staff lived while working for a luxury hotel in London was unfair and could be altered. Unlike Karim, she advocated a different approach to staff expectations and budget targets, profit margins, and management:

But if anything I would change the wages to motivate people a little. Because often I think employers remain very greedy; they have very high turnovers at the end of the year! [...] I'd give [staff] a little more money! What is funny is that often the top employer forgets it! I'm told 'We've got to motivate them, we've got to motivate them!' Listen! I can motivate them as much as I can; I can train them. But when the dude opens his payslip at the end of the month... He's worked like a dog, he's seen the number of covers we've done, because sometimes we do 200 covers on Saturday evening, and here is what he gets! You can tell him anything; the prime motivation is money, and it's not a question of motivation; it's a matter of survival!

In Magalie's framing of the low wage issue, staff are not unaware of their situation or the revenue they generate for the company, but management appears unjustifiably gullible. Still, for her, the problems underpinning this seeming naivety have deeper roots and lie in the poor accounting common in the industry. Nonetheless, after considering lack of transparency in budget making and managers pilfering staff tips to make up for shortfalls in their targets, she eventually returned to human rights and stated:

But I don't think it falls into the human rights thing... Yes and no, because it's my rights!

Although Magalie related living wages to human rights and identified wrongdoings which undermine the ability of employees to enjoy decent livelihoods in London, she was hesitant about the responsibility of managers and organisations. This underscores the contradictions managers experience when looking at business practices in relation to human rights at the levels of organizational and individual interactions.

This section has described how participants in the manager community of meaning framed human rights issues as internal to the hospitality industry. They reflected on their experience and drew on respect as a foundational ethical principle, which they presented as the basis of organisational culture meant to guide interaction in labour relations. They associated human rights with specific issues in the industry such as inequality, discrimination and low wages, pointing to structural and interactional issues of disrespect and lack of care for employees. Their framing of these as human rights concerns, however, was often tentative and circumscribed within the management frame in which they are trained and which emphasises profit-making over ethical considerations. Moreover, managers made a distinction between legally compliant behaviour and enforceable claims, and ethical (and voluntary) action and claims which often gave precedence to business interests over human rights considerations and obscured labour claims. Although, this section has shed light on the diverse pressures which managers are exposed to and navigate in their work, it highlighted how the values of employers and the sector permeate and dominate their own experiences and values. These eventually enable managers to validate certain discriminatory practices or the industry's addiction to low wages even if they find them appalling and difficult to accept. Human rights considerations therefore raise questions about established norms and the responsibility of hotel businesses and the hospitality sector, a point to which I now turn.

6.3. Framing struggles

From a CSR perspective, the disconnections in the perspectives and expectations of the participants regarding business and human rights are primarily problems of *translating* the human rights visions and priorities outlined in global and international standards from the top of the organisation down and across it.⁴¹ Such translation involves interpreting and framing human rights in ways that are relevant to the socio-cultural context of an organisation, including controlling the language in which a message to a particular local audience and the type of human rights or related issues that are foregrounded or excluded (Merry 2006a, 41). This section first explores how human rights are differently framed for external and internal audiences from the top of the hotel groups downwards, highlighting the different interpretation and articulation of human rights and labour and organisational policy priorities between the CSR framing and management framing. It finally examines how the hierarchy, management culture, flexible labour practices and discourses of efficiency and profitability in which the management framing is embedded appear as barriers to organizational change.

6.3.1. Tensions between CSR and management framing

During our interview, Hilde (CSR Vice-Director) described the significance of the moral leadership of the CEO and Chair of her organisation in driving ethical practice and CSR programmes. She also explained that the group used distinct language for external and internal audiences: while Responsible Business Reports were written for external and expert audiences, ethics training was delivered in plain language with discussions of case studies so staff could understand and become engaged with responsible business issues. Responsible business training is offered to all staff in all managed hotels and is recommended in franchised operations with the objective of promoting the code of ethics and raising staff awareness about the values and issues that matter for the organisation. For instance, Hilde described staff education on corruption and bribery, child protection and human trafficking as fulfilling her group's human rights commitments. Yet human rights were not expressly referred to in policy or training (at the time of our interview, her organisation did not have a human rights policy statement).

Sebastian (HRD) also highlighted the different language used for external and internal communication of CSR, stressing the irrelevance of the organisation's motto and public

⁴¹ I am grateful to an informal discussion with a CSR Director for this insight.

corporate responsibility vision in the day-to-day operations of the hotel and experience of its staff:

As a corporate company, yes, [...] we have a human rights statement; there is a presentation and there are all these things a company has. We also have this [printed] corporate responsibility statement [...] but obviously I cannot use this with my people because they are not going to understand it. You know, you start using beautiful words like 'I thrive' I can't even remember the words we are using, which are necessary when you are talking about a corporation... but when you leave your office and go to see Joe at breakfast, I cannot go and tell my chef: 'Look we are going to start using this word' Because he doesn't understand 'you're crazy what are you talking about!'

In his view, CSR messages lack genuineness and meaningful practical application:

From our point of view, we try to put this down to earth [...] [But] when you go to these statements, sometimes the genuineness is not there. And when I try to put something in place such as corporate social responsibility, to be honest, I never call it corporate responsibility. If you asked my people 'What are you doing for corporate responsibility?' Probably they are not going to understand you. But if you tell them 'What you do with [name of charity group]?' or you mention 'Charities,' they're going to say 'Ah charity! [name of charity group]!'

In Sebastian's view, the local dimension and the visibility of charitable initiatives are the most significant dimensions of CSR for non-managerial staff. These are concrete aspects of a corporate ethical vision and mission statements he perceived as too abstract to be relevant to the everyday experience and responsibilities of staff. It was unclear, however, whether the company's human rights statement was presented to staff, or whether, for that matter, any direct references to human rights were made in trainings.

Both Hilde and Sebastian described a top-down process of translating ethical visions and practice. By providing indirect information about rights violations, hotel organisations can broaden their ethical influence and focus the attention of staff on specific social or environmental issues. In his recent ethnography of CSR, De Neve (2014) also found that CSR programmes and ethical interventions through codes of conduct and training educate employees on issues that matter to the organisation and impose particular subjectivities, values of work, and regimes of production on the workforce. Lea (Food and Beverage Trainee Manager and post-graduate hospitality student) had a different impression of their educational value at the London hotel where she worked, however:

You always get this attitude from people doing these types of classes or induction sessions (on ethics and codes of conduct) when everyone says 'Yeah, yeah, we know it all sounds very logical!' So I think it's very much in line with people's personal view on ethics and their code of conduct. It's not that

there are many differences [where] you think ‘oh that’s weird, why would I do that?’

While the ethics trainings in Lea’s hotel reinforced common values of respect in the staff, the complacency she hinted at suggests that they were not always conducive to self-reflexivity or questioning of the company’s practices. She could, however, contrast the values she had embraced in her time working in the hospitality sector, such as the sense of community, with the negative framing of business which she was discovering in her studies. Although she did not find the case for stricter monitoring and regulation entirely convincing, it had highlighted dimensions of the business which gave her a more critical perspective on practices she came across at work, and a hope that they could be changed, as discussed below.

6.3.2. Changing management culture?

Lea thoughtfully described human rights in the context of business:

I would say the right to be treated with respect, to be treated fairly, that all your basic needs are taken care of; for example, your safety in the company context. I would say that the company has to take care of you so your job is in a safe environment. But it’s also about making sure that you are not too pressured, that you get company meals, for example, or at least have enough time to take your break during your shift, these kinds of things. Anything you need to do your job basically.

To Lea, human rights provide foundational principles of respect, care and fairness in the workplace to uphold basic workers’ rights. They put the needs of employees at the centre of organisational and labour practices and make the instrumental assumption that good treatment of the workforce benefits the organisation. From her short experience in the hospitality industry, however, she foresaw particular challenges to their being respected:

I think the hardest thing in terms of human rights is trying to take care of your employees while at the same time trying to cope with a business that’s running 24 hours every day of the week, and that’s something that is extremely difficult. It’s a business and, [...] it’s just very, very hard on the one hand to try to abide by all these rules and take care of your employees and at the same time manage a good business.

Lea highlighted the inherent challenge confronting managers in the sector: how to take care of employees and respect their rights while meeting the labour needs of a business which runs 24/7/365 and suffers from particular dynamic constraints such as quality concerns, perishability, and highly variable demand (Lai & Baum 2005, 90). All the managers I interviewed stressed how fluctuating and uncertain demand for services exerts considerable pressures on recruitment and scheduling, as well as the remuneration, conditions, and welfare

of labour (see also *ibid.*; Baum 2007). As Lea described, this sets the sector apart in terms of compliance with statutory workload and traps managers in short-term, individualist strategies:

So what often happens is you get things like overtime, and people have to stay longer, and these are so common that I wonder why they even call this 'overtime' anymore. Because we all have this mentality! In other industries it's normal to have eight-hour jobs, or at least on the contract it's eight hours. The funny thing is, in the company where I worked, on the contract it would say daily eight hours, but it would also say it would depend on the business, which basically would mean if it's very busy you would have to stay longer. But, because management is so keen on cutting costs and trying to cut down labour, you would often end up with cases where people would have to stay longer. The management ... we would be very grateful to people who stayed longer.

Lea and other managers I interviewed categorised the sector as hard work and saw hard work as an essential work ethic of employees. Furthermore, overtime is seen as a frame of mind (i.e., 'mentality') expected of staff and has been normalised, particularly in service jobs involving interaction with guests and preparation of the hotel and restaurant. Moreover, Lea suggested that the 24-hour profit dynamics encouraged a short-term management approach over the benefits of caring for employees:

I think one of the reasons might be that managers or associates think they have a very short-term orientation. They think 'oh we need to achieve these goals, so we cut down costs because that's the easiest and quickest way.' But on the long-term basis, if you treat your employees well, they work hard, and they work better. Then you will see that business will improve, and you will have higher revenues and profits, but this is something you will only see in a few months' times. And I think that because the industry is so dynamic and every day is different, every day is very busy, it's hard to keep this long-term goal in mind. It's much easier to get sucked into the present.

Lea depicted two contradictory logics: the long-term objectives of treating labour well and delaying profits, and the pursuit of quick profits. Managers deliver their responsibilities following the language of efficiency (i.e., 'goals', 'cut down costs') and its superlatives (i.e., 'easiest', 'quickest') and rapidly settle into a short-term routine. From the vantage point of a position that gave her access to line-staff, agency staff, and management, Lea found that the emphasis on efficiency had deleterious consequences on labour relationships as it encouraged individualistic attitudes among managers. This, in her view, presented a significant problem for the respect of employees' rights in the hospitality sector, and led her to suspect the claims of prospective employers:

This year, a lot of hotel companies came to give presentations, and they always mentioned that 'Our most important assets are our people. We make

sure we treat our people right. We give them training. We give them this and that', while at the same time I'm thinking 'REALLY?!' Because the temptation is very big to be a bit lazy in taking care of your employees because it's so easy to cut down costs, cut down labour to reach higher bottom line results. I would try to find something to go against that. So maybe we in the hotel in that particular situation need to find a way to change the whole culture, the way all the managers think, maybe.

As she considered the challenges of human rights responsibility in the hospitality industry, Lea exposed the practical constraints faced by managers and the values and assumptions shaping their relationship with their organisation and workers. She identified them as conflicting with the collective and cooperative spirit she had encountered in her hospitality work and the principles of human rights that should guide the fair and respectful treatment of staff. Integrating these principles would require a change in management culture that is a reflection on and a reframing of the assumptions, values and beliefs underpinning managerial and business practice (Fischer 2003).

The reframing of management culture suggested by Lea faces particular challenges, however, deriving from the different ways social issues are problematized and represented in different contexts and from different positionalities. Sinha and Gasper (2010, 292) observe that the framing of situational problems is also often attached to particular identities and the tangibility of meaning constructions in the social practices which reflect and reinforce them. The remainder of this section examines how this works in the framing of organisational and managerial responsibilities for the rights of outsourced labour in hotels, when managers' ability to challenge egregious practices is often curtailed by contracts or circumscribed by the boundaries of their organisations or occupational ranks.

The hospitality industry requires a high level of labour flexibility in response to the uncertain fluctuation of demand, and one way this need has been met is by outsourcing labour from recruitment agencies and maintaining a pool of extra casual employees. Sections of housekeeping and waiting jobs are thus frequently hired on an 'as-needed' and 'just-in-time' basis (Lai and Baum 2005, 92). Lai and Baum observe that the type and methods of human resource control in indirect hiring are often complex and challenging for managers (93). Not all managers and HR Directors I interviewed, however, would agree with this perspective. For instance, Karim (Hotel Manager) and Harry (HRD) praised the labour flexibility of the hotel industry, which both enables hotels to adapt to and meet demand and offers autonomy to workers who cannot commit to full-time and regular shift-work. Karim explained this as a matter of pragmatic 'common sense':

Some people like the flexibility. Normally, the idea of a casual to me is that the casual says to you: 'I'm not available next week!' There is no question from us or from him! Equally, if we have no business for him, we say: 'We don't have any hours for you next week!' No questions asked; that's how it should work, basically! [...] In a common-sense way, if the worker is good, generally it works well, because he likes the place, and generally the employer will like them and make them work more, and they'll have a good relationship, and there will be no problem outside. And if you hit a financial crisis you get rid of them anyway! It's common-sense perspective? So that's another one of the industry's complicated myths I've never understood.

The positive arguments for flexibility, however, conceal the inequality of the exchange described by Karim. Other managers and HR directors I interviewed expressed concerns about the treatment of sub-contracted staff, even though they generally agreed upon the demand logic and the invaluable work provided by this indirect workforce. Specifically, they were preoccupied by the blurring of agency and client company responsibility for the recruitment of staff and their working conditions. As noted in the introduction, two participants had seen their companies linked to the media scandal over a recruitment agency found to be exploiting migrant workers in London (Reed 2012a and 2012b). Furthermore, both Sebastian and Tariq described the relationship between outsourcing and immigration as problematic. For Tariq:

It depends on the hotel, and if there is some kind of agency which is maybe recruiting from a different country, then it is dodgy. We were not allowed to use agency staff anyway, and we dealt directly with the person. The contract was signed with the person. But I think when you start using agencies, as many companies do for housekeeping, then it starts to get a bit strange. You don't know who's controlling who is getting paid what, and then it's a totally different story. And outsourcing is popular nowadays. I wouldn't prefer agencies, especially in housekeeping. It's tough. Because the agency has to make money over your salary as well, which is pressuring you to do more.

Sebastian also acknowledged a lack of responsibility for labour in recruitment agencies and hiring organisations. Unlike Tariq, who would rather avoid outsourcing, Sebastian proposed setting standard principles and expectations for the agency, thus effectively discharging his organisation of any responsibility for the agency staff:

I've been working with different agencies, not only in this place, but in Spain. All of them they have these kind of dodgy things! [...] With agencies and immigration, there are a lot of abuses from them, and then no one wants to be responsible. From our point of view, we tell our agencies 'Look, you are going [...] to guarantee me that you are going to pay the National Minimum Wage. How you are going to do it, I don't care! But you need to be sure that you pay your employees, and you need to make sure that you treat your people right. You need to treat them as we would treat our people!

Magalie also denounced the duplicitous characteristic of recruitment agencies and the insecurity of agency staff:

I've often had young people who came from agencies who begged me to give them more hours! Because they are not given the hours. Because I pay £10 to the agency, they get £6, you see? So as employers we tell ourselves 'they earn well!' But we quickly forget that the agency will take from it. They don't pay the hours. They don't pay sick leave. They [workers] don't get holidays. They don't have paid holidays. So these are rights which are a bit trashed!

Magalie suggests that the distance between outsourced staff and management leads to managers being blind to the conditions of this often self-employed section of staff who do not enjoy the same rights and protection as directly hired employees. For her, however, the question of responsibility between the hiring organisation and the agency was not one in which she felt she could intervene:

But this is the agency's responsibility! It's not ours. Our responsibility is my full-time contracted employees. They've got everything; holidays and all that is paid, especially in big companies! My responsibility when I recruit someone from an agency is to treat him like an employee. But I'm not a lawyer. I can't fight for his rights in a company which is not mine!

Magalie deployed legal and forensic language to delineate her responsibility and that of her company. The company needed clear 'evidence' of abuse to act against an agency, while Magalie could not act as a 'lawyer' on behalf of the staff she hired from agencies. From this, she drew strict boundaries of responsibility for her and her company: their responsibility stops where the contract with the agency starts. Magalie saw her own responsibility as primarily limited to the welfare and rights of the in-house staff she managed and to the fair treatment of outsourced staff under her management. Furthermore, because agency staff and casuals are transient, walking in and out of the contractual frame and the boundaries of the hotel, even those who regularly work for the hotel do not provoke a genuine sense of allegiance in managers or the organisation. Lea shared this feeling:

It was difficult because we considered some of the agency staff like some of the hotel staff because they come every single day, they know the business, and you have a relationship with them. I would have to say I did unconsciously make a distinction between the people of the agency that I knew and people that I didn't know.

She too had agency staff approaching her to complain about irregular workload:

When I first started as a supervisor, the agency staff I knew would come and talk to me and say 'you know that every day we get to come here we get a job, but after four hours we get sent home again'. Four hours was the minimum and what management did was that there were peak times throughout service,

so there were certain times in service when you would need a lot of people and outside these periods you would not need so many. So the agency staff would only come in at peak times and then get sent home again. But of course they get paid on an hourly basis, and it was not ideal for them.

During her management internship, Lea worked at different occupational levels in various departments of the hotel. She felt that this had given her particular insights into their relationships between work-floor staff and management, and their respective and often conflicting framings of problems in the organisation and the decisions taken to solve them. Lea recalled acting as a sort of intermediary and sought to mediate misunderstandings between work-floor staff and management:

So I went to management, and I talked to them, and I said ‘well, as I understand the situation for the agency staff, it’s very hard. They need to pay their rent and everything.’ Then management came back to me and they said that this was just the situation that they were facing because of budget cuts and so on. For them, it was the best solution to uphold standards and keep costs low. For me, it was a decision that was very difficult to accept because you are not being fair so to speak to the agency staff. But there was not much that I could do as an intern alone.

Like Magalie, Lea’s ability to challenge labour practices and injustices she observed was limited by her positionality in the organisation. Her challenge met the pragmatic response of management which justified outsourcing as a solution to a momentary post-crisis situation. This framing of the problem as a temporary fix, however, obscures that outsourcing staff on an as-needed basis is an established solution to the sectoral problem of reconciling profit targets with fluctuating demand.

6.4. Summary

This chapter has examined how two closely related communities of meaning in hospitality organisations—directors and managers—frame human rights and business responsibility. I have explored their different framings of human rights and business responsibility and the differences and overlaps between the official CSR frame (i.e. dominant in the director community of meaning) and everyday management frame (i.e. underpinning the perspectives and experiences of participants in the manager community of meaning) underlying their perspectives. I have also examined the dissonance between management practice and ethical principles which managers navigate in their everyday work. The frame dissonance between the CSR framing and management framing explored in this chapter suggests more dynamic and complex processes of applying ethical principles in organisations than those expounded in CSR reports and by CSR spokespersons.

I first examined the settings in which both director and manager communities located human rights issues, finding that human rights are primarily perceived and represented as remote problems occurring in developing or emerging economies, associated with a lack of development, existing social issues, and severe harms, including human and child trafficking, and labour exploitation in other industries. Despite this overlap, directors and managers derived their framing from different sources; the former tend to see human rights through the CSR frame of their organisation and emphasise its contribution to social and human rights issues, while the latter draw on personal experience and media reporting. Participants in the manager community of meaning more readily associated human rights with issues they observed within the hospitality sector and in the practice of their organisation. They tentatively related issues of inequality, discrimination, and low wages to structural and interactional issues of disrespect and lack of care for employees in the sector. But while their accounts blamed the diverse pressures of their daily jobs as creating contexts, practices, and values not always conducive to respectful and dignified working conditions, the management frame enabled them to justify these.

The last section explored some of the dynamics at play in the process of interpreting and articulating human rights and other ethical principles in hotel organisations. Top-down attempts to translate human rights seem to assume an unconcerned attitude among employees while impressing corporate ethical concerns and subjectivities onto them, but do not necessarily succeed in simplifying principles and standardising visions of what matters in and to organisations. Basic human rights principles, such as respect and fair working conditions, take on concrete meanings in the everyday work and relationships of managers and can serve as a basis to interrogate and challenge corporate practice. These challenges, however, confront existing frames and practices in organisations which are not easily displaced by ethical principles alone, and hierarchical barriers limit challenges to existing management cultures. Managerial responsibility is also framed as circumscribed by the boundaries of the organisation and contractual relationships with labour suppliers, with pockets of exclusion based on the status and categories of workers. Together, these accounts illustrate how managers and directors navigate CSR and management frames and deploy both personal values and others derived from human rights to defend or challenge certain ways of framing responsibility in organisations.

The next chapter describes some of the issues experienced by the work-floor staff themselves, which they often frame in the language of human rights.

7 Framing by the work-floor community of meaning

7.1. Introduction

This chapter examines how participants in the work-floor community of meaning frame particular workplace situations and experiences in terms related to human rights. These participants often talked about personal and situational problems they had encountered in the workplace and in their work relationships, or sometimes also about the good experiences they had. Notions of respect, equality, care and voice stood out in their descriptions of issues which concerned them in the workplace and in their everyday relationships. Respect, for instance, was often associated with questions of dignity and recognition of the individual as an autonomous and moral person. Linked to this was a strong sense that they should be treated like their local colleagues, and colleagues in other occupations and in managerial positions. Particularly important to many of them was that they should also enjoy caring conditions from their organisation, and have their concerns heard. The participants emphasised having experienced discrimination because of their gender, age, and national and ethnic backgrounds both at work and outside work, reflecting broader social problems. The chapter therefore identifies an equality frame conditioning the participants' expectations and experiences of human rights in business and in the UK. The following sections move through the situational issues described by work-floor participants: section 7.2 explores concerns and issues related to equality, section 7.3 focuses on expectations of duty of care, and section 7.4 examines issues related to voice and participation.

7.2. Equality

Equality appeared as a central issue in my interviews with participants in work-floor positions. However, the way participants experienced (in)equality differed, and they attached different meanings to it. In this section, I explore how the participants' positionality informed their particular framings of equality.

7.2.1. Respect and equality between hierarchies and occupations

For Bircan, human rights meant being:

free to be treated equally as everyone, providing basic rights to everyone, ...
[like] food and respect to the person.

His reply encompasses some core human rights concepts: freedom, equal treatment, provision of basic rights, such as taking care of others, and respect of the person. Bircan drew on the normative and ethical foundations of these concepts to articulate his expectations of how

people should be treated in a work context. These issues were recurrent throughout our interview and, as will be seen in the following sections, resonated in the accounts of other participants. It was Bircan's good experience during his latest placement as a receptionist and night-auditor in a London luxury hotel that informed his aspiration for equal treatment:

I loved my team. It was so fun, and we were playing football every week with my general manager. It was so laid back. Everyone was good, and the team was good, so I had a really good experience there for sure.

His team and his particular establishment worked according to the organisation's motto, which he vaguely recalled as being 'if your staff are happy, your guests are happy'. For Bircan, this translated into practice:

It's all about treating people well in the end. How we treat people genuinely is very important in that sense. Treating people genuinely like watching their human rights.

'Genuine' has numerous synonyms, including in this context treating somebody with honesty, integrity and care for their person. He gave two examples contrasting with the good treatment he enjoyed in his London placement: the first was based on an anecdote of unequal treatment between staff in different occupations which concerned him:

You have to feed your staff equally. I heard that in some hotels they had a hierarchy in feeding people. So bar-staff would eat somewhere, and restaurant staff would eat somewhere else, and if some bar-staff would eat something for the restaurant staff they would say 'no you can't eat that as you are a bar staff, you have to go and eat your food'. And, apparently, the food differed in terms of quality. But in this hotel, GMs ate in the same place as I ate, and as the housekeeping ate, and we ate the same food.

To Bircan, the act of feeding staff, the quality of food offered to them and the shared eating space were symbolic of how his company valued him and his colleagues. They also signalled to him the importance his organisation gave to inclusive and equal treatment of staff. His second, hypothetical, example then focused on hierarchy and respect at the interactional level between managers and employees:

A shouting manager is one of the worst things that can happen [and] people always say 'my mum my dad never shouted like that at me before,' [...] So that's a very disrespectful way of [behaving]; Even though you've made a mistake, it should not be raised like that.

Bircan did not have any personal experience of being shouted at and belittled by a manager in his London job. On the contrary, the attitude of his General Manager (GM) in the luxury hotel had left a lasting impression on him and was a recurrent example in the interview:

He was a really good guy I can't forget him! [...] I felt very motivated by the relationship with my GM for sure because he respected us a lot [...] My GM was shaking my hand every morning, giving me a 'hi' every morning, playing football with me, kicking my legs, and I kick his legs (chuckle). If I kick his leg while he's kicking my leg that's equal (chuckle)...

Bircan found respect and equality in the way a senior manager interacted and bonded with junior employees. He explained that this was not something he expected because in his native Turkey, hierarchy was embedded in labour relationships. In this London hotel, however, he felt that 'everyone was equal there, it wasn't a hierarchical structure, let's say it was more laid-back.' The familiar gestures and friendly attitude of his GM gave Bircan a sense that he was considered as a respected equal. His attitude overcame hierarchical boundaries, which, for Bircan, was a demonstration of genuine and good treatment of staff. It also seemed to reflect the ethos of the company.

Nevertheless, Bircan's account mapped a hierarchy between front-facing staff dealing with guests and those who, like housekeepers, 'don't see people' and are less skilled. The divisions also seemed heightened because housekeeping staff were often outsourced:

Outsourced people don't really care about the quality of the work they do [...] because outsourced personnel always change. There were some people who always came, but also there were lots of changes... They used to do the rooms and leave.

In his view, outsourced housekeepers and cleaners were transient personnel who did not belong to the hotel team. Unlike staff directly hired by the hotel, outsourced workers lacked any attachment to the hotel which, he found, hindered the quality and care they were willing to put into their work. Bircan's categorization of personnel also suggests a sense of superiority among in-house staff, but he also questioned the different treatment of outsourced and in-house staff and observed the situation confronting the company:

Why they're not given benefits as much as we are, that's kind of not fair... But in the end they are not working for the hotel. They are working for the hotel through another company. It's a bit tricky again... Again, they are not doing the same job as us, but they are doing what they are told to do in our hotel... In the end, they are working in our hotel, so maybe they should get the benefits, yeah. Maybe they should, why not? ... So maybe they [the company] save a lot of money like that, but in terms of service quality it needs improvements, and staff morale too needs improvement.

The practice of outsourcing staff and treating them differently appeared ambiguous and unfair to Bircan, contradicting the ethics of inclusion and equality which his company sought to foster in other ways (e.g., attention to condescending behaviour and cross-occupational training). The different treatment of in-house and outsourced staff enhanced a sense of

different worth between them, which impacted the morale and work ethic of outsourced employees.

Mario (stock-keeper and union activist) made a similar remark about outsourcing, and was sympathetic about the impacts on agency housekeeping and cleaning staff:

Housekeeping is another area [...] that is increasingly being outsourced [...] This is very convenient for the company because the flexibility with the employees, when their business is up they can hire them, and when the business is down they can get rid of them easily. So this is good for [the company] not for the employees because they have less rights than being on a contract with the company [...] 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!

Like Bircan, Mario highlights the benefits of flexibility for the hotel, but he also stresses the insecurity and vulnerability it creates, as workers become objects at the disposition of the day-to-day labour needs of the hotel. Outsourcing, in his view, relieves the company from contractual responsibilities to provide work to employees or listen to and address their concerns. As such, it indirectly undercuts their rights to voice concerns and expectations about their working conditions. For Mario, the company was not ready to address labour issues and its own practice.

Both Bircan and Mario were concerned about the different treatment afforded to outsourced staff in their hotels, which they saw reflected in the low morale or unhappiness of this section of the staff. Both also pointed to the role of the employment practices of their organisation in contributing to this situation. Their language and articulation of the problems, however, differed. Bircan appeared attuned to his hospitality studies and career path, his good experience in his latest placement, and the motto of the company. He questioned the efficiency rationale of outsourcing and highlighted its potential unfairness towards those employees. He was mindful of a need to frame more inclusive and equal labour practices, including material reward, as a win-win for business; happier and better motivated staff take more care in their work, improving the satisfaction of the hotel guests, and so on.

Mario's framing, however, is informed by his long service in the same hotel group, his labour activism, and his recent protracted fight through a union to keep his job. He focused on the vulnerability of employees to their employers, emphasizing the unequal and

exploitative nature of outsourcing and the resulting tension between workers and the organisation. He also stressed the silencing effect of outsourcing as forced flexibility created insecure employment and undermined the voices and agency of employees against exploitative working conditions (see also 7.4.2).

7.2.2. Social invisibility

In contrast to Bircan and Mario, Gracia, Oscar and Cesar stressed their insecure and vulnerable position as foreign workers and outsourced personnel. They had all recently arrived in the UK from Spain, which they had left due to the financial crisis, spoke little English, and relied on ethnic networks and word of mouth to settle and find work; a common experience for Latin American migrants (McIlwaine 2007, 26). Their framing of equality and respect emphasised what had been done *to* them since their arrival in London and while working for agencies providing cleaning staff to hotels. According to Gracia:

The boss (of the agency) is English but they employ English Spanish-speaking supervisors who then employ immigrants who can't speak English at all, like us! You get there and they only tell you 'Look, you clean all this, as well as you can in three hours!' But you don't see a contract or nothing, only what they've asked you! [...] But I don't know if the big bosses in the companies [agency and hiring company] we work for know how our countrymen treat us.

The three talked at length about the working conditions in their respective recruitment agencies. They were appalled by the treatment they received and were shocked by what they saw as common exploitative practices. The problems of disrespect and indignity arose especially in the context of work relationships and working conditions imposed by their compatriot managers and supervisors. For Oscar, Gracia and Cesar, the language barrier but also the organisation of labour through bi-lingual intermediaries re-enforced their feeling of distance between them, the head of the company, and the managers of the hospitality businesses hiring their labour. Oscar and Cesar were dismayed by the absence of uniform and poor equipment and the lack of respect for workers which they felt underpinned such practices:

Cesar: I had to buy all my protection clothes. They expected me to pick up rubbish without gloves!

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 [...] We are treated like thieves! I was accused of stealing bin bags! The quality of the bags is so poor I was doubling them and then the manager came to tell me that I was taking bags home! I said 'No, the quality is so poor I'm using two bags! I don't want

to pick up the dirt and rubbish twice! If you don't want me to use more bags then get better quality!' [...] Workers should be seen and treated as persons, not animals. Dignity! Dignity must be respected. But it doesn't exist.

Oscar and Cesar described instances of disrespect and indignity including mistrust, being taken for granted, and absence of autonomy (Sayer 2007) in their experiences and interactions at work. Oscar's apposition of personhood and dignity—and animalhood and indignity—implies the dehumanising effect of such treatment on him and his colleagues. It is also a particularly powerful ontological affirmation of their equal and inherent moral worth as human beings (Carozza 2013, 346).

Gracia, Oscar and Cesar did not expect the poor treatment they experienced at work, but that disrespect also appeared to extend beyond the workplace. Responding to a question about their expectations before they came to the UK, Oscar stated perplexed:

I expected something better, that life would be better, that the way people are treated would be better, but I was wrong. I realised it was very different here and that in my country and in Spain life was better. I'd never experienced these sorts of things. If I didn't have the obligation to provide for my daughters back home in Colombia, for their future, I would have already left.

This expectation of being in a place where human rights would be respected and where they could have a better life also acted as a frame through which the three participants reflected on their current situation. It intersects with their experience of deskilling and losing social status on migrating to a country where the language and culture are different. Oscar moved from being an engineer to being a technician and then a cleaner, and Gracia from being an auxiliary nurse to being a cleaner. Gracia spelled out 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. They might look at the boss, but not at the worker who cleans the toilet, who cleans so they don't see the dirt and don't get dirty. People in higher classes don't realise that toilets are being cleaned for them, it's not a miracle!

Oscar felt that:

We are invisible. Because sometimes you are here and people pass by you without even looking at you, without greeting you. The difference is there is this girl who comes in and asks me if she can use the toilet I've just cleaned. But there is this other one he passes in front of me with his computer, uses the toilet I'm cleaning but ignores me, he shoves me aside with the door of the toilet I was cleaning. Hombre! It's like I disappear behind my mop and bucket.

Lack of respect, poor treatment by their own compatriots, and invisibility stood out in these short accounts which framed the problem of not being respected—that is not being recognised or treated as human beings—around issues of unequal treatment at work and in society. The equality frame underpinning their accounts emphasises the intersection of social class and migrant status as sites of inequality and invisibility (Anthias, *et al.* 2013, 9; Morris 2013; McDowell, *et al.* 2007). Oscar resented being invisible to people visiting the bathrooms because of his cleaner’s equipment and attire. Furthermore, Gracia’s account contrasted the categorical pairings of ‘worker’ with ‘boss’ and ‘people who do domestic work’ with ‘people in higher classes,’ emphasizing her sense of being at the bottom of a class system judging and snubbing people on the basis of their occupation. Gracia also distinguished between her English boss, bilingual and compatriot supervisors, and the migrant non-English speaking workers. These ethno-economic categories highlight the tension and distance between these actors while singling out the vulnerability of migrants to their own countrymen and the distance that separates them from the perceived protection of a British employer. In her study of Latin Americans in London, McIlwaine (2007, 28) also observed that many of her participants talked about being exploited by their compatriots, and also about the invisibility and humiliation attached to their occupations.

The invisibility in these accounts highlights a particular sense of vulnerability, as if they were unworthy and thus excluded from the protection of society’s gaze and attention. Like Bircan, both Gracia and Oscar mentioned the significance of simple gestures of recognition and their singular importance as expressions of respect that can both motivate staff and provide them with a sense of equality. Gracia suggested that, along with the poor treatment they experienced at work, the feeling of being socially invisible affected workers’ psychological wellbeing.

Everyday experiences of not being looked at or greeted or being shoved aside appear as symbolic acts of exclusion. Combined with poor working conditions, these can profoundly affect workers’ dignity, self-esteem, autonomy and wellbeing (Sayer 2007) as well as their moral standing and ability to make rights claims (Honneth 1996; Morris 2013). Also unseen were their personal stories and life outside work (e.g., that they are far from their families but work to improve their lives back home and their own, that they would like to take English classes and have a social life), as well as their plight at work (e.g., the precarity, the vulnerability, the treatment by compatriots). This perceived social invisibility echoed the perspective of Mario that sub-contracting labour had a silencing effect on workers’ rights and needs. Oscar felt insecure in his job and was fearful of standing up to his manager:

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.

7.2.3. Stereotyping

Other participants reported a sense of unequal treatment and lack of respect within British society and in the workplace, attributing these attitudes and perceived stigma to their foreign and migrant origins. A common theme, also conveyed in the accounts of Bircan, Gracia and Oscar, was the subtle ways disrespect made itself felt in personal, social and work interactions. Adi (waitress) stated with a sense of affront that human rights were 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 from one country, they 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? Sometimes we feel awkward too because they (Indonesians) have Muslim names and they definitely get, how can I say, the bad influence, and because of that even us because they don't know we are Christians!

Adi described the prejudice about intelligence, education, and nationality which she had sometimes sensed towards Asians and, specifically, Indonesians in the UK. She too saw small gestures —‘that look’ or ‘the vibe’—as significant, communicating an attitude of superiority, a message of social mistrust, and a threat of unequal treatment which she castigated as hurtful, unfair and borderline unlawful in official settings.

Kaja too had experienced prejudice and stereotyping in society and at work in her time as waitress in cocktail bars in London, and she saw this as a question of violated human rights:

I guess the biggest thing where the word human rights was constantly banging and screaming at the back of my mind was every time I felt different treatment for different people, different nationalities. Because the signed conventions of human rights specifically say everyone has the right to the same conduct, education, etc., etc., but it's not an equal world! It's by far women who are treated differently, whether it's in hospitality or somewhere else, you know. But for me we are treated very differently from locals.

Kaja was highly educated, having completed her higher education—including a PhD—in the UK. She was the only participant who specifically referred to international and national human rights law and norms and used the language of rights in the framing of her experience.

She was somewhat dismayed that, in her experience, despite existing equality and anti-discrimination laws and norms, unequal treatment on the basis of gender, race and nationality remained significant problems in the hospitality sector and in British society:

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!

The language of human rights enabled Kaja to understand and represent the different treatments afforded to people of different nationalities and genders she observed in the workplace. To her, the differences between the law and the attitudes of managers towards their employees was a deeper problematic. She distinguished between shady practices at work by managers and the legal commitments and obligations of the UK and, relatedly, businesses. She also found that unequal treatment often went unchecked, as if a degree of inequality was socially and culturally accepted. In her view, although the publication of salaries would be a step forward as evidence of equality, unequal treatment often occurred in equivocal ways that might seem trivial and insignificant. It happened most often in relation to issues of national stereotyping and occupational segregation and discrimination. She compared the different experiences she and her Swedish husband had when they applied for jobs in London:

I feel I was dog-tagged! [...] The reason this became so obvious to me was because my husband, at that time he was my boyfriend, came from Sweden. [...] When I was applying for jobs, I was immediately marked out: 'She's the migrant worker from Eastern Europe, she will do these jobs!' He applied for the same jobs but he couldn't get them! As a Swedish person we were wondering why is he not getting a job in a bar, in a supermarket, or construction work? All my Polish friends were getting them within a week! Yet, this Swedish guy couldn't get any single job like that! He thought because he didn't have that education he had to apply for these low-skilled jobs too. But one day we spoke to someone: 'You know Germans and Swedes they work better jobs than that here! Brits don't like to be served by these kinds!' we were like 'Okay, so that's new, that's interesting!' [...] It was because of the nationality! And we were like 'Okay!' [My boyfriend] didn't have to register, and he could claim unemployment benefits straightaway... So we were like alright so we can see a clear difference in the patterns! We were

living together, but the immigration we both went through was a completely different story!

Kaja suggested that the selective attitude of employers worked on the basis of national stereotypes and the social worth and work ethics associated with particular nationalities; attitudes also noted by McDowell, *et al.* (2007) and McPhee (2012). Furthermore, their different migration statuses—i.e., she came from an A8 country and had to register under the Workers' Registration Scheme,⁴² whereas as a Scandinavian her boyfriend could live and work in the UK almost like a British citizen—also contributed to their sense of inequality and, she believed, to the different treatment they received from prospective employers. This experience of tacit stereotyping in the labour market and her consequent feeling of not being treated on an equal footing with locals and other Western Europeans was especially significant in her framing of a disconnect between human rights in law and in local social and labour practices in the UK.

Like Adi, Gracia and Oscar, Kaja noted the systemic invisibility of unequal treatment of foreign personnel in personal and work interactions:

Part of this can be difficult to prove as well. Personal conduct is pretty much next too impossible to prove because these things happen: if you take it on a camera would you necessarily see that this Polish worker is treated worse than this French guy? It may not necessarily come across! Of course, she might be on the verge of suicide because she's just a poor girl and her whole world was ruined in two sentences. But if you put that in a court, you wouldn't necessarily stand a chance.

Like the simple gestures showing recognition and respect found in the accounts of Bircan, Oscar and Gracia, and 'the vibe' which Adi talked about, for Kaja, unequal treatment occurred in small yet significant discriminatory or bullying personal interactions. In her view, the individual and personal nature of discrimination against foreign workers in the workplace had potentially dire consequences for vulnerable individuals less educated and knowledgeable about their rights. For her, such attitudes, mistreatment, and harms were common yet unseen because of the lack of legal proof or challenge from workers. She saw them rather as socially embedded:

⁴² Between 1st May, 2004 and 30th April, 2011 the Home Office required workers from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia which joined the EU in 2004 to register their employment under the Workers Registration Scheme. The Scheme sought to regulate these migrants' access to labour but also restricted their access to benefits. See HM Department of Work and Pension, HB Circular A10/2011: End of the Worker Registration Scheme, 7th August 2013, <https://www.gov.uk/government/publications/hb-circular-a102011-end-of-the-worker-registration-scheme>.

I felt that your study was important because it showed those small things that are not necessarily seen or looked for. These small things spread so far and there are so many layers to this argument... Can you say there is something deeper in there? Is there something psychological or sociological or cultural that we are ignoring? And how is that rooted further in society? [...] And people are not really ready to think that far.

Kaja's experience of inequality led her to question the place and meaning of human rights in British society. Her view suggested 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, issues also discussed by Saucedo (2006), Marshall (2005) and Morris (2013). In her framing, and to some extent the framings of Adi, Gracia and Oscar, human rights shed light on issues of social and labour inequality that are not necessarily recognised as problematic in British society and thus escape the gaze of policy and law. The next section describes participants' concerns about and expectations of care for employees by their employers.

7.3. Duty of care

This section explores how, to some participants, human rights made sense in terms of caring attitudes towards the other, especially in labour relationships. Participants have already raised concerns about care as a significant dimension of respect and equality in the way they were treated by their managers and their organisation. This section further explores care in light of situational expectations and problems in the workplace.

7.3.1. Expectations of care

Asked what she expected from her employer, Adi replied with gratitude:

The flexibility—that's the most important thing! So far they understand: if I need more hours, if I need more days off... or my holiday, they will give it to me! No complaint about that. Anytime I need a request, they understand.

Flexibility at work and understanding from her employer were significant expectations for Adi. Her use of the verb 'understanding' suggests that her needs and that of her family were recognised and taken into account by her employer. Dian, her husband, who joined the interview to support her with English, also echoed the sentiment and explained that there was a tacit reciprocal agreement between her and the hotel:

So when she would like either shorter hours or days off because I have to attend a seminar or classes, they understand. Of course they understand that we don't want to take it for granted and then also this time we understand that

the hotel gives to her, but then she also tries to give in a different way, like ‘Okay I asked more, and then it means next time I want to contribute more!’— something like that.

Adi’s experience contrasts sharply with that of Gracia, Oscar and Cesar: their life and needs were neglected by their managers, and they felt that they could not approach their managers and employers for personal requests or to raise concerns, in part because of their precarious employment situation. Adi’s contractual and statutory rights were respected, but the accommodating attitudes of her employers also suggested a broader sense of care in return for her good work ethic. Her framing somewhat blurred the distinction between her rights as an employee and the duties of her employer, however, as she saw the flexibility as a kindness she enjoyed and a favour to be returned, not as a right to have time off and negotiate her workload. In other respects, however, she felt somewhat cheated of a promise of good care from her employers:

When we do breakfast in our hotel, we have a buffet. When we close, all the food from the buffet goes in the employees’ canteen. So because the chef prepares the meal only for guests, if there are leftovers then employees can eat. If there are not, employees won't eat anything! So that's totally different from what the contract said. At first, I think I have the right to ask for my meal, but then I saw that not a lot of people do that. I mean if there is no food in the canteen you just have to bring your own, or buy something from outside! That's different in my country you get a really full meal for the employee, not the leftovers from the restaurant. They cook especially for the employee and the restaurant. So here I'm a bit surprised with that! I mean this is not food, this is the leftovers! And that happens at lunch too; if there is no lunch in the restaurant, I don't know what the employees are going to eat! I mean, if you work in a restaurant, you always get a meal; you can pick something from the kitchen even if it's not allowed, but you still can have something! But if you work in housekeeping or front desk, you won't get anything!

The provision of food to employees during shifts was a recurrent issue in the interviews. As in Bircan’s account, it was perceived as a symbol of care, recognition, and equality by and in the organisation. Adi’s expectation of care from her employers was based on her experience of hotel work in Indonesia, where traditionally employees enjoyed daily meals and private health care through the company. The apposition of ‘cook especially for the employee’ and ‘really full meal for the employee’ with ‘not food’ and ‘leftovers’ seemed symbolic of how she felt she and her colleagues were considered: not worthy of care. Adi criticised the unreliable attitude of her employer which had contractually committed itself to providing food to the staff but had tacitly removed that right from employees in practice. On the one hand, while the employees had the right to claim a meal during their shift, because they did

not, they acquiesced in its removal and the right was made idle (Marshall 2005, 89). On the other hand, its tacit removal pushed staff into prohibited conduct and small acts of defiance.

Nadal's account of his dismissal also reflects a similar expectation of care from his employer. Nadal had joined the union to help him with what he considered his unfair dismissal, and he talked at length about the circumstances of his firing and the ethics policy of his organisation. Because he was unsure of its exact content, Nadal read from his Employee Handbook:

The Golden Rule is to deal with others as we would have them deal with us. We must recognise the personal contribution of everyone who provides in cooperation so each of us can rely on their full potential. Encourage each other to contribute ideas to enable us to become more effective, and be sensitive to each other's needs.

He was cynical, however, about what he perceived as a discrepancy between the company's ethical principles, the conduct it expects of employees, and its own behaviour:

It doesn't work, it's broken down. I mean ideally, it works only when it works, but when the pressure hits everything collapses.

To Nadal this 'Golden Rule' was a common rather than a corporate value, and one which remained ideal and aspirational but unheeded and probably unworkable, in the context of his organisation. Both Adi and Nadal's accounts emphasise the significance of moral care from the organisation towards the employee as an individual. In both cases, their own expectations of ethical conduct were influenced and enhanced by their organisations' particular ethical or contractual policies and promises. When the companies did not fulfil these, they felt deceived and deprived of a moral duty of care involving consideration, understanding and sensitivity towards an employee's personal situation.

7.3.2. Employees' health and welfare

Maria, a Colombian student in her fifties, described the psychological impact of her experience working for an agency which outsourced cleaners to hospitality businesses with conviction:

I've listened when you talked about your research. But 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 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 Gracia and McIlwaine (2007, 27), Maria elaborated the importance of psychological harm. In her account, mental health in workers and the social neglect of such issues seemed to evoke questions of human rights. She represented 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. Central to her depiction were the careless attitude of employers in treating workers like machines, indifferent to their welfare or wellbeing, and always demanding more quantity and quality from them but without rewarding them in kind. Furthermore, she also emphasised the recklessness of the profit-driven economic and labour system, and the negligence of the then British Government towards mental health in allowing such relentless working conditions. Her framing highlighted 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 was also an important issue in the group interview with Chigozie, Cintia and Alma. The three suffered from health problems, such as acute and incapacitating back pain, which are common among housekeepers (Oxenbridge and Moensted 2011, 27). They had been active union members for many years, and were then fighting a case of unfair and discriminatory redundancy against their former employer. Their framing of human rights was imbued by their struggle and the discourse of the union branch campaigning for the interests and rights of workers. Alma, Chigozie and Cintia reported that a few months before we met in April 2013, the company had decided to change the terms of contracts in the housekeeping department. The new contract deprecated occupational health benefits and annual bonuses, leaving them worse off. The housekeeping staff had been presented the new contract as a non-negotiable 'take it or quit' option, and all three had decided to take redundancy. The following excerpt from an exchange between them illustrates the changes in their contract:

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!

They saw the new terms of contract as discriminatory and resented it as a personal injury because they were left with little protection in case of illness. Significantly, however, they perceived the new contract as a lack of consideration for their needs as housekeepers, and, especially, as women with ill and ageing bodies who had no other forms of training and would thus struggle to find new employment. Furthermore, they also saw the new contract as lack of recognition for their years of service and commitment. Because of their length of service, their framing of their situation placed a high expectation on the company to take responsibility for their healthcare rather than, as they saw it, externalising it onto the Government:

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 shape their articulation of their situation and of their company's responsibility. Their accounts suggest that the organisation 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 framing was also informed by their concern about the difficulties they would face finding a new job at their age and being seen as welfare seekers. They were

highly attuned to the negative attitude towards welfare and immigrants that pervades the media and political discourse (Anderson 2013; McDowell 2013). To them, their employer had left them physically, financially and socially vulnerable, and, as discussed in the next section, had used this new contract to isolate trade unionists and outspoken members of staff.

7.4. Voice and participation

7.4.1. Conflict between employees and employers

As noted in the previous section, Chigozie, Alma and Cintia perceived the choice they were given between a contract with less benefits or redundancy as an act of discrimination by their employer. As a result, the human rights prompt card⁴³ relating to discrimination held their attention:

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...

Alma: Yes because I’m the youngest and I’m 50!

Chigozie: Because I’m 55 and she is 60+!

Cintia: I’m 60, thank you very much!

The concept of discrimination helped them make sense of their redundancy. Although the change of contract affected the whole of the housekeeping department, they felt that it specifically targeted them because of their age and ill-health. The gender discrimination suggested by Chigozie indicated that the change of contract also disproportionately affected women as the department was majority female. The gender perspective, however, intersected with other categories of inequality and discrimination. For instance, alongside their role as mothers, their occupational status and their union activism—including opposition to changes in workload and bullying from management—entered their framing of their long road to redundancy:

Alma: Because I’ve been in the building for 21 years! It’s like my home! I keep it cleaner than my home. I spend more time there than with my kids [...] So this makes us very attached. And that’s why we grew frustrated when they started to give us hard time, saying bad things about us, no good comments, they want us to leave [...] We were called a group of rotten apples! Two years ago!

⁴³ See Appendices 6a and 6b

Chigozie: It was the Assistant General Manager (AGM)! He was from the same company as us before the transfer, he was doing the washing-up. Now he is supposed to know better, because if he started from scratch and he was from the former company he knows how the managers were then. They were so good: they know how to interact, to solve problems; they are very tactful; they don't bring themselves on top of you; they were humble! The guy is now an AGM and he comes into housekeeping meeting saying 'there are rotten apples' to human beings! [...] They will look at you as if you don't exist because you are a chambermaid. They will provoke you and push you. You can imagine an AGM addressing a group of about 30–40 women, not girls, not students, women who have children that are married, that are even senior to him!

Alma and Chigozie described a context of tension and opposition that evolved over time between management and staff who stayed on when a new company took over in 2003. They represented themselves as committed to their job and caring for the hotel with a deep emotional attachment (i.e., more than for home and family) while the new organisation and its management appeared negligent and adversarial. In contrast, the phrase 'rotten apples', which they perceived was used against them, suggests workers lacking integrity and engaging in negligent, divisive, or vengeful behaviour towards co-workers or the organisation. In their interpretation, the phrase and the abusive conduct of the younger though senior manager strikingly contrasted with their own pride as committed employees, mothers and mature women. Alma later turned the marginalising overtones of the phrase around to refer to themselves as the 'good apples': mothers and hard workers who stood up for their rights and those of their colleagues, thus giving meaning to their rights as workers and women (see also Marshall and Barclay 2003, 618). Chigozie and Alma also turned the focus from the bad apple employees to the bad barrel of the organisation; to them, the company was fostering a culture that undercut the rights of its employees' to raise concerns, negotiate, and oppose organisational 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!' [...] Everything is heavy, everybody is carrying a lot of things, and you are increasing the rooms! But you are not even looking at the other part of us? [...] 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 but never really integrated into the new company. But, as Chigozie and Alma depicted it, their management framed their opposition as a personal hatred and grudge against the company. The company thus 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. Yet, here again, Chigozie shows her familiarity with the management framing. She turned it around to her advantage, stressing the interest of the company, and emphasizing the relationship between employees' welfare and the wellbeing and success of the hotel. In her view, it was the company itself which undermined its own quality standards by increasing the workload of its chambermaids.

Chigozie and Alma's accounts illustrate how two ethical frameworks—employee's rights and welfare versus organisational success and wellbeing—can stand in opposition. Even though their hotel was part of an international group which had committed itself to respecting the rights of their employees and women in particular, Chigozie, Alma and Cintia located and interpreted these rights very differently from their company, criticising the management frame (see chapter 6) for victimizing them and undermining their concerns. While their organisation expected them to stand by the company's interests, they stood by their experience and their needs as employees, mothers, and older women with ageing bodies.

7.4.2. Troublemaker or participant?

Mario echoed the perspective of Alma, Cintia, and Chigozie, explaining the discrepancy that existed in his organisation between having the right to raise ethical concerns and the actual response from the Human Resource (HR) department:

Mario: Unless you think you are being really badly, wrongly treated, you don't go to HR [because] you prefer not to show yourself to be a troublemaker! It's your right to go to HR if something wrong happens, [or] you have a problem with a manager or a colleague because he is behaving in a way you don't think is right. [But] unless it's very bad for you, don't go to the human resources! [...] Because you prefer not to be seen as a troublemaker. That is, you are not a troublemaker, but, for them, you are a troublemaker if you go and keep on going to them saying 'Look this happened to me, yes this happened to me' The less you complain, the better!

Mario described a silencing culture where the employee speaking up about poor treatment would be blamed. Furthermore, he felt that while employees had the right to complain and a system was provided through which they could do so in his hotel, this right was only nominal and unequally realised. Similar to how Mario explained the silencing effect of sub-contracting labour, and how it stratifies the rights status of employees between outsourced and in-house employees, here he described his own situation as an in-house employee with less power relative to management:

Yes, formally I can do this, I've got more rights than people from recruitment agencies. But in the end it's just nominal; it's not real because the complaints are not formal. Business is the first thing, so whenever you complain, as long as it is a complaint about other colleagues treating you badly, this is a complaint that can be heard, there's no problem about it. But, if it's a problem that you have regarding the company because there is something you are not happy about, it's difficult that they follow up this complaint. About safety, about being mistreated [...] mistreated means that they can use bad language, swearwords, bad language that you wouldn't use towards them (managers) because you know that you could have problems. But sometimes they do that to you because there is a bit of an abuse of power.

In his experience, the primacy of his company's interests cancelled out complaints which challenged management conduct or the way the organisation worked. For instance, issues of health and safety or management of labour—including intimidation or pressure to do overtime without pay—would be rejected. In his framing of the situation, the silencing of employees derived from the culture of the organisation and was related to abuses of managerial power. To him, the most significant issue at work was the impossibility of speaking about his concerns related to labour practice in the organisation and being heard. He was cynical when asked if human rights could help affect change in 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!

Contrasted here with 'democracy', the term 'dictatorship' evokes a political context where employees are not able to negotiate anything in their organisation that would compromise the interests of the business. Furthermore, in his view, this context prohibited any form of independence among the managers who appeared unable to critically examine and support claims of injustices that resulted from business interests and labour practices in the pursuit of

profit. Mario further suggested that this culture inhibited any form of challenge coming from within or from the introduction of ethical principles:

Democracy is something that you leave behind! The higher position you get, the more rights you've got of course! You are always more likely to be right if you are in a higher position than in a lower position!

Mario's aspiration for a more democratic workplace called for a participatory and more egalitarian alternative. The issue of voice and participation intersects here with that of equality discussed earlier. In his 'utopic' vision of a democratic organisation, Mario and his colleagues would be empowered by a culture which would allow them to speak freely, have their problems at work heard, and have them directly addressed by their employers without being considered wrongdoers.

7.5. Summary

This chapter has explored how participants in the work-floor community of meaning gave meaning to human rights through the frame of equality, and how their social, occupational and educational positionality influenced their framing. Concerns for equality underpinned their accounts, and recurrent issues included experiences of discrimination and indignity at work and in society, expectations of a moral duty of care from their employer, and barriers to having their concerns heard and recognised. Their framing created a complex picture of equality and the origins of the disrespect they experienced (e.g., individual behaviour, social norms, migration policies) and the context in which it occurred (e.g., individual interaction, labour practices, working conditions). They situated problems of and responsibilities for equality in diverse but intersecting sites: in the workplace in their interactions with their colleagues, managers and employers (e.g., personal greetings, bullying, stereotyped recruitment); in the employment practices of an organisation (e.g., outsourcing responsibility for employees, cross-occupational training towards inclusivity); in their working conditions (e.g., absence of contract or appropriate equipment, heavy workload, irregular pay, the right to speak out); in society (e.g., 'the vibe,' 'the look,' tacit discriminatory norms, media discourse); and in migration policies (e.g., visa and migrant status, worker registration).

Several participants expected employers to give more attention to the life of employees (e.g., family circumstances, bereavement) and provide for their needs at work (e.g., health and food). As framed in accounts of dismissal and poor working conditions, their expectation of a duty of care intersected with the importance of being recognised for their individual worth and dignity. This expectation, however, is altered by the participants'

positionality. For instance, knowledge of contractual and statutory rights appears to both create and limit expectations towards employers, so do the use of broad and common ethical principles to define organisational culture. Trade union membership and sensitivity to particular political discourses (e.g., benefit scrounger) also contributed to the participants' framing of their employers' responsibility.

A number of participants foregrounded the important problematic of workers' voice and the silencing of their concerns at work. Specifically, in their framing of relationships with their managers and their organisation, participants raised the question of the ability of employees to talk about issues of concern to them and defend their needs and rights even where these might conflict with the interests of their employers and that of the organisation. The significance of voice and participation in organisational life is heightened in a context where international hotel groups have started to outline their human rights commitments in policy, including the protection of the rights of employees.

Participants' understanding of human rights drew on diverse experiences of migration to the UK and working in different occupations in various hospitality businesses. Few participants were aware of any ethics policy in their organisation—if and where one was available—and few referred to human rights as law. They tended to associate human rights with ethical and moral understandings of what was done to them, both good and bad, or what they had observed being done to others in their jobs in the UK. While participants did invoke moral concepts such as care, individual needs, or health and responsibility, which entail particular rights and claims (Marshall 2005, 88), they often did not name or categorise their concerns using the language of rights and related concepts as law. This suggests that such language is either unfamiliar or irrelevant to their situation, or again that the organisational and social contexts in which they find themselves inhibit the use of human rights language to raise what seem to be more modest individual claims.

The next chapter discusses the findings of the four analysis chapters.

8 Discussion

8.1. Introduction

While human rights are culturally significant in the UK, exactly what they mean when applied to and in businesses operating in the country remains uncertain and contested. In this chapter, I bring together the main findings of the multi-level and multi-vocal framing analysis of the preceding four chapters to determine how human rights are framed—i.e., understood, interpreted and articulated—in government policy, corporate policy and by employees in the hospitality sector, and how differences and similarities can be understood.

Based on the language and issue-foci of the policy and organisational actors, I identified four ways through which human rights are framed in the hospitality sector in the UK: (1) a liberal frame (i.e. BHR global policy, UK Government BHR policy and Parliamentary Committees), (2) a CSR frame (i.e. international hotel groups policies and reports, and Directors), (3) a management frame (i.e. managers and some directors) and (4) an equality frame (i.e. work-floor employees, some managers, Parliamentary Committees). These frames are tacit, socially situated and dynamic structures of meaning which underlie policy and organisational actors' meaning-making of human rights in relation to and in business. They reflect, variously, the liberal politico-economic tradition of the UK and a particular socio-economic context where questions of inequality are prominent; corporate and managerial discourses and practices in the hospitality sector; and the positionality of the various actors and policies.

Table 8.1 summarises each framing in reverse order: starting from the equality frame and moving through the management, CSR and liberal frames, it highlights the core problems and solutions; which human rights matter in which settings; the scope and custodian of human rights responsibilities; the particular knowledge of human rights recognised and applied; and actors' objectives and interests in invoking human rights in relation to business. Following this order, in section 8.2, I discuss the meaning-making processes taking place through the framings of organisational actors and corporate and governmental policies, tracing the intersections and divergences in and between the equality, management, CSR and liberal frames. The reverse order of discussion enables me to foreground the voices of participants within business and highlight my core findings. In section 8.3, I discuss and explain the main findings and the complex and messy processes of framing human rights in the context of business. I find that there is little shared-understanding of human rights and business responsibility in and between the politico-legal field of global, governmental and

corporate policies, and the socio-cultural field of organisational-life. In the context of business, human rights policy commitments are articulated from different positionalities and based on different sources and types of knowledge. I argue that it is important for the study of human rights practice in business to understand the major differences — different understandings, interpretations and articulations — between policies, practices, lived-realities and subjective experiences of human rights, and the contexts of meaning and power in which business and human rights policies are constituted and implemented.

Table 8.1 Four Ways to Frame Human Rights (HR)

Frame (& Community)	Core Problems / Solutions (the text in italics below)	Which HRs and Where?	HRs whose Responsibility?	Knowledge of HRs	Interests/Objectives in HRs
<p>1. Equality frame (work-floor employees, some managers, Parliamentary Committees)</p>	<p>Power relations and inequality in British society and hospitality work experiences of indignity, disrespect, discrimination, psychological harm Condescension between staff Workload and working conditions Lack of care for employees Fear, bullying and insecurity at work and difficulty expressing concerns about work Outsourcing and insecurity Social and legal invisibility of people in low-level occupations and non-nationals</p> <hr/> <p><i>More participation of employees and recognition of their concerns at work</i> <i>Living wages</i> <i>Proximity (hierarchical and geographical between employers and employees)</i> <i>HRs as ethical/moral values</i></p>	<p>Freedom from discrimination based on age, gender and nationality Raising and recognition of employees' concerns Dignity and respect at work Freedom from prejudice in British society and in labour practice in hospitality sector</p>	<p>Government to protect workers' rights Employers to respect workers' rights via equal treatment, duty of care, listen and respond to concerns, consider impact of decisions and labour practices on workers' livelihoods and wellbeing Employees to know their rights</p>	<p>HRs not as law but as ethical ideas Personal experience of differential treatment Attitude of people in society and at work Trade union advice</p>	<p>HRs support and reinforce claims of indignity, disrespect, discrimination, lack of care and silencing Challenge power relations and inequality at work and in society</p>
<p>2. Management frame (Managers and some directors)</p>	<p>Conduct of recruitment agencies towards employees in supply-chains Condescension and discrimination in sector Low pay and insecurity of employees in comparison to wages and bonuses of managers and directors Short-term budgeting, high profit targets, staff cuts</p> <hr/> <p><i>Change in business practices and management culture, including long-term strategies and budget targets, fair wages, and less outsourcing</i></p> <p><i>BUT</i> <i>Demands of sector and management culture not amenable to this</i></p>	<p>Uncertainty whether HRs are ethical claims or legal norms in business HRs primarily related to severe issues in emerging and developing countries where rule of law is weak HRs not issue in UK or Western world Hospitality industry not really problematic, unlike garment or electronic industries</p> <p>BUT Respect, discrimination, low pay and poor working conditions also seen as problematic in the hospitality sector in the UK</p>	<p>Not clear whether Government or business Main responsibility of managers to budget and profit-making Responsibility towards employees contractually limited to line staff, does not extend to outsourced agency staff</p>	<p>HRs abstract and remote concepts not related to everyday experience, but familiar as 'Western' values HRs legal issues for lawyers, legal and human resources departments, or trade unions Management training covers HRs related issues to some extent Media reports CEO and leaders' visions and priorities Personal values</p>	<p>Better working conditions and pay to motivate staff</p>

Table 8.1 Continued						
Frame (& Community)	Core Problems / Solutions (<i>the text in italics below</i>)		Which HRs and Where?	HRs whose Responsibility?	Knowledge of HRs	Interests/Objectives in HRs
3. CSR frame (International hotel groups policies and reports, and Directors)	Global social problems such as poverty, access to education, youth unemployment Salient external and exogenous HRs risks in hospitality sector i.e., child exploitation, human trafficking (primarily sexual dimension) Weak governance and rule of law; governments without capacities/will to realize HRs		Rights of children Rights of employees Rights of local communities Rights of guests Global concerns but with developing/emerging countries focus	HRs are obligations of states Business to... comply with local laws and international HR standards but in voluntary / aspirational way make HRs commitments have a positive impact in society/local communities protect (lawful) workers' rights combat/eliminate exploitation and human trafficking of women/children	UDHR Local laws Voluntary international standards and indicators (UNGC, HRC and GRI), sectoral partnerships, (ITP, ECPAT) Stakeholders consultation (shareholders, employees, communities, NGOs/Charities, Governments) CEO's visions and engagements	Recovering public trust Adding to moral capital and ethical identity
	<i>Hotel groups contribute towards mitigation/elimination of causes of HRs harms and social problems in their capacities Commitment to respecting international HRs standards</i>					
4. Liberal frame (BHR global policy, UK Government BHR policy and Parliamentary Committees) Overlaps with CSR policies and Management frames	BHR global policy: Governance gaps Weak governance and conflict zones	UK Government: Overseas Governments not upholding their HR obligations Not enough safeguards for personal freedoms and economic growth Business can be complicit in HR abuses of states	UK Government: HRs are legal obligations undertaken by states Personal and democratic freedoms Health and safety, non-discrimination, workers' rights (already covered by businesses) Overseas, weak governance and conflict zones	UK Government: States, but no (or limited) extraterritorial jurisdiction over business activities Business and civil society to play positive role in partnerships with state to drive business responsibility and accountability, and help state meet HR obligations	UK Government: UDHR, ILO Core Conventions, UNGPs, UNGC and other voluntary mechanisms pertaining to CSR Civil society and business consultations Measurement of corporate HRs performance	UK Government: Prosperity and economic growth Good governance and liberal market environments Limiting business liability and promoting voluntary/self-regulatory mechanisms British global leadership
	<i>Business interests and HRs complementary Partnerships state/business towards realization of HRs Voluntary mechanisms to encourage responsible business at home and abroad</i>					
	BHR global policy: State duty to protect HRs Corporate responsibility to respect HRs Enhanced access to remedy for victims of HRs harms Legal and self-regulatory mechanisms	Parliamentary Committees: UK Government (and others) not upholding their HRs obligations Businesses have negative impacts on HRs in everyday activities/ not just because of link with states Substantive and procedural barriers to litigation against businesses' HRs impacts in the UK HRs objectives conflict with business/ commercial/trade interests	Parliamentary Committees: Civil and political rights Socio-economic rights Workers' rights Environmental rights Both overseas and domestic issues	Parliamentary Committees: States to respect and protect individuals' HRs, but business activities undermine state ability to meet obligations UK Government to understand how its business policies affect its HR obligations and extraterritorial jurisdiction Overseas Governments to monitor and challenge corporate HRs harms in their jurisdictions Businesses to do no harm and play positive role	Parliamentary Committees: UK international HRs obligations Human Rights Act Voluntary international standards related to CSR (UNGC, OECD Guidelines) Experts from Civil society (NGOs, TUs, Academia) Business	Parliamentary Committees: Hold Government to account on commercial and trade objectives Admission of corporate liability Expand HRs culture to all UK residents – individuals and corporate entities
<i>Put HRs objectives before business/commercial/trade interests Make remedy more accessible, legal sanctions and voluntary mechanisms Encourage HRs culture in business</i>						

8.2. Framings of human rights in business

In the next four sub-sections, I outline and discuss the framing of human rights and business responsibility in the context of business from the work-floor to governmental policy.

8.2.1. Equality Framing

The work-floor community of meaning made sense of human rights in relation to everyday situations, experiences and relationships at work and in society in the UK related to equality. Equality is a foundational and moral idea of human rights (Clifford 2013) which can be understood as intertwined with ideas of dignity and autonomy (Carozza 2013) and which underlies the conferral of respect in everyday life and in the workplace (Sayer 2007, 573). It also wields a broader sense of social justice against basic and persisting structural inequalities in social and labour relations and processes (*ibid.*; Young 2004, 1). As a tacit frame, equality underpinned the various concerns of the work-floor community of meaning about not being or feeling recognised and treated as equal to other workers or to British nationals.

Merry (2006, 180) argues that ideas of human rights provide a different way to think about power and inequality in society, and I would add in business organisations. She explains that human rights can help individuals challenge existing assumptions about power and relationships by seeing as harm and possible rights-claims what may otherwise be considered a normal situation in the context in which they live (5). By framing everyday equality-related issues (i.e., respect, dignity, care and voice) in terms of rights, work-floor participants questioned existing problems of inequality, disrespect and misrecognition in social and organisational relationships and power structures in the UK which they perceived undermined their working conditions and livelihoods. This included the divisions between in-house and outsourced employees—both in terms of their value to the company, but also the different rights and protections they enjoy in the UK, which depend on their employee and migrant statuses—and between front-facing and back-of-house personnel. These occupational divisions are both hierarchical and geographical; they expand across the different spaces of the organisation and from its centre to its peripheral supply-chains. They create particular occupational positionalities which intersect with social positionalities (i.e., nationality, migrant status, employment status, rights status, and ability to speak English) and structural categories (i.e., class, gender, age, and ethnicity) to create sites of inequalities (Adib and Guerrier 2003; McDowell, *et al.* 2007; McPhee 2012; Morris 2013). I explain the nuances in the framing of human rights related to these positionalities in more detail in 8.3.1.

The equality framing of human rights in business draws attention to the intersection of social norms and attitudes with regulations and practices in business operations. It exposes the subtle forms of discrimination against people who are perceived to embody certain work ethics, have limited rights status, or work in unskilled and unsecure occupations. It also brings into relief how these prejudices can affect the attitudes of individuals working in business and be reproduced in business decisions and practices. Relatedly, Sayer (2007, 566) notes that, while corporate policy sets minimum standards and promotes key principles to tackle non-discrimination, equal opportunity and support for diverse and inclusive workplaces, it may end up overlooking subjective and everyday articulations of moral sentiments that reflect the subtle and complex structures of discrimination which underlie inequality and indignity.

Participants in the work-floor community of meaning may have had particular political aims in framing their situation and concerns about personal injuries as human rights. As discussed by Sayer (2007) and Karlsson (2011), concerns about dignity, autonomy and equality are common and significant workers' concerns. The incidents which participants described had deep individual and collective effects. Furthermore, they indirectly exposed contradictions between the UK's human rights protection and its labour and migration policies, similar to those discussed by Balch and Rankin (2014) and Barnard (2014). But the inconspicuous, mundane and personal harms they discuss could equally appear to be less severe and systemic than the sort of corporate-related abuses frequently reported as human rights violations in extractive (Bedi 2015), garment (Labowitz and Bauman-Pauly 2014; 2015), construction (Segall 2016) and electronic and ICT industries (Shift and IHRB 2014) in developing countries, or the child exploitation and human trafficking which international hotel groups identify as salient human rights risks. Then again, these harms would probably not be recognised as human rights issues because of their moral and ethical character and their contesting of legal labour practices. Human rights are a source of political power, however, and as I argue in 8.3, employees may be able to use them as means to reinforce their claims.

Except on rare occasions, the work-floor community of meaning did not use the legalistic language of human rights or mention policies related to human rights in their organisation. A few were familiar with the language of labour rights because of their relationship with trade unions in their countries and/or in the UK. Nevertheless, this suggests that work-floor participants were usually unfamiliar with formal rules and regulations related to human rights. They would also probably not think of their situation in terms of legal rights, even though their concerns (i.e., discrimination, health, bargaining with their employers about

work-related issues) and the concepts they use (i.e., equality, dignity, respect) invoke specific rights, claims and legal procedures (Marshall 2005, 88). This is important because a legal framing of human rights in business organisations may alienate workers and, as I show in the next section, managers too.

My interpretation, however, is that, when talking about their situation in terms of human rights, work-floor participants primarily appealed to their moral and ethical meanings, which relate to their application to individual decisions, actions, and responsibilities (Robinson 2002, 2). The work-floor community of meaning read human rights in the dynamics of their everyday interactions with people, the attitudes and actions of managers and guests towards them and the practices of their organisation. For them, these should be underpinned by moral and ethical responsibilities, so that people are treated in just and fair ways as equal, with respect, dignity and care, regardless of the law. Yet, work-floor participants also derived a sense of what is socially tolerated as just and fair treatment from their everyday experiences and interactions in society and at work. For instance, the 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. Others did not think human rights policies would make any difference to their treatment because their claims had been dismissed several times for challenging organisational or managerial practices.

The only participant concerned with the legality of what she thought entailed human rights violations had a higher level of education, which positioned her differently. She knew her rights and felt able to challenge employers or at least avoid exploitative situations. Nonetheless, she too gave a narrow definition of human rights protection and what could be considered as a valid claim under the law, given people's indifference towards everyday acts of discrimination. These findings are corroborated by socio-legal studies of rights in society (Merry 2003, 2006; Relis 2011) and in the workplace (Marshall 2003; 2005), which find that the meaning people give to human rights (i.e., their importance and relevance in society, their scope and the protection they allow) often derives from the attitudes of people towards them, social norms, management practices, and institutional support for human rights in corporate policies and the law.

As will be seen in the next section, however, experiences of inequality and injustice among employees are often disregarded in the frame in which managers operate.

8.2.2. Management Framing

As within the work-floor community of meaning, there are nuances in the perspectives of participants across the manager community of meaning. Both quantitative and qualitative scholars of CSR have also noted differences in the way employees, regular managers, and directors make sense of CSR and ethical aspects in organisations (Humphreys and Brown 2008; Treviño, *et al.* 2008; Dean, *et al.* 2010; Seivwright and Unsworth 2016). Many managers in this study involved in the day-to-day running of operations saw no immediate significance in human rights in relation to business, particularly regarding their work in the UK hospitality sector. Human rights appeared to them as conceptually and experientially remote and unfamiliar. They primarily saw them as activated by severe forms of harm on individuals uncommon in advanced liberal democracies and economies or in public-facing businesses. Furthermore, managers also considered human rights to be abstract concepts requiring specific legal expertise rather than managerial knowledge. This implies that, in business organisations such as hotels, human rights knowledge may be confined to occupations away from day-to-day operations and dealt with as a matter of law and risk of litigation. Thus, while the consideration of human rights may give rise to moral and ethical concerns among managers, they do not consider human rights as a language or tool available for them to assess and address problematic situations in their organisation. This would require legal authority and therefore expert knowledge of human rights.

The perspectives of managers that human rights are usually overseas problems overlap with the liberal and CSR framings of human rights at the governmental and corporate levels of policy-making (see table 8.1 and following sections). I find, however, that their meaning-making of human rights builds on different sources of information than publicly available policies and reports in companies. Instead, like work-floor employees, they too draw on their personal experience at work, but in light of what I call ‘management framing’ following Marshall (2003). Marshall (668–669) describes management frames as reflecting a particular logic of efficiency towards financial profit and the interests of their organisation. Management frames circumscribe managers’ understanding of their relationships with and responsibility towards their organisation, employees, guests and broader society. But managers’ position relative to their organisation’s moral authority and culture depends on their hierarchical status and proximity to the centre of power (Humphreys and Brown 2008). They may not be informed of CSR or ethics policies, and their position in the organisation may not have high status or ethical responsibility. Yet, the accounts of the managers in this study were more imbued with their experience of organisational-life and management

priorities than with the politico-legal considerations of global, governmental and corporate policies, and thereby differed from that of directors.

Human rights might have appeared conceptually and experientially remote to most managers, but their consideration besides other related value-concepts such as respect, discrimination and fairness led some managers to contest the management frame in which they worked. Human rights ideas prompted them to question practices and attitudes which they observed and found unfair in the industry. They were concerned with common labour rights issues, including discrimination based on age and national stereotypes, low-wages, workload, working conditions of outsourced workers and job insecurity, overlapping to some extent with the concerns of work-floor participants. Some managers also tentatively criticised the broader efficiency and short-term management culture, the way their organisation was managed, and the budget targets set remotely by financial administrators. Thus, unlike the management framing of sexual harassment described by Marshall (2003, 669), which defines the problem as one of individual ignorance and sensitivity, I find that managers acknowledged some structural issues in the hospitality industry which may harm human rights. Some accepted these as the interests of their employer and organisation, and normal and inevitable features of hospitality work, but others thought that certain aspects of the management culture and labour practices in the hospitality sector contradicted the core values of their organisation and should be challenged.

As in the work-floor community of meaning, the consideration of human rights ideas provided some managers with a different dimension through which to make sense of problems they observed in the workplace. But, as also suggested by Merry (2006, 180), I find that human rights ideas do not easily displace contextually dominant frames. The management frame appears to set discursive and practical limits on the ability of managers to confront what they perceive as unethical or not aligned with human rights ideas. Managers learn through trainings, routines and their own queries on behalf of their staff that there is a hierarchy of values between the financial sustainability of their organisation and other ethical concerns, notwithstanding arguments about balancing the triple-bottom line; i.e., financial, social and environmental goals. Employees' complaints about working conditions tend to be addressed as secondary issues, especially if the company's labour practices comply with the law. As argued by Marshall (2003, 669), even where policies and mechanisms exist to voice ethical concerns, knowledge of tacit priorities may discourage managers from listening to employees' concerns and acting on their behalf. This discouragement may be compounded by the particular hierarchical position of the manager and the expertise and moral authority

which they perceive they have in the organisation (Yanow 2004, 23). Reciprocally, as argued in the previous section and as corroborated by Marshall (2003, 669), employees may be discouraged from voicing concerns about situations which they find unfair and exploitative if those are persistently dismissed with arguments regarding the well-being and (financial) sustainability of the organisation. In that sense, managers play important roles as intermediaries between the organisation and employees in translating ethics policies, including human rights, through their own performance.

Some business ethicists (Wettstein 2009; FASTERLING and DEMUIJNCK 2013) and legal scholars (MUCHLINSKI 2012) have argued that the integration of human rights in business could mount a moral challenge to existing corporate law and management cultures and practices. DINE (2001) and MUCHLINSKI (2012), however, stressed the structural influence of contemporary corporate law and models of corporate governance on the responsibility of managers and the development of moral and altruistic cultures and practices in business. This is reflected in the discursive and practical force of the management frame, which both ideologically and legally defines the scope of managerial responsibility towards their organisation, employees and suppliers. As implied in their accounts, managers are often caught in contradictory situations between conflicting economic and ethical demands. They have to make and justify decisions that benefit the organisation by enhancing profit-making and shareholder values, but which impose efficiency measures that seem detrimental or unfair to employees. Furthermore, regarding staff hired through agencies and under their care during their shift, departmental managers do not appear to have the authority or responsibility to discuss the working conditions of this outsourced group with the recruitment agency. This means that, although human rights policy statements often explicitly extend to suppliers including recruitment agencies, managers may not be empowered to inquire further into claims by outsourced workers about the way they are treated by their agency. Additionally, it is unclear whether managers dealing with outsourced staff and recruitment agencies know about these policies. This finding indicates that the outsourcing of labour in the hospitality sector not only shifts the responsibilities of employers onto agencies and from there onto workers (EVANS *et al.* 2007), but also disengages managerial responsibility for that section of the workforce and potential human rights issues.

The management frame could thus be seen as a possible obstacle to the development of a human rights consciousness and culture in organisations which would enable managers to reflect upon and challenge business practices. It thus seems rather futile to set up human rights policies without reviewing existing corporate law, labour practices or the scope of

managerial responsibility. As discussed in the next section, however, to date the focus of directors and human rights policies in international hotel groups seems to have been exclusively on addressing external and exogenous issues and risks.

8.2.3. CSR Framing

In the policies and reports of the international hotel groups and the perspectives of directors, human rights are framed as a dimension of CSR. This is reflected in the language and issue-foci of these organisational actors and the human rights policy statements and reports on related initiatives, the place of the latter in CSR reports, and the published standards on which the international hotel groups draw. The CSR framing emphasises the capacity of business to contribute to improving socio-economic development and addressing social problems with the effect of protecting or realising human rights where the state or society are not willing or able to do so. The scope and substance of the human rights reporting and policies of the international hotel groups focuses on global social and human rights problems and risks identified as prominent in the sector. While policy commitments stress legal compliance, reported initiatives related to human rights confer a sense that the organisations go beyond the law, as is characteristic in CSR (Richter 2010; Ramasastry 2015). Like the directors, and as is common in CSR, the policies and reports also emphasise the organisations' positive responsibility to do good for society and local communities, including contributing to the realisation of basic human rights (e.g., education, health, shelter) while addressing salient material risks (e.g., resource depletion or environmental damage), including severe human rights abuses (e.g., child exploitation and human trafficking).

Several scholars in the field of business and human rights have insisted on the conceptual distinction between CSR and business human rights responsibility and their different aims (Wettstein 2012; Lopez 2013; Buhmann, Roseberry, and Morsing 2011; Mayer 2009; Ramasastry 2015). They stress their different origins: whereas CSR derives from business and management driven processes and values and seeks to positively contribute to a wide spectrum of social and environmental issues, business human rights responsibility has developed as a response to accountability campaigns with a specific focus on the rights of victims and the negative responsibility of business to do no harm. While I agree with the importance of these conceptual, teleological and historical distinctions, I find that they are not necessarily evident in the policies and reported practices of the international hotel groups.

My analysis shows that human rights have become integrated as a dimension of the hotel groups' CSR and risk management processes, which shifts the debate to the different

policy methods of CSR and human rights law. CSR scholars Graetz and Franks (2013) have recommended that the reframing of human rights in the context of social and business risks would enable companies to understand the need for human rights due diligence. Legal scholars (Lopez 2013; Bilchitz 2013; Deva 2013), however, have warned that such integration of business human rights responsibility and CSR may result in undermining the legal force of human rights, limiting human rights responsibility to compliance with local laws, which might be below international standards, or placing human rights at the discretion of owners, directors and senior management, who would decide which cause to support to meet business concerns. Nevertheless, from a business ethics perspective, Wettstein (2012, 739-740) suggests that CSR could expand the responsibility of business to take positive and pro-active actions towards the fulfilment and protection of human rights issues, while human rights would also lend a strong moral foundation and binding character to CSR.

My own analysis only partially corroborates Wettstein's claim: It shows that a CSR framing of human rights can expand the responsibility to respect human rights to include positive and proactive contributions to certain human rights issues. For instance, the international hotel groups deploy the language of 'protection,' and some commit themselves to combat and eliminate certain human rights harms, for instance, human trafficking and child exploitation. This language suggests a form of political standpoint towards certain human rights causes, subject to legal regulation and identified as risks in the hospitality industry. Furthermore, in addition to being included as a dimension of CSR, commitments to respecting and protecting human rights are claimed and naturalised as hospitality values constitutive of the hospitality business *per se*.

Nevertheless, the CSR frame shifts the focus of policy and action away from the impact of corporate practices on human rights to social problems and severe human rights harms. As also observed by Utting (2007, 699), the strongest CSR commitments target problems that are represented as external and exogenous to business operations, relationships and activities. To be sure, selected workers' rights are covered in the policies, including principles of respect, non-discrimination, equality, minimum wage, health and safety and legal collective bargaining. As discussed, these include some of the concerns of the work-floor community of meaning, although it is unclear whether these policies succeed in challenging the structural dimensions of inequality in the hospitality sector. As corroborated by Balch and Rankin (2014), I find that the international hotel groups overlook the labour dimension of human trafficking in their CSR reporting and human rights policy statements. The links between human trafficking and processes of subcontracting labour have been well

documented, including in the hospitality industry (Balch and Rankin 2014; Skrivankova 2010). Yet, I would like to suggest that the focus on criminal child abuse and trafficking for purposes of sexual exploitation raises the threshold of what could qualify as human rights issues in the hospitality industry. Thereby, the legal but also harmful and more widespread effects of demand-contingent labour practices and casualization (LeBaron 2014), the deterioration of labour standards and rights protection, and the precarization of livelihoods resulting from outsourcing (Evans et al 2007; Utting 2007, 706) are not considered human rights responsibilities of business.

The CSR framing of human rights reflects a generic view of what human rights matter for each of the international hotel groups, and in the hospitality sector. These international leaders in hospitality are partners in associations shaping the standards of corporate responsibility and areas of action for human rights in the sector. They are responsive to changes in the regulatory framework and rely on authoritative global self-regulation standards, indicators and benchmarking mechanisms as evidence of their human rights commitments and performance. The generic image of the hotel groups' human rights responsibility also emerges from the organisation and operation-wide focus of their human rights policies and the systems of reporting available to external audiences. Such policies and reporting, however, do not account for the contextual differences between the locales where the companies operate around the world. They also seldom acknowledge how companies' often complex and fragmented business models (i.e., comprising franchised, leased, managed and owned properties) might affect their ability to communicate and implement policies and consistently monitor and audit operations. This suggests that local knowledge and stakeholder concerns, including those of managers and employees in particular local operations, may be undermined by complex business models and external expertise and auditing.

Framed within CSR, human rights are not necessarily represented as corporate priorities and practices. Rather, the international hotel groups represent themselves as agents in the protection, realisation and respect of human rights as they tackle relevant social problems and corporate risks and enact hospitality values. The integration of human rights in CSR and related self-regulatory and auditing practices, however, departs from Pillar 2 of the BHR global policy – i.e., corporate responsibility to respect human rights – which sets a negative and minimalist expectation of business to do no harm and know and show their impact across their activities, operations and relationships. Furthermore, these CSR and self-regulatory processes do not appear to lead to the sort of ethical revaluation of legal business models needed to identify potential impacts on human rights and reform business practices

accordingly (LeBaron 2014; Benson and Kirsch 2010). Instead, to date, the human rights commitments, policies and initiatives of the international hotel groups have been used as means to gain moral capital and bolster their ethical identities. As discussed in the next section, this approach intersects with the business-oriented liberal framing of business responsibility for human rights of the UK Government.

8.2.4. Liberal Framing

Debates and policies on business responsibility and human rights both confront and appease the dominant liberal political and economic tradition. Liberal principles are strongly articulated in the 2013 UK National Action Plan (NAP) on business and human rights and reports of related policy activities before and after the launch of the strategy. They also underlie the critiques of the Parliamentary Committees, the BHR global policy, the CSR policies of the international hotel groups, and the framings of human rights issues in the director and manager communities of meaning. For one thing, each of these policies and perspectives directly or indirectly stresses the significance of a context with the rule of law, corporate compliance with the law, and a developed market economy. In other words, seen through a liberal frame, the core problematic in business and human rights is one of poor or illiberal governance which undermines human rights, trade and business responsibility. In that sense, liberal democracies and advanced economies, such as the UK, are unlikely to be conceived as contexts where business practices could hinder or violate human rights. This view is reflected in the weak governance and conflict zones focus of the BHR global policy, and in the overseas and developing country focus of the NAP as well as the CSR policies of the international hotel groups. It also underpins the perspectives of the participants in the director and manager communities, who were perplexed by my focus on human rights in business in the UK.

As noted by de Felice and Graf (2015) and ICAR and ECCJ (2014), the UK did not conduct a baseline review of the ways its policies and laws might hinder or enable the responsibility of business to respect human rights. Studies that have reviewed the policy-making process and content of the first NAPs on business and human rights (de Felice and Graf 2015; ICAR and ECCJ 2014; Methven O'Brien *et al.* 2016), however, do not account for the situated meaning-making processes involved as governments translate the BHR global policy into national policy. These studies argue that, in their NAPs, governments have selectively implemented the BHR global policy and recommended mechanisms. Yet, they overlook that even though NAPs often draw on multi-stakeholder consultations, they are part

of policy strategies that have been years in the making and fit particular institutional frames that are not easily displaced by alternative or critical approaches.

My analysis of the NAP exposes a reframing process in which the UK Government starts by acknowledging the core principles of the BHR global policy then diverges from them substantially. Although the NAP sets out the Government's interpretation of the UN Guiding Principles, I found that it elaborates a different theory of the state obligation to protect and the corporate responsibility to respect. Like the BHR global policy, the UK business and human rights policy emphasises that only states have obligations under human rights law. This emphasis in the NAP, however, serves to shield business from mandatory regulation of human rights responsibility; where human rights harms are alleged in relation to business activities, the primary culprit should be the host state for failing in its obligations and governance. The UK Government sees its role as one of encouraging and assisting other states to meet their human rights obligations rather than interfering through extraterritorial jurisdiction in the overseas activities of British companies. The UK business and human rights policy is thus based on a clear preference for voluntary regulations rather than legal sanctions on business. The role of the state in upholding its human rights obligations is limited by a minimalist perspective of the state. As Richter (2010) observes, this ideological package is a way to encourage, variously, the free-market, responsible business conduct, and CSR initiatives by business.

Scholarship on business and human rights has criticised the BHR global policy for undermining the legal force of human rights and thus the obligations of the state to protect (Deva 2013; Bilchitz 2013) and for being too similar to CSR (Lopez 2013). The NAP also rests on a theory of business responsibility for human rights developed from the Government CSR strategy. The negative responsibility of business defined in the BHR global policy upholds the liberal separation between the political and economic spheres, and the principle of non-interference with the rights of others. The NAP and related government reports on business and human rights activities praise business as already a contributor to human rights, however. The recurrent theme of partnership also seeks to encourage businesses to assist the state in the realisation of its human rights obligations. Emphasised here is the liberal perspective that business and trade activities foster human rights, while a context of good governance where individual rights and freedoms are protected boosts business and economic growth. The NAP advances particular features of the liberal worldview and reframes the BHR global policy around a vision of a complementary relationship between business

interests and human rights objectives. It is deployed to serve British economic prosperity and commercial interests overseas, while limiting risks of litigation for business.

The business-oriented and liberal framing of the UK business and human rights policy, is challenged, however, by critiques of the Parliamentary Committees—i.e., the Joint Committee on Human Rights and the Foreign Affairs Committee. Although the Committees operate within a liberal worldview, they emphasise the primacy of human rights and the rule of law over the Government's *laissez-faire* approach towards commercial objectives and business interests. They uphold the approach of the BHR global policy and stress that the state duty to protect requires that the UK Government be willing and able to both impose legal sanctions on business and encourage responsible conduct through voluntary and self-regulatory mechanisms. While the Committees recognise the contribution of business and trade towards the realisation of human rights, they equally acknowledge the negative impact of business and market deregulation on human rights both internationally *and* domestically. On this basis, they align with the corporate responsibility to respect human rights defined in the BHR global policy. But they diverge from it in their recognition of a broader positive role and responsibility of business for human rights and the emphasis they place on developing a human rights culture in both business and society. This emphasis suggests that the implementation of human rights should not be confined to governmental strategies and business policies or the technocratic knowledge of experts, but made commonly known and available to managers and employees alike.

8.2.5. Differences and overlaps between the four frames

The above discussion of the four framings of human rights has highlighted differences and intersections between and within the perspectives of organisational actors and corporate, government and global policies which I highlight here.

The work-floor community of meaning understood human rights distinctively in terms of equality and in light of experiences and relationships in the workplace and British society. Unlike directors' accounts or the policies of the UK Government, which focus on overseas contexts, work-floor participants considered human rights or related concepts only or mainly in relation to everyday working practices towards labour in the UK. Certainly, the policies of the international hotel groups do include commitments to employees' rights related to equality (e.g., non-discrimination, inclusivity, diversity, legal minimum wage, legal freedom of association and collective bargaining). Furthermore, the UK Government underscores that companies are already promoting human rights by implementing non-discrimination and

equality policies. But the main concerns of the Government and CSR policies are with issues that are seen as external and exogenous of business activities and practices stemming from poor governance and lack of development.

The views of managers were split, but more attuned to labour rights concerns in the UK, emphasizing the basic principle of treating employees well for the success and sustainability of businesses that are especially reliant on people. Their gaze was turned towards managing operations and relationships in their establishment, department or team, rather than the relationships between their organisation and the public sphere, as in the CSR framing. Their perspectives were informed by what they heard in the media and whatever experience or knowledge they had of human rights. Furthermore, unlike directors or the CSR and human rights policies of the international hotel groups, managers did not seem to see or promote a positive role or responsibility for their organisation in tackling social problems or human rights issues.

Overall, this highlights the importance of constituting human rights policies ‘within local contexts of power and meaning’ (Merry 2006, 1), which may reveal issues in local policies and organisational practices which undermine not only respect but also protection of human rights. As discussed in the next section, however, the meaning of human rights and experiences of power shift with the social and organisational positionalities of actors.

8.3. The politics of framing human rights in business

The (combined) meaning-making processes of human rights in business are complex, messy and power-laden. As argued by Jonker *et al.* (2004) and Nijhoff and Jeurissen (2006) with regards to CSR sense-making, meaning-making processes do not sit easily in the linear processes of policy implementation prescribed in management studies or, for that matter, the processes of human rights due diligence prescribed in the BHR global policy (UNSRSG 2011). From the work-floor through management, corporate policies, government policy to global policy, I found little shared understanding of human rights in business or the responsibilities of business and organisational actors: human rights policies and language are little known or used by work-floor participants and managers, and, conversely, their local knowledge of harms and ethical practice do not seem reflected in the more generic, legally responsive, public and overseas-oriented policies of the international hotel groups and the UK Government. The framings by the communities of meaning and in the policies are articulated from different positionalities, and as a result draw upon distinct (and sometimes incommensurate) categories of human rights, theories of responsibility, and sources and types

of knowledge of human rights. In turn, the various actors use the language and/or ideas of human rights as means to achieve particular goals and craft identities. Below, I explain these differences and intersections considering the structural dimensions of the positionality of organisational actors and policies; knowledge of human rights in organisations; and the articulation of human rights to sustain particular interests and identities. In other words, this section highlights the politics of positionality, knowledge and articulation in the meaning-making processes of human rights in policy and organisations.

8.3.1. Positionality

The multi-level and multi-vocal framing analysis reveals the importance of the positionalities of the different organisational actors and policy documents. Positionality ‘refers to placement within a set of relations and practices that implicate identification and “performativity” or action’ (Anthias 2002, 501). The various policy documents and participants framed human rights from particular positions in social, organisational, and institutional orders. These positions are not fixed but are embedded in the social processes (e.g., discourses, practices, norms and regulatory regimes) of particular spatial and temporal locations (Anthias 2002). For instance, the framing of human rights as primarily an overseas issue by corporate and governmental policies as well as managers and directors reflects a dominant contemporary discourse of human rights (and business). But, it is challenged in the framing of work-floor participants, especially those whose migration and employee statuses placed in insecure situations or lower social classes lacking political recognition. Therefore, positionalities reflect different experiences and relationships in and with society, organisations, and institutions and relative capacities (i.e., power and knowledge) to promote a dominant frame, participate in ethical debate in organisations or broader institutions, or merely make a rights claim.

Positionalities direct the gaze of actors and the focus of policy documents towards particular situations and audiences which matter to them. In a schematic way, beside their occupational responsibilities, the locations of organisational actors—front and backstage in the service theatre (Sherman 2007, 15) or again in offices involved with the whole enterprise (i.e., directors) or working for different hotels (i.e., outsourced staff)—could be seen as framing their concerns with particular issues and relationships. Work-floor employees and managers usually focused on labour relationships and situations in the workplace, for which some blamed their organisation, but also norms in society, and lack of protection from the government. Directors usually aware of and promoting their organisation CSR agenda, were

more oriented towards wider social and global problems, and were less concerned with organisational and labour issues. Yet, both work-floor employees who had explicit concerns at work, and directors who advanced their organisation's CSR and human rights initiatives, sought external endorsement: the former for their situations; the latter for official validation of their policies and commitments.

Likewise, the policies of the international hotel groups and the Government are positioned towards particular issues and audiences. For the international hotel groups, while codes of conduct, human rights policy statements and CSR reports are available to employees and managers, there is a sense that policy experts, investors, auditors and guests are the actual target audiences of such communications. Government policies are also publicly available but speak to business, civil society groups and other states. The policies of the international hotel groups and the Government perform and reassert particular identities: while the UK Government foregrounds its leadership in human rights and of liberal globalisation, the international hotel groups play up their ethical identities and leadership in their sector. As I argue later, these different framings of human rights not only reflect the particular positionalities of the different organisational actors but also attempt to shape and change them.

Positionalities, however, enhance or restrict an actor's capacity to act depending on the identity and moral agency they uphold or are bestowed in organisations and society. Some work-floor participants considered that labour practices in the hospitality sector undermined their human rights, but also situated their experience of inequality in relation to their social and civic statuses. Social theorists have described the dialectical dynamic between social status, access to rights and misrecognition in society and the workplace which renders equality in rights merely notional (Morris 2013; Honneth 1996; Lockwood 1996; Somers 2008). Morris (2013, 84) explains that a deficit in rights can result in a 'lack of moral and material resources which impede access to or enjoyment of a right, and/or [...] varying forms of stigmatisation, either of a group itself, or of recourse to a particular right'. In that sense, the restriction of civic, employment, and other social rights can diminish the protection which different categories of workers and migrants enjoy in society and at work. It can also undermine their capacity to articulate their concerns and be heard, because some categories of workers and migrants may be seen, and relatedly come to see themselves, as lacking civic virtue and moral status, and as less deserving of the rights they can claim in society. The question of who holds what rights is thus important because it can expose conditions where

inequality is tolerated or rejected in a society, in business organisations operating in that society, and by the people experiencing it (Lockwood 1996, 532).

In the hospitality workplace, outsourced employees are often considered as transient staff who do not belong in a single organisation. Like the peripheral employees described by Yanow (2004, 14), their positionality in vertical / hierarchical and horizontal / geographical peripheries remove them further from ‘the perceived centres of authority, decision-making and other sources of power and status’ and place them ‘at a (geographical) distance from the presumed centres of organisational operations’ (see also Head and Lucas 2004). Agency staff and casuals may thus be considered as outside the boundaries of responsibility of management in the hiring organisation. Their contact with the centres of decision-making and moral power is restricted to interactions with intermediaries who are either their line-manager in the agency or lower-level managers in the hiring organisation. Furthermore, depending on their hierarchical status in the organisation, ‘regular’ managers might also feel restricted in their capacity to respond to the concerns of employees and challenge existing practices, a point corroborated by Dean *et al.* (2010). Seivwright and Unsworth (2016, 1) emphasise the role which both employees and regular managers play in enacting CSR and ethics strategies set out by organisations and their leaders, while Dean *et al.* (2010, 51) observe how in their aggregate numbers they have a critical impact on ethical outcomes in organisations. Understanding the meaning-making processes of these organisational actors and the contextual factors influencing ethical decisions, actions and capacities is especially important as human rights enter the ethics considerations and practice of business. This brings me to the positionality-related question of knowledge of human rights in business.

8.3.2. Knowledge of human rights

A second explanatory factor concerns knowledge of human rights; what knowledge of human rights is articulated and recognised, and whose knowledge of human rights is relied upon to inform policies is crucial in understanding the framing outcomes.

In the international hotel groups, human rights and ethics knowledge was located in specialised departments. A number of participants hesitated to engage with human rights because they felt human rights required a particular legal expertise beyond their own knowledge and responsibilities. This suggests that, across occupational divides, human rights knowledge was considered as specialised and out-of-the-ordinary. In other words, a certain type of professional, technical and preferably legal expertise is associated with human rights and required to speak about and take responsibility for such issues, not only among human

rights practitioners, as suggested by Wilson (2006, 80) and Riles (Riles 2006), but also in business organisations. In practice, top-down, leader-stewardship approaches are usually recommended to develop and implement ethics or CSR-related policies in business organisations and facilitate processes of standardisation and acculturation in the organisation (Robert 2003; Cramer, *et al.* 2004; Humphreys and Brown 2008; Treviño, *et al.* 2008). Furthermore, Yanow (2004, 14–15) observes that the quest for and reliance on expertise in organisations also prioritizes the authority of external advocates, auditors and consultants over the local knowledge which employees have of the organisation and its relationships, operations, and everyday routines. Human rights knowledge is thus positioned in specialised roles and/or offices with an overview of the whole organisation, but removed from its everyday local practice.

This, I argue, undermines the agency and ethical sensitivity of employees and managers at the level of operations, who should be recognised as autonomous and moral individuals constituting the organisation. This marginalisation not only alienates the concerns of these organisational actors but also creates and enacts what Roberts (2003, 259) calls, in his seminal paper on the manufacturing of CSR, a form of ‘moral distancing’ across the hierarchies and geographies of an organisation. He observes that, in the process of training and educating staff on ethical matters, the local moral sensibilities and responsibilities of personnel are often restricted and displaced by incentives to conform with distant and foreign ethical interests, defined by and of concern to the organisation. This suggests that a standardized ethical or human rights subjectivity is thrust upon employees regardless of its relevance in different localities of operations or individual experience. In their study of the relationship between CSR and meaningful work, Raub and Blunschi (2013) find that learning about and becoming involved with seemingly distant and otherwise invisible issues can expand employees’ knowledge about important social problems, open the scope of their responsibility, and provide a source of motivation and satisfaction at work. But, as found in this study, important social issues such as child exploitation and human trafficking might be so foreign to the experience of staff that they risk being ignored; especially if local problems affecting their own situation persist.

What is overlooked when expert knowledge and top-down approaches to ethics and human rights are institutionalised is what Yanow (2004, 10) calls the ‘knowing-in-practice’ that takes place in organisations. In other words, the practical and local knowledge of personnel, including work-floor employees and regular managers, who have situated and experiential understandings of what issues exist and what matters in a particular site of

operation, in a specific locality. Moreover, the sort of knowledge sought from experts often discounts the subjective, interactional, experiential and embodied knowledge of human rights articulated and sought by work-floor participants (20). For instance, in the accounts of the work-floor and manager participants, references to corporate ethics policies were generally absent or seen as abstract and irrelevant, and were seldom reflected in the attitudes of managers with whom participants interacted or even the practices of their organisation. Furthermore, the personal, anecdotal and emotional nature of many everyday human rights harms may be seen as lacking the authority and authenticity of a realist or legalistic representation of a human rights situation (Wilson 1997, 149). One participant, for instance, was concerned that the incidences of discrimination and inequality she and other foreign workers and women commonly suffered at work were too small and trivial to be recognised in law. Therefore, despite their frequency in the accounts of other work-floor participants, exploitative practices and bullying attitudes may be overlooked.

Furthermore, these concerns with inequality, indignity and poor working conditions that pass under the legal radar may also not register in the corporate technologies of audit and performance assessment (Merry 2011; Sarfaty 2015; de Felice 2015b). While the UK Government recommends the new Corporate Human Rights Benchmark (BIS and Jo Swinson 2014), the international hotel groups have themselves started to audit and publish the results of their human rights impact assessments and human rights responsibility performance using the GRI index. De Felice (2015b, 5) identifies several advantages for business, governments, civil society and communities in using human rights indicators to assess business performance. These relate to ‘the potential for standardization, aggregation and, ultimately, comparability (over time and across companies) of human rights information’. Nonetheless, human rights may not fit easily into these traditional tools of management (Addo and Martin 2015, 350; de Felice 2015b) or as Merry (2011, 83) calls it, this ‘corporate form of thinking’. Indicators are technical instruments to measure aggregates and assess compliance and performance on the basis of standards and principles defined by external experts (Merry 2011, 87). The objective of such evaluations and benchmarking is usually to reach external audiences, be they investors, campaigners, or consumers, rather than the personnel who are also stakeholders and, most importantly, beneficiaries and enactors of ethics policies (Marshall 2005, 83).

As regard the measuring and reporting practices of the international hotel groups, there was little evidence that the GRI indicators or the auditing and reporting methods were known below director levels. This suggests that, as argued previously, human rights auditing

and reporting in the hospitality sector remains incomplete, partial and selective. It is less a substantive attempt to identify, reflect upon and alter practices that can negatively affect human rights than a ritual performance to fit (or even set) broader expectations of transparency (Rajak 2011; Benson and Kirsch 2010). Furthermore, standardized company-wide application and reporting on specific indicators and prominent issues cannot account for widely differing contexts and the specificity of local operations. This matters especially in highly-fragmented organisations which operate around the world, particularly considering the hierarchical, geographical and cultural distances between the centres where decisions are made and the locales where they are interpreted and negotiated.

The various quantitative processes used to measure corporate ethics and social performance have been criticised for subverting what should be an internal political process in organisations (de Felice 2015b; Sarfaty 2015). Merry (2011, 87) argues human rights are held by individuals rather than aggregates, and, to preserve their emancipatory force, their meaning and recognition (should) derive from political struggles and debates. Scholars in the field of business and human rights have also emphasized the importance of participatory and deliberative forms of engagement (Melish and Meidinger 2013; Mena *et al.* 2010) and dignity in the workplace (Sayer 2007; Karlsson 2011). In his critical review of CSR communication processes, Deetz (2003, 610) suggests that the development of social responsibilities in organisations requires that workplaces be recognised and fostered as appropriate places for value debate. The external focus and reach of auditing and measuring processes, however, provides a controlled and depoliticised approach for businesses to show that they know about their human rights impacts. This leads me to now consider the politics of interests and identity imbued in claims of inequality and bad treatment by employees, human rights contributions by the hotel groups, and the association of economic interests and human rights in the UK Government policy.

8.3.3. Articulating human rights

The recognition of a situation in terms of human rights is not just a problem of differing epistemologies and notions of evidence between affected people and legal and expert knowledge (Wilson 1997, 140–143). It also entails the politics of categorising human rights and selecting what is of basic importance for social actors at different levels (Goodale 2006, 34). Defining an issue or situation in human rights terms is therefore never a neutral endeavour, but is rather underpinned by concrete interests and objectives. Likewise, the concerns articulated in the work-floor community of meaning, the selectivity of issues to

which the international hotel groups are committed, and the emphasis which the UK Government places on the complementarity of business interests and human rights are all inherently political. They differently seek to harness the authority of human rights to achieve recognition of, respectively: their situation and themselves as moral persons, their identities as ethical and responsible businesses, or their global leadership in self-regulatory business and human rights policies.

To employees, framing a situation in terms of human rights can serve as a means to convey the importance and collective significance of an injury that may seem modest and subjective. It confers it a degree of formality to make the harm visible and challenge the social and organisational structures, processes and practices enabling it. Human rights offer a powerful frame through which employees can reinforce and 'dramatize' their moral claims and desire for autonomy, dignity, equality and integrity as individuals (Goodale 2007, 24; Sayer 2007; Hodson 2001). Because of the moral imperative human rights command, framing a moral claim or grievance in these terms confers on it a form of authority and legitimacy that is difficult to ignore (Sen 2004) and insofar as human rights direct political aspirations toward established legal processes (Wilson 2006, 78). Morris (2013, 86) sees the power and authority of human rights in the surplus of meaning they carry, which raises the status of moral, personal or collective concerns by calling into being the rights they invoke, including recognition, respect, protection, and reparation. Therefore, despite the legal and institutional spheres limiting of the reach of human rights, it is in the best political and strategic interests of employees to use and perform the language of human rights to describe their concerns.

There is little evidence, however, that human rights would be the language of choice for individual employees approaching their employers about their concerns. Some participants associated human rights with their lack of voice or ability to democratically and honestly engage their managers or employers in their workplace concerns. As argued earlier, deliberative and participative processes are part and parcel of human rights practice and claims (Sen 2004; Melish 2014; Backer et al 2015), and also contribute to the fulfilment of dignity and equality at work (Karlsson 2011, 7). There are numerous reasons why employees would not or could not articulate their concerns, including, for instance, fear and insecurity, and the lack of social dialogue and worker involvement in ethics processes and decision-making in the highly-segmented, labour-consuming and under-unionised hospitality sector (McDowell 2007, 2). Furthermore, so long as a company is seen to comply with local laws, organisations and managers appear to treat human rights as ethical and moral aspirations

which do not engage any corporate or managerial obligation; an attitude which business ethicists note needs to change (Wettstein 2009; Cragg 2012; Demujnck and FASTERLING 2013).

Nevertheless, business organisations are sensitive to the authority and power of human rights ideas and language, which have been the basis of critical and detrimental challenges and litigation by civil society groups and local communities. Human rights have also become the basis upon which business activities and ethical performance are being evaluated through auditing and benchmarking; self-monitoring practices which help business organisations construct and defend desirable reputations (Merry 2011, 83). Organisations thus have a political interest in controlling the meaning of human rights by both defining the scope of their responsibilities in their policies and communications and harnessing the moral capital and legitimacy they can confer on business operations (Rajak 2011). The hotel groups achieve this discursively by interweaving hospitality virtues with the sensitivities underlying human rights. This normalises human rights ideals and commitments in the company narrative, and enables the groups to resist the portrayal of business as a natural culprit in human rights and social harms, promoting a positive ethical identity for themselves and the sector. Furthermore, by collectively identifying salient human rights risks in and for the industry—i.e., human trafficking and child exploitation—and publicly committing themselves to tackle these crimes and in some cases their perceived root-causes (e.g., poverty, unemployment, lack of education) they retain their capacity to determine their own moral postures, roles and responsibilities (Bashkow 2014, 300).

The focus on these particular crimes is significant because it exposes the hotel groups' vulnerability to 'indirect complicity' (Wettstein 2010, 38) in invisible, silent and private but serious abuses facilitated by their premises. Yet, by identifying their potential involvement, condemning the violations and committing themselves to helping the authorities and society to address them, the hotel groups take on an identity that goes beyond respecting human rights. They take a political and proactive stand, rejecting the status of bystander, and taking steps to prevent problems from occurring. This framing enables the groups to identify themselves as capable actors who can protect vulnerable people from immediate harm and help improve socioeconomic conditions underlying criminality in the long-term.

The UK Government endorses this ethical and responsible identity of business in its business and human rights policy. The timing and substance of the NAP also seek to reinforce the Government's own identity as a leader in human rights and free-market governance. Its framing of human rights and business responsibility as complementary in growth and prosperity undercuts the view that human rights responsibility will add a new

regulatory burden on business. While the Government states its support for the BHR global policy, its business and human rights strategy reframes the terms of its own obligations and business responsibility to lessen the risk of litigation domestically and abroad. It seeks to alleviate the concerns of business and set the tone of national strategies on business and human rights for other states to emulate. The politics of business and human rights national policy thus resists attempts by southern states or civil society groups to promote and develop legally binding standards of human rights for business (Treaty Alliance 2016). The limited consideration by the Government of its own policies and the domestic scene, however, effectively diffuses attention on human rights issues in business and protection of workers' rights in the UK.

8.4. Summary

In this chapter, I have discussed the meaning making of human rights by focusing on the equality, management, CSR and liberal framings identified in the analysis chapters. The four frames represent the different, nuanced, and sometimes overlapping understandings, interpretations and articulations of human rights of the work-floor, manager and director communities of meaning and the policies of the international hotel groups and the UK Government. I have emphasised the importance of considering the context of meaning and power in which human rights policies are constituted and implemented. Comparing the micro level of everyday meaning-making with the meso and macro levels of policy framing, I have argued that attention to positionality, knowledge and the power to articulate human rights are key to an understanding of the differences and similarities in the meaning-making processes of human rights in organisational life and in policy. The meanings of, knowledge about and ability to articulate human rights all depend on the social and organisational positionalities and political objectives of actors using the language and ideas of human rights. As I elaborate in the concluding chapter, these findings have important policy implications, particularly as regards the processes of human rights due diligence in business organisations. For employees to acquire knowledge of human rights and ethics policy access to relevant information should be more widespread in organisations and through input from trade unions, NGOs, migrant associations, embassies, etc. This can be done through information displayed in the workplace, education and training, as well as through the Internet, and social media channels. Most importantly, however, human rights should not merely be policies but embedded throughout the practices, in the attitudes of managers and directors and across the operations of companies.

9 Conclusions

9.1. Introduction

This inquiry set out to explore how human rights are framed—i.e., understood, interpreted and articulated—in government policy, corporate policy and by employees in the hospitality sector, and to explain the differences and similarities in these different framings. My objectives were:

1. To critically assess the literature on business and human rights;
2. To develop an integrated framing analysis of human rights to explore meaning-making processes around human rights in *both* international, governmental and corporate policy *and*, especially, in everyday interactions, experience and knowledge by organisational actors;
3. To make a unique empirical contribution to the debate on business and human rights by including the voices and experiences of people working in hospitality organisations across the occupational and hierarchical spectrum;
4. To emphasize the importance of inclusive approaches in corporate policy-making and communication on human rights, so that different voices and local knowledge of human rights feed into policies and practices that are contextually meaningful.

In this concluding chapter, I first outline the key findings with respect to the main question and highlight how the study meets the set objectives (9.2). In section 9.3, I set out the study's main contributions to knowledge, and then, in section 9.4, deduct policy implications from the study's findings and offer recommendations for the implementation of human rights due diligence in organisations. Section 9.5 appraises the limitations of this study and, finally, section 9.6 suggests some ideas for future research on human rights in business.

9.2. Key Findings

In line with its objectives, this thesis has presented a multi-level and multi-vocal framing analysis of human rights in UK hospitality businesses. Focusing on the framing of human rights in policy and by organisational actors, this research has offered an account of the meaning-making processes of human rights and business responsibility in the policies of the UK Government and of nine international hotel groups (chapters 4 and 5) and, especially, through the perspectives, experiences and expectations of individuals working across the hierarchical and occupational spectrum in hospitality businesses in London and Oxford

(chapters 6 and 7). I have noted significant differences in the way human rights are understood, interpreted and articulated at the local level of operations across this spectrum, and in and between corporate, governmental and global policies on business responsibility and human rights (chapter 8). By focusing on the issue-foci and language used in policy and by participants, I reconstructed four distinct, but intersecting cognitive and discursive frames: equality, management, CSR and liberal. These frames respectively underlie (and signify) the meaning-making processes of human rights of individuals in work-floor occupations; operation managers; directors; and by nine international hotel groups and the UK Government in relation to and in the context of business. The key findings of the study are as follows:

- There is little shared-understanding of human rights in business, because the investigated communities frame human rights differently. The work-floor community frames human rights issues in everyday experiences and interactions in the workplace; the manager community recognises human rights issues through a management frame which leads to ambivalence and downplaying of human rights and ethical concerns; the director community and hotel groups policies primarily define human rights through a CSR frame, as social problems in developing countries or as legal risks for the industry which businesses can help improve; and the UK Government frames human rights through a business-oriented liberal frame, as problems of governance and development overseas which primarily entail obligations for foreign states.
- The generic, legally responsive, outwardly and overseas-oriented policies of the international hotel groups and the UK Government do not seem to derive from or reflect the local knowledge of human rights and operations in the work-floor and manager communities of meaning. Whereas the framings of human rights issues of the work-floor and manager communities of meaning suggest that there are human rights related problems in the common labour practices and regulation of work in the hospitality sector in the UK, these seemed to be overlooked in the framings of the director community of meaning, and the policies of the international hotel groups and the UK Government.
- Human rights policies, where they exist in hospitality organisations, and more generally the legal ideas of human rights, are either unknown or perceived as meaningless or inaccessible tools for challenging harmful practice or improving conditions and wellbeing in the hospitality sector for work-floor and manager communities of meaning.

- The different framing of human rights in the three communities of meaning and the corporate and national policies stem from different positionalities which combine diverse social, organisational, and institutional locations with differing performative identities and agencies.
- The differences in the framing of human rights in business are also underpinned by different sources (e.g., personal experiences; attitude of management; the media; employment contracts; social norms; corporate policies; international law) and types (e.g., personal, emotional and anecdotal; internationally standardized and quantifiable; legalistic) of knowledge of human rights, which are not consistently recognised between work-floor, manager and director communities of meaning, and in corporate and government policies.
- The various actors seek to harness the discursive power of human rights to pursue concrete political objectives, i.e., to frame their situation and challenge existing power inequalities (i.e., work-floor community of meaning); craft ethical identities (i.e., directors and international hotel groups); and advance national commercial interests (i.e., UK Government).
- The policies of the UK Government and the nine international hotel groups intersect in their focus on the positive contributions which businesses can make to human rights, whereas the BHR global policy and the Parliamentary Committees emphasise the negative impacts which the activities, operations and relationships of business organisations can have on human rights.
- The UK Government promotes voluntary approaches and mechanisms of business responsibility, whereas the BHR global policy and the Parliamentary Committees suggest mixed legal and self-regulatory mechanisms.
- The UK business and human rights policy appears to reframe the role and obligations of governments by emphasising a negative approach to the protection of human rights and workers' rights. Following a business-oriented liberal policy, it privileges approaches which require limited state interference in and regulation of business and does not give due consideration to the effectiveness of UK domestic regulatory and policy context in enabling human rights practice and culture in business.

The differences and intersections between lived-realities, practices and policies, can be understood through the politics of positionality, knowledge and articulation in the meaning-making processes of human rights in policy and organisations (chapter 8). The analysis

highlighted the structural implications of the social and organisational positionalities of the various actors on their knowledge of human rights and their ability to articulate their situation, or situations which they observe, in terms of human rights. It also showed that the positionality of corporate and institutional actors has implications for the framing of human rights issues, responsibilities, and identities in policies. The analysis has thereby exposed the political (though undermined) potential of human rights in business, as the ideas and language of human rights can be used to, variously: challenge established labour relationships and practices by strengthening ethical claims; advance corporate legitimacy by shaping the ethical identities of business; and promote national commercial interests abroad by constructing a level-playing field for business ventures.

Hence, to answer my main research question: Human rights in the hospitality sector in the UK are framed differently, depending on the community of meaning, positionality, knowledge of and access to knowledge (of human rights) and the politics of articulation in organisational and policy contexts. The differences and similarities need to be understood in terms of where communities of meaning find common ground and/or where their unique positions place them within their own understanding, interpreting and articulating of human rights norms, issues, identities and concerns.

9.3. Contribution to knowledge

This study contributes to the production of knowledge in four different ways. First of all, it argues that the exclusion of the perspectives and experiences of individuals in business organisations is an empirical omission. By focussing on the contextual meaning of human rights from the perspectives and experiences of people across hierarchical and occupational divisions in business organisations, in an advanced economy and in the hospitality sector, this study empirically enriches the debate on business and human rights, and more specifically discussions on the implementation business and human rights policy, which traditionally focuses on: 1) the implementation of codes of conduct and human rights policies (Preuss and Brown 2011), 2) the development of indicators to measure corporate human rights performance (de Felice 2015b), 3) the difficulty of translating human rights in business culture and practice (Addo and Martin 2015), 4) the complexity of supply chains (Hamm 2012), and 5) the context of operations (Haines *et al.* 2011).

Secondly, the study contributes to policy and organisational research based on framing analysis, by applying and extending Cornelissen and Werner's approach (2014) to explore the way human rights and business responsibility are also understood, interpreted and

articulated by *individuals* (alongside policy documents) across the hierarchical and occupational spectrum of hospitality organisations. It allows for the identification and reconstruction of particular frames: equality, management, CSR, and liberal, which explain the interpretation and articulation of problems addressed in policies or which mattered to the participants in their everyday experience. The focus on actors who are at the receiving end of (i.e., work-floor personnel) or meant to implement business responsibility policies in business organisations (i.e., managers and directors), contributes to understanding how they give meaning to (their) situations in terms of human rights on the basis of their experiences, and the discourses, values, norms, and attitudes which surround them, rather than with reference to policy texts setting terms of good conduct.

Thirdly, the study offers empirical underpinning for the theoretical arguments of Dine (2001) that organisational actors act within the frames of the legal norms and philosophical understandings of the societies in which they operate, and of Haines et al. (2011) about the way *local* political and legal contexts impact the ability of companies to implement their human rights responsibilities. The study critically argues that local laws and social norms can limit an individual's capacity to enjoy rights and assert their concerns. Formal compliance with local - i.e., UK laws - may not always be a good guide for responsible business practice and respect of human rights.

Fourthly, this study contributes to the epistemological debate on how to acquire knowledge on human rights in business in that it critically questions the dominance of statistical auditing and benchmarking of corporate human rights performance (Sarfaty 2015; de Felice 2015b) in favour of understanding, participatory processes and dialogue (Mena *et al.* 2010; Melish 2014; Melish and Meidinger 2013; Merry 2011). The situated and contextual significance of human rights implies the need for nuanced understandings of harms and recognition of local knowledge and its alternative articulations. The local knowledge of managers and employees encompasses knowledge of the communities and normative context of local operations, as well as knowledge of the operations themselves. This knowledge may be relevant to a company, especially where expectations and what matters locally differ from the (global) issues it sets itself to address in its human rights policies and commitments.

Overall, this study contributes to the critical understanding of what business organisations define as human rights problems and how, and what knowledge and authority of human rights they recognise and communicate. More importantly, it contributes to the critical understanding of how, and under what conditions, people in different positions in business and those on the *work*-floor give meaning to their situation and position in terms of

human rights. The study uniquely articulates the barriers which both the ‘work-force’ and ‘operational management’ encounter in developing a human rights consciousness or their potential to do so and engage corporate actors in altering their organization’s practice towards and culture of respect and promotion of human rights in business. More than ends of responsible business conduct, human rights should be seen and treated as parts of the means and processes to achieve better working conditions and livelihoods in and around business operations.

This leads me to offer some policy recommendations for the development of human rights practice and culture in business and processes of human rights due diligence.

9.4. Policy recommendations

This study highlights that there are significant differences in the way human rights and business responsibility are given meaning in national and corporate policies, and in organisational contexts. These, in part, derive from limited knowledge of human rights in organisations (and broader society) and/or the privileging of expert and legalistic forms of knowledge of human rights in the making and implementation of policies. This is further related to the usually top-down processes through which human rights policies and commitments are translated and communicated in organisations. Human rights policies and commitments often draw on existing global standards, risks identified in and for the industry, severe human rights harms, and CSR commitments to improve social problems. These are applied organisation-wide with a focus on priority areas where risks are more common, but seemingly without regard for the context of operations or what local personnel know about what matters and might be interpreted and articulated in human rights terms where they live and work. The following complementary recommendations to develop bottom-up human rights due diligence processes stem from the paradigm shift of this study which highlights the meaningfulness (or lack thereof) of the language and ideas of human rights *in business*.

Policy recommendation 1:

The UK Government and business organisations should develop procedures and standards for the implementation of human rights due diligence which are participatory and contextual.

The UNSRSG’s (2011, 15, 17–21) recommends that human rights due diligence should be seen as a process through which business organisations can both ‘know and show’ that they respect human rights and to identify significant risks to human rights deriving from their activities, operations and relationships. The UNSRSG further recommends that the process

should be communicated to all functions within the organisations, although these functions appear to be limited to senior management and legal departments in practice.

Human rights due diligence processes, therefore, should be bottom-up to include engagement with all employees. It should be familiar to staff and related to experiences and expectations at the local level of operations. The company should communicate an understandable message of commitment which should be emulated in organisational, labour and management decision-making and practice across the organisation and its supply-chain. Human rights due diligence could be used as set of principles to evaluate local corporate human rights decisions and practices. The remaining points set out recommendations for the implementation of a bottom-up human rights due diligence approach.

Policy recommendation 2:

Employees should endeavour to acquire knowledge of their statutory rights, human rights and workers' rights, and be aware of the ethics policies and processes of their organisation. They should seek support from trade unions, migrant organisations, country embassies, Non-Governmental Organisations (NGOs), or other advice organisations.

As some of the immediate beneficiaries of human rights policies in business and as moral agents constituting business organisations, employees, regardless of their employment status, would not only benefit from acquiring a better knowledge of their rights and the ethics policies of their organisation, but also from gaining in human rights consciousness. This would enable and empower them to articulate their concerns in ethical or legal terms, avoid exploitative working conditions, question social attitudes and norms towards human rights and accepted sites of inequality and power relationships, access support from trade unions or other relevant groups, and make use of the available ethics procedures and remedial mechanisms in their organisation or locally. A stronger human rights consciousness among employees could also foster human rights practice in business and benefit companies, as employees would be able to evaluate the decision-making and practices of their employers and implement principles in their everyday work.

Policy recommendation 3:

Operational managers should be aware of human rights policies in their organisation and human rights more generally. They should be encouraged to reflect on situations and concerns brought to their attention and able to take responsibility for their staff on the basis of human rights.

Related to Policy recommendation 2 and because the attitude of managers is often read by employees as representing the values and rules of an organisation, managers have an

important role in acting according to the ethics or human rights policies of an organisation. This requires that their knowledge, responsibilities, and the messages they communicate to their staff be in line with these policies. Therefore, tensions between expected profit-making responsibilities and human rights or ethics principles should be resolved. For instance, managers should be able to evaluate their responsibilities and the expectations of their superiors on the basis of human rights standards. They should also be able to consider the concerns of employees, especially those hired through agencies, and relay them to relevant functions if they cannot address these themselves.

Policy recommendation 4:

Business organisations should foster inclusive and participatory approaches to the making and implementation of business human rights responsibility and should create a culture where human rights are protected.

This recommendation is core to the creation of organisational contexts enabling the previous two recommendations and human rights due diligence. It is also in line with other complementary recommendations for participatory approaches in business and human rights and CSR (Melish and Meidinger, 2013; Deetz, 2003; Utting 2007), and for the creation of human rights cultures in business whereby employers create the conditions within the organisation to prevent human rights harms to occur or for people from being deprived of a right (Brenkert 2015, 155). Business organisations should foster organisational contexts which welcome dialogue on social, environmental and labour issues between employees, their representatives (e.g., trade unions) and the organisation. Reviews of practices that may be lawful but perceived as unethical should also be encouraged.

Policy recommendation 5:

Government, business organisations, NGOs, Trade Unions and other capacity-building groups should endeavour to develop knowledge of human rights as ethical and legal standards through education and training.

A successful implementation of the previous Policy recommendations requires a broader common knowledge and understanding of human rights. The language and ideas of human rights, employed by international hotel groups is often technical, unfamiliar and remote to individual employees. Articulation of human rights policies in terms of equality, dignity, and respect, would facilitate the communication between managers and work-floor participants thus drawing on different kinds of knowledge and understanding of human rights. As it is not clear how much individuals managers and other employees know about human rights and their relevance in their day-to-day work, human rights education, training, dialogue and

regular communication within the organisation and through the staff intranet or other social media available and used by employees would facilitate communication across occupational hierarchies. Most importantly, however, human rights should not merely be policies but embedded throughout the practices and culture across the operations of companies.

The development and implementation of corporate policies would benefit from education in human rights to enable employees at different hierarchical and occupational levels to engage with the ideas of human rights, use them to assess their situation or organisational practices, and give them greater moral and ethical responsibility in the organisation. This recommendation provides a space for businesses to engage with trade unions and NGOs involved in educating employees and capacity building. Furthermore, if, as suggested by the Joint Committee on Human Rights (2009a), the Government should enable the constitution of human rights cultures in business, human rights should be more widely taught as part of school, university, and business school curricula to raise awareness of the practical significance of human rights and relevant institutions in everyday life, at work and in management.

Policy recommendation 6:

The UK Government should not be complacent about its own policy and regulatory context, neither should business organisations, campaigning groups and lawyers be complacent about the human rights and policy context of advanced economies and democracies.

This recommendation is in line with other recommendations for the making of National Actions Plans (NAPs) (de Felice and Graf 2015; ICAR and ECCJ 2014; Methven O'Brien *et al.* 2016), the UK Government should carefully assess how its policies and laws may impact on the ability of businesses to respect human rights in both their overseas and domestic operations. The Government should increase awareness of existing corporate law, labour practices and the scope of manager responsibility in order to address the tension between profit-oriented management and the principle of corporate responsibility to respect human rights. In a similar vein, business organisations and other policy actors such as NGOs and lawyers involved in the business and human rights debate should pay more attention to gaps of governance, knowledge of human rights and access to remedy in the context of advanced economies and democracies.

9.5. Limitations of the study

The limitations of this study should be seen in light of the interpretive criteria of evaluation set out in the methodology chapter: trustworthiness; reflexivity; mapping, intertextuality and exposure; and voice. This section reviews the limitations of the research methods, the integrated framing analysis and interpretation and presentation of the findings, and the scope of the study.

I started this study with an advocacy mind-set, ambivalent but nonetheless ready to side with the ‘vulnerable’ in my study. Although social justice remains a significant driver in my engagement in social research, this side-taking perspective, I believe, has changed through exposure and meeting individuals inside business organisations and not just encountering the organisation on glossy paper and websites. In this study, I have striven to gain exposure to and represent a diversity of voices and understandings of human rights across occupational hierarchies in hospitality businesses. This was facilitated by the use of semi-structured individual and group interviews, participant observations during canvassing, policy document analysis and not being tied to one organisation. I also attempted to find a balanced way to represent the findings and voices. I followed the top-down method of policy analysis—i.e., from government policy, to corporate policy, to directors, managers and finally work-floor employees as potential beneficiaries—and then reversed my findings in the discussion to retrieve a bottom-up approach and expose significant gaps. The more traditional structure of policy analysis enabled a less politicised representation of the findings yet the bottom-up twist enabled me to foreground the voices of organisational actors, but it does not reflect very well the intertextual and iterative way in which I conducted the framing analysis.

This quest for diversity and balanced representation of voices has not always been easy to achieve; not so much in terms of getting access to sites and participants as in terms of taking a critical step back to review my own interpretations and the influence of participants’ accounts. For instance, in my encounters with unions and work-floor employees, anecdotes of wrongdoing, bad practice, poor treatment, vulnerability and precarity were recurrent and told with dramatic verve. This required that I carefully consider and revised the tone and colour of my initial interpretations and take into account the political significance of my questions and the participants’ accounts of human rights. My focus on hotel workers was disappointing to many who did not work in this sector but wanted their stories to be reported, which made me question whether I was imposing my own views of where the problems lie.

The time I spent as a participant observer with foreign and work-floor employees in the English classes and the support clinics of the trade union and in the socials may be seen as creating an imbalance in contrast to the short time I spent with managers and directors. Yet, the participant observations also balanced out my immersion in corporate literature, which offers a very different view of work-life and human rights issues in the hospitality sector. While the participants in managerial positions were often unfamiliar with their company's policies, the management frame and through it a particular corporate message of ethical practice crept into their accounts. This message may have been a refuge for some of them, particularly participants in director positions, protecting them from asking critical questions about the system they work in and its injustices. And yet, it also led respondents to contradict themselves when speaking 'as managers' or 'for themselves' (Crane, 1999). Where possible, I met participants in manager positions before the interviews, and interviewed most of them in their work or household context. Notwithstanding the short time I spent with participants before and during the interviews, to observe them in familiar settings, greeting and interacting with other colleagues, and answering the phone, and taking in the atmosphere of the place offered me important insights into their everyday work-life.

The mapping exercise was undertaken in earnest during the framing analysis and writing stages as I regrouped the participants in communities of meaning based on their positionality at work and in the UK which they performed and alluded to in the interviews. These groupings may appear to have been arbitrarily defined on the basis of labour divisions which belie the complexity of an individual's positionality (i.e., gender, age, ethnicity, race, education, social status). As stated in the methodology chapter, despite this 'freezing' of participants into communities of meaning for analytical purposes, I also acknowledged the fluidity of the communities' boundaries, including their overlaps where participants shared similar understanding. For instance, the lines dividing the director and manager communities were often blurred, but their different acquaintance with corporate policies was a significant distinction in their framing of human rights. Furthermore, several managers had worked at different occupational levels in the hospitality sector before taking on manager roles. I also endeavoured to note other dimensions of participants' positionality and experience, emphasising that the traits I had observed during our encounters and the accounts I interpreted were situated and contextual. This mapping also helped me reconstruct shared cognitive and/or discursive frames, and thus a shared sense of the particular occupational and hierarchical settings through which the participants made sense of human rights.

This study, however, cannot make a strong claim about the co-generation of evidence beyond the interviews. This criterion is an important aspect of trustworthiness in interpretive qualitative research, but my interpretations have not been discussed with participants and therefore remain my own, based on my close reading of the empirical material cross-checked through intertextuality and with findings in the relevant literature. This shortcoming may undermine the quality of the framing analysis and my reconstruction of cognitive and discursive frames based on the issue foci and language of the policies and participants. Indeed, would these frames be recognisable and ring true to the participants (Creed et al. 2002, 48)? Furthermore, this reconstruction of frames could be criticised for taxonomising the dynamic and intersubjective ways actors frame a situation (van Hulst and Yanow 2014, 2). The frames, however, were neither imposed nor fixed. I reconstructed them from the data to serve analytical purposes during the mapping of differences between the framing of the communities of meaning and the government and corporate policies. I trust that exposure to and mapping of participants' diverse perspectives and mapping for intertextuality across different types of sources (i.e., interviews and policy documents) and across documents contributed to thickness of interpretation and richness of evidence to support the findings.

Not being tied to one organisation gave a broad scope to the study, although I eventually settled for sites in London and Oxford. Due to the small number of interviews, and despite the policy document analysis which accounts for the perspectives of leaders' in the international hotel industry and the UK Government, my findings in London and Oxford cannot claim to be representative of the whole of the UK, let alone the wider sector. Nevertheless, my flexibility and multi-sited approach successfully accessed a diversity of voices and enabled me to interview people working in different occupations and different types of establishments in the hospitality sector. It also limited gatekeeper interference in the choice of who could be interviewed and enabled me to interview people such as outsourced cleaners who have more tenuous relationships with the hospitality businesses employing them than in-house employees.

The contextual situatedness of this research means that it includes few relevant policy actors—albeit marginalised ones in the BHR debate—in a field that is now attracting many new players involved in shaping policies. It covers a short timeframe at the very early stages of the making and implementation of human rights policies in the hospitality sector, and in the UK after the official policy was launched in 2013. As such, it only offers a glimpse of a period when human rights ideas and the expectation that business respect human rights were at their inception in both the UK and in the hospitality industry. Nevertheless, this study

provides important insights into contemporary understanding, knowledge, experiences and expectations of human rights in business organizations with and without specific BHR policies. Despite its inherent limitations of accepting any and every claim as human rights, the expansive perspective of human rights taken here has enabled such exploration of expert and everyday, legalistic and ethical meaning-making of human rights taking place in policy and organisational contexts.

9.6. Suggestions for future research

Five years into the implementation of the BHR global policy in governmental and corporate policies, further research should be carried out into the communication, practice and knowledge of human rights in business organisations in other sectors and contexts. To my knowledge, this study is the first to focus on interpretive accounts across the occupational and hierarchical spectrum in business organisations in the field of business and human rights. The field would benefit from more specific and localized investigations of the processes of meaning-making of human rights and business responsibility in business organisations, government policies, quantitative benchmarking mechanisms, the campaigning of non-governmental organisations, and the advice of so-called independent agencies, consultants, and legal firms involved in helping business make sense of their human rights responsibilities.

The complexity of this fast-developing field of policy and practice is best served by studies that value different and multiple approaches including anthropology. Recent work on the anthropology of CSR (e.g., Dolan and Rajak 2016; De Neve, 2014), for instance, could be emulated to focus on business human rights responsibility—or more broadly human rights in business—using methodologies that are more immersed than this study has been, but likewise inclusive of the perspectives and experiences of the individuals constituting businesses organisations, their supply-chains, and the communities where they operate. Such research would offer an alternative and a complement to the current passion for audits and surveys carried out to assess corporate performance in human rights responsibility. It would explore the discourses, practices and impacts of business human rights policies in light of the meanings, expectations, and contradictions they create in organisations, and examining the patterns of inequality and discipline which arise as the introduction of human rights policies and practices creates new sites of inclusion and exclusion. Future researchers should keep a critical eye on the apparent goodness of implementing human rights in business. Attention should also be paid to contexts and industries which are not usual sites of severe human rights

harms, but may be at the forefront of changing practices, including new forms of business based on social and environmental goals.

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Appendices

Appendix 1 – Ethics Approval

Professor Math Noortmann
Director of Studies
Department of Social Sciences
Faculty of Humanities and Social Sciences
Oxford Brookes University
Gipsy Lane

5 December 2012

Dear Professor Noortmann

UREC Registration No: 120681
Business human rights responsibilities and migrant workers in Britain: a multi-stakeholder study

Thank you for your email of 5 December 2012 outlining your response to the points raised in my previous letter about the PhD study of your research student Samentha Goethals, and attaching the revised documents. I am pleased to inform you that, on this basis, I have given Chair's Approval for the study to begin.

The UREC approval period for this study is two years from the date of this letter, so 5 December 2014. If you need the approval to be extended please do contact me nearer the time of expiry.

In order to monitor studies approved by the University Research Ethics Committee, we will ask you to provide a (very brief) report on the conduct and conclusions of the study in a year's time. If the study is completed in less than a year, could you please contact me and I will send you the appropriate guidelines for the report.

Yours sincerely

Hazel Abbott
Chair of the University Research Ethics Committee

cc Juliette Koning and Zeray Yihdego, Supervisory Team
Samentha Goethals, Research Student
Maggie Wilson, Research Ethics Officer
Jill Organ, Graduate Office
Louise Wood, UREC Administrator

Appendix 2a – Study brief (example)

Business responsibility, human rights and migrant workers - Study Brief

‘Business Responsibility, human rights and migrant workers’ is a research project which will contribute to my Doctoral thesis entitled ‘Business Human Rights Responsibility and Migrant Workers in the Hotel Sector in Britain’.

The thesis project is interested in exploring the role and responsibility of hotel businesses for human rights in Britain from the perspectives of both migrant workers, and hotel managers. The aim is to get a critical understanding of what the new United Nations-set principle of *business responsibility to respect human rights* mean in a specific business sector, and for the situation of migrant workers, in Britain.

What does it take to implement a human rights approach in the hotel industry?
What does a human rights approach mean for migrant workers in this sector?

‘Migrant Workers and Business Responsibility’ seeks the perspectives and experiences of migrant workers with experience of working in the hotel sector in Britain. On the basis of individual interviews with migrant workers, and hotel managers, it will seek to identify the opportunities and challenges of implementing the UN-set principle of business responsibility to respect human rights in the hotel sector. Between now and mid-November 2013, I will be inviting the participation of migrant workers with experience in the British hotel sector to participate in individual interviews. The project will run in London and Oxford. Interviews will last for an average of 60mn and will be scheduled at a time, place and date convenient to research participants. Participation is voluntary and confidential, and participants’ identity will remain anonymous.

The findings from the interviews will be used in my thesis, as well as other publications or talks related to business and human rights issues. This is a policy research which will contribute to the on-going international debate on business and human rights, and to the national debate on the responsibilities of the hotel sector with regards to migrant workers in Britain.

This study has been approved by Oxford Brookes University Ethics Committee.

I thank you for reading this note of information and for your interest in my research. I look forward to hearing from you if you would like more information about my research project and/or would like to contribute to it.

Samantha Goethals (MA, BA Hons)
Doctoral Candidate – Global Politics, Economy and Society
Department of Social Sciences – Faculty of Humanities
Oxford Brookes University
Headington Campus
Gipsy Lane
OX3 0BP Oxford
Tel: 07733362459
Email: Samantha.Goethals-2011@brookes.ac.uk

PLEASE NOTE:

Your participation is entirely voluntary.

You will not have to give your real name and/or the name of the place where you work if you do not wish to.

I will ask you for your permission to the use of a voice recorder and the use of quotes in publications. You will be required to sign a authorisation form for this and will receive a copy of it with my own signature.

Due to the small scale of the research complete confidentiality and anonymity cannot be guaranteed. Your name or any personal details will not appear in publications. Any information will be kept confidential subject to legal limitations.

The study will not have any direct and immediate impact on your working conditions

Appendix 2b – Call for interview (example)

Migrant workers and Business Responsibility

Research study needs interview participants

Hello

My name is Samentha Goethals, I am a Doctoral student at Oxford Brookes University. I am doing a study on migrant workers' rights and business responsibility in hotels in London and Oxford.

I am doing interviews for my study to learn about what people who have come to live and work in the UK think about their working conditions, their employers' responsibility and their experience of living in London.

I would like to invite you to an interview for my study, if:

- you have come from abroad to live and work in the UK
- you have worked in hotels in London or in the UK

The United Nations and the British Government say that businesses have the responsibility to respect human rights. In my study I want to learn from you:

- What are your work and life in London like?
- What makes work and life easy or difficult in London?
- What could be done to improve your working conditions?
- Do you know about your rights?
- What does human rights mean to you?

If you would like to talk about these questions, I would be happy to interview you for 60mn on a day, time and place of your choice before November 17th 2013. The objective of my study is to inform the current policy discussion on businesses responsibility for human rights in the UK. I want to bring the views of migrant workers in this discussion. Your interview is important to help my study do this.

If you would like to get more information about my study or if you would like to take part in my study, please contact me at the following email or phone number. Interviews can be done in English, French and Spanish. Please note that your name and that of anyone you talk about will not be told to anybody. The interview will be recorded only if you agree to it.

You can find more information about myself, my study and my university at:
http://www.social-sciences.brookes.ac.uk/students/students_irelations_sgoethals.asp.

PLEASE NOTE:

Your participation is entirely voluntary.

You will not have to give your real name and/or the name of the place where you work if you do not wish to.

I will ask you for your permission to the use of a voice recorder and the use of quotes in publications. You will be required to sign a authorisation form for this and will receive a copy of it with my own signature.

Due to the small scale of the research complete confidentiality and anonymity cannot be guaranteed. Your name or any personal details will not appear in publications. Any information will be kept confidential subject to legal limitations.

The study will not have any direct and immediate impact on your working conditions.

Appendix 2c – Letter of invitation to managers (example)

Dear ...

My name is Samentha Goethals. I am a doctoral candidate on the Doctoral Training Programme in Global Politics, Economy and Society, in the Department of Social Sciences at Oxford Brookes University.

I am conducting a research study entitled 'Business Responsibility and Migrant Workers in the Hospitality Sector in Britain: A Multi-stakeholder Study', which will contribute towards my Doctoral thesis. This study is funded by Oxford Brookes University Doctoral Training Programme in Global Politics, Economy and Society.

As a managerial staff in a hospitality business, I would like to invite you to participate to an interview. Your experience as a manager in a particular occupational area of a hotel can significantly contribute to our understanding of the role and relevance of social responsibility across the managerial chain and within a hotel.

This study is concerned with the implementation of the United Nations-set norm of business human rights responsibility in Britain. Its aim is to critically understand the relevance of this international norm and social expectation for migrant workers and the hospitality sector. It will also seek to identify the difficulties and opportunities to implement 'business human rights responsibility' in this particular industrial sector, and more generally in Britain. The inquiry will explore:

- 1/ how the British government is implementing the international norm in domestic policy;
- 2/ how migrant workers working in hotels, and hotels managers, understand the notion of business responsibility to respect human rights;
- 3/ how a human rights approach can be useful in the relationships between migrant workers and hospitality businesses.

The study includes interviews with managers in a variety of hotels. It also includes focus groups with foreign individuals who have come to work in the UK and work in hotels. The inquiry will take place between January and September 2013. It will run in towns including Oxford, London, Manchester, Brighton, and Birmingham.

If you decide to participate, you will be asked to meet with me for an interview. The interview will last 60mn. It will cover open-ended questions on themes, such as: your own experience as a manager in hotel; your relationship the staff both managerial and operational; the culture and values in the workplace and employment; the place of social responsibility in the culture of hotel work and its importance in your work and relation with other staff; how human rights considerations come into play into the organisation's social responsibility; how and what sorts of human rights concerns exist in managing a diverse workforce, etc. At the end of the interview, you will also be asked for the possibility of another interview to clarify or further some of the points discussed.

Although contributing to this interview may not be of direct benefit to you, it is an opportunity for you to express your views on the relevance of social and human rights responsibility for managers in hotels and how such responsibility plays out in staff relationships. It is also a chance for you to tell us about opportunities and difficulties in implementing a social and human rights responsibility culture in hospitality businesses. It is hoped that the research outcomes will benefit society in general by informing the government's policy on business and human rights, and businesses' social responsibility agenda.

The interview will be audio recorded so that I can accurately reflect on what is discussed. The results of the study may be published in academic journals or presented at conferences, but your identity will not be revealed. Your participation will remain anonymous throughout the study. I will transcribe and analyse the recordings myself. The interview transcripts will be anonymised and your name will not appear on any documents. Your participation is also confidential. Your view will remain entirely confidential and will not be shared with anyone, including anyone in your organisation. The name of the organisation will also be anonymised.

It is your own decision to take part in this study. You do not have to be in this study if you do not want to. Your participation will not affect your current position. If you decide to take part you may still withdraw at any time and withdraw any previously supplied information which has not yet been analysed without giving any reason. You may refuse to answer any question and leave at any time throughout the interview if you feel you cannot continue for any reason.

I will be happy to answer any questions you have about the study. You may contact me at samentha.goethals-2011@brookes.ac.uk (or insert telephone). You may also contact my research supervisor Professor Math Noortmann math.noortmann@brookes.ac.uk if you have questions or problems related to this study.

The study has been approved by the University Ethics Committee at Oxford Brookes University. Should you have any concerns about the way in which the study has been conducted, do not hesitate to contact the Chair of the University Research Ethics Committee on ethics@brookes.ac.uk.

If you would like to participate, please contact me directly via email samentha.goethals-2011@brookes.ac.uk or telephone 07733362459.

I will then arrange to meet you to introduce the study and the procedures, and we will decide on a date and place which are convenient to you. If possible, the interview should take place either in your workplace or in a quiet public place near your work.

Thank you for your consideration.

With kind regards,

Samentha Goethals (MA, BA Hons)

Doctoral Candidate – Global Politics, Economy and Society
Department of Social Sciences – Faculty of Humanities
Oxford Brookes University
Headington Campus
Gipsy Lane
OX3 0BP Oxford

Tel: 07733362459

Email: Samentha.Goethals-2011@brookes.ac.uk

Appendix 3 – Vignette Profiles

The profile vignettes frame the participants, if anything in the pseudonyms I chose for them. They are incomplete and momentarily freeze the participants within my situated and limited acquaintance with them during our short interaction. They offer a situated glimpse of the constant meaning-making work of multiple actors within the contextual focus of this qualitative inquiry (van Hulst and Yanow 2014, 13; Cornelissen and Werner 2014, 183).

Work-floor

Sub-contracted cleaners

I met a number of participants by attending their English class with the trade union, as a participant observer, including **Gracia, Oscar, Cesar and Maria**. While they sought advice from this union and another union they were not formally union members because they could not afford the monthly fees. Like the majority of those attending the free English classes and the programme coordinators, the four participants were from Latin America. Cesar is Bolivian and Gracia, Oscar, and Maria are Colombian. Their background also reflects the high numbers of Latinos working in the sub-contracted cleaning sector in London (McIlwaine 2007). They spoke very little English and we talked Spanish together. They were between forty-five and sixty years old and worked for agencies hiring out cleaners to various businesses including hotels.

In London, they used their next of kin and the Latin American diaspora to find jobs in the cleaning sector where speaking English is not essential. The different cleaning agencies they worked for employed bilingual managers to supervise the Latino workforce. Gracia, Oscar, Cesar and Maria were thus only indirectly employed by hotels (and other offices) where they had shifts from early in the morning until late in the evening. Because of their busy lives, rushing between their various cleaning jobs around the city, looking after their families, and attending English class on Saturday, it was not easy to schedule a group discussion, though I did eventually conduct a group interview with Gracia, Oscar and Cesar. They were keen to speak about the conditions they faced at work.

Before coming to the UK, Oscar and Gracia lived in Spain. Therefore, they had already experienced immigrating to a foreign country—albeit one where they shared the language and some culture. There, they explained, they had obtained Spanish citizenship, and so, as citizens of a European Member State, they were able to stay in the UK without a visa. When we met, **Oscar** had been in the UK for six months. A former engineer, he said that he had moved to Spain to escape corruption and threats because of his union activity in Colombia. He also came to Europe to seek a better life through which he could provide for the education and future of his teenage daughters. In Spain, he was able to work as a technician, but in London, because he lacked the language skills, he had resigned himself to cleaning. He hoped he would be able to learn English fast enough to get a better job where he could use his engineering skills and regain some social status and dignity. For now, though, his priority was to send money home.

Gracia came to the UK with her family after spending some years in Spain. She explained that she was able to qualify as an auxiliary nurse and used to earn a good salary in Spain. The lure of even better wages, however, drew her and her family to London in 2009. When we met, she had been in the UK for four years. Overworked and stressed, she had not been able to commit regularly to her English classes and then look for a job as a nurse, as she had planned. If she could save enough money, she would leave. She and Oscar both vehemently denounced their working conditions at the hands of their compatriots and the social stigma they suffered as cleaners.

Cesar appeared quite reserved and did not say much about himself. He had thought that the group discussion would help him learn about human rights and the protection he could get. He had been four years in London when we met, and seemed to have better working conditions than Oscar and Gracia. Yet, he confirmed the poor working conditions and struggles described by the others, and spoke about some of his own concerns.

Maria was keen to participate in my research, but preferred to speak to me alone and informally without being recorded. She did not reveal much about herself except that she was a devout Christian and a former schoolteacher. She had come to London with her family and had been there for two years. One evening after class she told me, without stopping, about her greatest preoccupation regarding the mental health problems of cleaners for which she blamed the carelessness of employers and the government.

Room-attendants and supervisor

I met **Chigozie, Cintia** and **Alma** at the hospitality branch clinics of the trade union. They were old colleagues and friends in their fifties and early sixties. Chigozie and Cintia used to be room-attendants, and Alma was their supervisor in

one of the luxury hotels in the Mayfair area of London. The hotel saw a change of owner and rebranding under another international hotel group in the early 2000s. Since then, as the remaining staff from the previous hotel brand, they felt they had never been able to integrate and had been stigmatised by the regularly changing management. They became active union members a few years before we met because of wage issues and their feeling of being discriminated against. After fifteen years, eighteen years, and twenty-two years of service in the hotel respectively, Chigozie, Alma and Cintia had considered the place home. But following a period of representation and struggle through their union, they eventually refused a change of contract which, they argued, would have made them worse off. Instead, they chose redundancy. When we met, they were unemployed, aggrieved and resentful.

Chigozie a Nigerian and British citizen described herself as a proud mother of four, a grandmother, and a Christian. She had raised her children and given them a good education thanks to her hard work as a room-attendant. She insisted that she had never claimed benefits before, but admitted that this had changed since she took sick leave after the accumulated strains of the work made her partly disabled. She was also claiming unemployment benefits since losing her job, and fiercely blamed the hotel company for her situation.

Alma moved from Colombia to London twenty-two years ago and became a British citizen. A divorced mother with two teenage daughters, like Chigozie, Alma was proud that she had never claimed benefits or known unemployment until she lost her supervisor job. She was outspoken about her situation and how she had stood up for the welfare of the room-attendants working in her team.

Cintia, a Portuguese, was the oldest of the three, and had been the longest in the UK. Shier than the other two, she said little about herself and did not speak much during the group discussion. Yet, her views of the situation in which their former employer had left them were no less scathing. She prompted the others to talk about certain issues they had faced.

Stock-keeper

Mario, an Italian in his forties, moved to London in 2000. Since then, he has worked in the same central London upscale hotel, first as a casual waiter in the food and beverage department and then as a contracted storekeeper. He explained that he had joined the union to help challenge a redundancy procedure which threatened his job. He had managed to keep his job on a part-time basis; an arrangement he said suited him better. A quiet activist, Mario was highly preoccupied by the absence of democracy at work and the impossibility of being honest with managers and employers. He also regretted the lack of unionisation in the sector, and what he saw as the individualism, often underpinned by fear of losing work, among the growing migrant workforce. He seemed very nervous and repeatedly asked me to stop the audio-recorder or switched into Italian. To Mario, hotel work, the emotional performances required of the staff, and employers' ethics policies, were all similar kinds of farce.

Waitresses

Kaja responded to the call for interview I circulated on the Oxford Czech and Slovakian Association website. A native of the Czech Republic, she had lived in the UK for a long time, first as a bursar student in one of the best boarding schools, and then in London where she did her BA and MA. Kaja completed her PhD in Physics at Oxford and was head hunted to work in Los Alamos, New Mexico. She funded her studies by working as a waitress and barperson in fancy cocktail bars in London alongside many other high-flyers from Eastern and Central Europe. Kaja described herself as 'a little intellectual with too much time on her hands to think' about the issues she encountered during her hospitality work. She was curious about my research topic and wanted to talk about the difficulties encountered by Eastern and Central Europeans in the hospitality sector and in the UK, particularly regarding questions of discrimination and inequality. She distinguished between the young and educated migrants like her who are more likely to be aware of their rights and able to avoid or confront unscrupulous employers, and the older, less educated migrants whom, in her view, are more vulnerable. We did our interview via Skype.

Adi, an Indonesian, first came to Oxford to accompany her husband during his PhD in hospitality management. They responded together to a call for interview I circulated through colleagues. They were here with their young son, and she divided her time between looking after him and working casual hours as a waitress in one of Oxford's four-star hotels. Adi distinguished herself from the other foreign workers in the hotel because, she said, working was not an obligation for her; while she worked to earn extra money, her priority was to look after her son. In her late thirties, she was self-conscious about her ability to work in a front-of-house job in a hotel at that age. She was also concerned by the discrimination she sometimes experienced as an Asian from a majority Muslim country.

Receptionists and night-auditors

Nadal had recently joined the hospitality branch of the union when we met. He used the services of the branch to challenge his recent dismissal from his night-auditing job in a luxury hotel in central London. A British-born Sri-Lankan, he studied hospitality management before taking a reception management job in New York in the same luxury hotel chain he worked for in London. Nadal was very nervous during our interview. He talked at length about his job, its politics, and the reasons he was dismissed.

Bircan responded to the call for interviews I circulated in the university. This Turkish undergraduate hospitality student worked as a receptionist and night auditor for an international luxury hotel group in the centre of London. He talked enthusiastically about hospitality work and had ambitions to pursue a career in events management back home. He enjoyed his work experience in London where he had learned about equality during his one-year placement. Bircan wanted to talk about his experience of being a non-EU migrant in the UK, in part because of his frustration with immigration policy which undermined his chances to compete equally with EU migrants in the job market.

Managers

Middle managers

Lea came to Oxford to do a two-year MSc in Hospitality Management. Born in the Netherlands to a Chinese family, her enthusiasm for hospitality work and customer service developed as she worked in her parents' Chinese store as a teenager. She was interested by my call for interview about business and human rights as she was studying her first module on corporate governance. Her MSc included a one-year placement in an international luxury hotel group in central London. She was working in the food and beverage department and divided her time between staff and managers to experience both sides of the job. She was enjoying her experience and said she had challenged some labour practices she thought were unfair.

Tareq was also studying for an MSc in Hospitality Management. In his late thirties, he had held a number of positions in the hospitality sector from waiter at McDonalds, to housekeeper in Qatar, to housekeeping manager in Northern Ireland and Worcester. A Swedish citizen from a Palestinian refugee family, he had been pushed towards an international career because, with an Arabic sounding name, he had not been able to find a job commensurate with his qualifications in Sweden. He found it easier in the UK, and aimed to get a job in hotel finance after his MSc. Tareq had observed discriminatory attitudes from managers in the hotels where he worked in the UK, and wanted to talk about these incidents.

Mila, a Slovakian in her late twenties, came to the UK to work as a receptionist in a boutique hotel in Oxford, and was promoted to reception manager after three years. Career-driven and very enthusiastic about the hotel, she aimed to become a General Manager. Mila started to work in restaurants and then hotels when she was a teenager, and later did a degree in hospitality. Despite her experience and qualifications, and because of what she had heard from other Eastern Europeans returning to Slovakia and Poland, she thought she would have to start from scratch in the UK. Mila explained that she responded to my canvassing in her hotel because she wanted to help and matched the profile. She had no specific interest in the topic and was hesitant speaking about human rights or business ethics because they were unfamiliar to her.

Seema has a degree in Hotel Management from her native Bombay. After completing her MA in Oxford (where we studied together), she returned to India and taught business organisation at a university for some months. Returning to London with her husband on a two-year Commonwealth visa, she applied for waiting positions in Indian restaurants. We met in London at the smart, bustling (and noisy) Bombay Café where she worked as a head-hostess. Stressed after her shift in the busy restaurant, she said she wanted to give me the 'migrant perspective'. Immigration and personal barriers filled her account. She talked fast about the pressure of being a migrant from India, restricted by her visa and the need to obtain her employer's sponsorship, and the pressure of being a 'brown girl' never (feeling) as good as the 'white girls', despite her qualifications and experience.

I met **Magalie**, a French citizen in her mid-thirties who arrived in London by chance over a decade ago, through a trade union contact. She has climbed the career ladder of hotel jobs; from a short spell as a cleaning lady, into waiting jobs in restaurants, to head-hostess in an independent luxury hotel, to eventually enjoy a comfortable managerial position in an international luxury hotel group. A soon-to-be-mother, she invited me to her apartment in zone two of the London underground. Close to her staff and loving her managerial job, she spoke as passionately about what she would change in the hotel sector to improve working conditions as about the ways she felt employees abused their employers.

Senior managers

I met **Karim**, a French Hotel Manager, through canvassing directly in hotels. With both parents working in hotels, Karim had life-long experience of the sector. From his secondary school hospitality apprenticeship in France, he moved within

the same international hotel group to one of their branches in Leicester and then to London. In his mid-thirties, married and a father of two, he had been in England for fifteen years when we met, and had progressed from waiter, to food and beverage manager, to hotel manager. Karim had worked in the same upscale hotel where we met for the last eight years, though for a succession of different owners. Karim explained he had no brand allegiance, but liked his hotel and his team—which he felt he had been able to save from the ever-changing management—and he greeted each employee crossing the café lounge where we sat. He admitted he knew little about his hotel ethics policy and thought pragmatically that the responsibility of a manager was first and foremost his budget targets.

PhD student in hospitality management, **Dian** responded to the call for interview with his wife Adi, initially as her interpreter. The interview became a group discussion and I met him again afterwards to hear more about his own experience. Before starting his PhD, Dian held a variety of managerial positions in hotels in the US and in Jakarta, and lectured in hospitality management in Indonesia. In Oxford, he had unsuccessfully applied for positions in the same hotel as his wife. From his experience, he explained and accepted that this might be because he was over forty, and could only work part-time. In the interview, Dian gave his insight into the practice of hotel management generally but did not know much about ethics policy. He also reflected on his experience as an immigrant in the US where he struggled to obtain the managerial positions he applied for.

Directors

CSR Coordinator

Sonia, a British Asian in her early thirties, worked for the same London-based upscale independent hotel group as Laura and Harry. She joined the group interview towards the end. She started as a work-floor employee in this hotel and was slowly promoted towards office positions to become their first CSR officer. Repeating what her colleagues had already told me, she talked about the owner-driven philanthropic and charity CSR work of the group.

Director of Marketing

Laura, an outgoing British-Ghanaian, worked for other big hotel chains before joining the independent London-based hotel group. She was keen to promote what the hotel did in terms of CSR, and how different it was from the impersonal, shareholder-driven CSR of the big chains.

Human Resource Directors

Harry had received my request for interview from a manager I had met during one of my canvassing trips in London, and emailed to invite me for a meeting with him, Laura and Sonia. Together with Laura, he described the charitable and philanthropic CSR of the small hotel group. The meeting in the lounge—rather than an interview—was impersonal. The discussion focused on what the company did and wanted to do, but for reasons of commercial confidentiality, I was not authorised to record it. When I asked if I could use my notes, they again checked my motives for the interview. This contrasted with Harry's statement that contributing to my research was a dimension of their CSR.

I was introduced to **Sebastian**, a Spaniard in his mid-thirties, by a shared acquaintance from a trade union. Sebastian was the Human Resources Director of an upscale boutique hotel in the financial district of London. He started working for this international hotel group as an intern during his hospitality studies. His first ambition had been to work in food and beverage, but he eventually chose a career in human resources so he would not be limited to the hospitality sector. When we met, in his office at the back of the hotel, he had been in the capital city for eight years. The beginning of our meeting was awkward, but when the phone stopped ringing after 5.30 pm, Sebastian seemed immediately more open to my questions, though he kept playing with a pen and a soft anti-stress ball. He was keen to speak about the conditions of migrant workers from Spain and the sort of issues they encountered in London. He was more cautious when speaking about his company's CSR programme and ethics policies, for which he had both personal praise and criticism.

CSR Vice President

A colleague from Oxford Brookes University recommended me to **Hilde**, Vice-Director of CSR for the Europe, Middle East, Africa and Asia offices of an international hotel group. The group has properties ranging from midscale to luxury hotels around the world, including numerous hotels around the UK. Based in Belgium at the group's European headquarters, Hilde agreed to a thirty-minute Skype interview. From her representative position, she told me about the responsible business and sustainable policy activities carried out by her hotel organisation. She described her organisation's ethics policies and practice with real enthusiasm, but I felt that I was not able to get her personal views on business and human rights. Towards the end of the interview, she checked again that the interview was for my doctoral research and had no commercial purpose. I was only allowed to take notes.

Appendix 4a - Interview schedule for managers (example)

Themes	Questions
1 - Introduction and background	Where from? Time in the UK, what made you come here Why taking part in this study
2 - Work experience and work places - Responsibilities	Tell me about your work experience in the hotel industry, when and where did you start? Day to day responsibilities Skills required Job preferences
4 - Diverse workforce/managing diversity Let's move on diversity	How diverse is the staff in the place where you work? Tell me about your experience of working/managing in diverse workforce In your view what are the benefits of a diverse and migrant workforce to hotel businesses? Have you had any particular training in managing diverse and migrant workforce? What sort of challenges have you experienced as a manager? What relationship have you got with the people you manage? What guide your management style? Did you get any specific training in management? Value? Culture of hotel? What would you say are good management practices and bad ones? Is there any particular pressure managers come under which impede good practice? Do you think migrant workers face particular issues in this country/ why do you think this is? What about in hotel work? Which jobs do foreign nationals hold? Treatment of migrant workforce/problematic Are there any outsourced staff? Are they treated the same?
6 - Human rights meaning Moving on to the focus of this study, business human rights responsibility. The United Nations has endorsed new guiding principles on business and human rights. These principles' second pillar states that all businesses everywhere in the world have the responsibility to respect human rights and do no harm. A growing number of companies, including some hotel chains, have human rights policy statements. But what does it mean beyond the policy statement? IT IS NOT A TEST OF YOUR KNOWLEDGE, IT'S ABOUT WHAT YOU THINK/FEEL ABOUT HUMAN RIGHTS	What image/words come to mind when you think of human rights? Human rights to you (probe: discrimination, equality, health, safety, livelihood, association, dignity, personal freedom, security, etc...) or use cue cards... In your view are human rights an issue in countries such as Britain? In the workplace? Importance/role for business Awareness of human rights policy in hotels when worked Duty of care/do no harm Respect/responsibility where and for whom For staff USE ANSWERS FOR THESE QUESTIONS TO PROBE THE NEXT SET
5 - Hotel ethical policy and role in management	In the places where you've worked, was there a particular business culture? How would you describe it? Were you aware of any ethics policy, a code of conduct, or a

	<p>CSR programme? Were you given any training? Generally, do you think hotels as businesses have social responsibilities? What make you think this way? Tell me how important ethics or values are in your job? Your relationship with colleagues? Examples In your view how do these values relate to human?</p>
7 - Human rights in hotel good and bad practice	<p>In your experience, do you think human rights responsibility raise particular concerns or opportunities for the hotel industry? Can you give examples?</p>
8 - Human rights and management of diverse workforce opportunities and pressures	<p>On a more specific line, what sorts of human rights concerns exist in the management of a diverse workforce? Do you think there is something about hotel work that raises these (human rights) concerns? What makes it so?</p>
9 - Improving hotel governance	<p>Are there any aspects of your work and the way hotels are run that you would like to see change?</p>
10 - Participant's future/aspiration	<p>How do you see yourself in five or ten year time?</p>

Appendix 4b - Revised interview schedule for managers (example)

Background

Coming to the UK/Why UK/Why London

Education

Experience of work in hotels

Perception of hospitality/hotels (metaphors)

Working in 5* international hotel chain

Opportunities and challenge of working in big company in London (personal)

Profile of staff – positions in hotels – outsourcing

Employing foreign workforce/ impact of immigration policy

Personal perspective on opportunities for foreign staff in the sector in London

Portfolio of hotel CSR/ human rights initiatives

Development of CSR and ethical policy

Any CSR initiative with human rights dimension (staff or local community)

Company's human rights statement, how and what aspects relevant in the UK

Training of staff on human rights/what levels

Notions of human rights in documents for staff

Opportunities/Challenges to implement

Personal perspective on human rights

What comes to mind when thinking of human rights/ image/metaphor

Relevance in own job

Relevance in the UK/ hotel sector

Human rights inside organization (Human Resource perspective)

Application of human rights consideration inside or outside hotel

Concerns brought up by employees and relation to human rights

Importance of hotel values for staff

Use of hotel values in staff claims

Relevance of hotel's values/ethical policies in own job

Closing

Plans for 5 or ten years

Anything not discussed you'd like to add

Anything you'd hope to talk about

Motivation to contribute

Appendix 4c - Group interview schedule (work-floor example)

Quick intro around table so we all know each other - name, where from, time in the UK

Experience of being a migrant in the UK- 30mn discussion

Write down a couple of words about your feeling - experience of living in the UK

Ask a participant to share his/her words

What makes them feel this way? Do other relate? Share similar experiences/feelings? What makes them feel this way?

What they expected about the UK? What made them come?

What opportunities have they met here?

What difficulties?

Relationships at work 30mn

Draw/represent your place at work and/or how you feel at and about your job/colleagues/manager

Ask another participant to talk us through their drawing

What makes it easy or difficult for them at work?

How do they feel treated? What makes them feel like that?

What do they think make them vulnerable to such practices?

Problem of status or job level?

Human rights Card set

If you were an employer or a manager in this country hiring migrant workers, what values would guide your enterprise and your relationship with your employees give a set of cards with key HR words choose two

What have they chosen and why? Is it shared? Are there other values you would bring?

In which way are these issues particular to migrants' experience?

Do they think these are responsibilities for their employers? For the government/related to their status?

If you knew you had rights and that your employer had to respect your human rights would you exercise your rights?

What would stop you

Closing

Plans in 5 years

Anything they wish to add which we haven't discussed or they'd hoped to talk about

Motivation to participate

Appendix 4d - Revised interview schedule for work-floor staff (example)

Background

Tell me about your background, family, country, education

Coming to the UK

Tell me about the time you decided to come to the UK

How did you feel when you arrived

What sort of expectations or plans did you have

Finding Work

When did you decide to take a job in the UK

Tell me about how you found a job

What did you want to do

How easy/difficult was it to find a job

Why do you think that was

Describing work

Can you describe your job/workplace/colleagues & relationships

What do you like or don't like? What makes it so?

Difference to work here and back in Indonesia? Professional values, culture, anything that surprised you

What is important for you at work?

Anything you would like to change?

Working and living in the UK as a migrant family

Tell me about working and living in the UK (use images and specific words)

What significance was given to your visa status when you were hired?

Human rights

What comes to your mind when you think of human rights? (images)

Have a look at these cards, they are human rights often referred to as important in business relationship/ employer/employee relationship and at work

What do you think of these?

Are any of these relevant to you? What makes you think that?

Ethical policy at work

Tell me about your induction at work? What was emphasized?

Are you aware of any ethical policy at work?

What is expected of you and what do you expect of your employer in return?

Do they matter for employees?

Do you think some things could be improved?

Closing

Plans in the next 5 years?

Anything you'd hoped to talk about not discussed/ anything you'd like to add

Motivation to participate

Appendix 5 – Interview Analysis example

Kaja Interview – human rights segment	Code
00:48:20-7 S: how do you see human rights generally? In a metaphor...	
00:48:24-6 K: (laughing) I see human rights as a right! (laughing) To me I get the flag of the United Nations in my mind and (errr) and the suffragettes well all the rights of the all workers and women and you name it! Not necessarily! I see it as a basic legal system that should be respected throughout the world. It provides a basis, in my view it provides a basis for human conduct. So, it's like a moral base, if you wish.	Human rights: UN colours, legal order Human rights: fight for gender and worker equality Human rights: moral code of conduct
00:49:04-3 S: so it's more principled...?	
00:49:05-2 K: exactly! It gives you the set of values and morals that allows you to deal with human as a human being not like animals or... Not that you should treat animals badly because it's not nice either. But basically it can provide us with a code of conduct. And, it gives that it's been made as part of legal and it's pretty much a part of constitution of every country because, you know, you we do need a nice base of general principle such as you know we don't steal children from their families and for example child soldering because that's not nice! (laughing)	Human rights: set of moral and values Human rights: treating the other as a human being Human rights: both legal and moral code
00:49:41-6 S: yeah yeah... and if you bring that to your experience of working in hospitality in the UK, I mean what would be the outstanding issues? (errr) which could match certain aspects of rights which seem important to you?	
00:50:00-8 K: I mean violation of human rights perhaps or...?	
00:50:00-8 S: no no not necessarily violation of human rights, but in your experience, what have you seen?	
00:50:31-4 K: (sighing with impatience) Well as I was saying earlier I guess the biggest thing where the word human rights was constantly banging and screaming at the back of my mind was every time I felt different treatment for different people, different nationalities. Because human rights are actually in the signed petitions for human rights specifically say everyone has right to same conduct, education, etc. etc. and it's not an equal world! It by far women are treated differently, whether it's in hospitality or somewhere else, you know, for me from locals we are treated very differently and so on and so on. It's not necessarily, 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, they have to comply with the British laws and Britain has signed the international human rights treaties, and it's officially what in their constitution too. However, what necessarily happens on the forefront or how the middle management will deal with that (errr) may not exactly in the clear. There is always these great points: you know, how do you treat someone equally? You know, is it really equally? Can you prove this? Is this woman (errr) paid little bit worse than a man because she's got less experience, can you prove that? You don't necessarily publish what your salary is or these kinds of things? I felt like equality was definitely the biggest problem here! And, that's why the concept of human was like 'okay, I know, they're doing, they are violating!' They're violating in slight and very fuzzy ways but it's almost cultural rather than legal!	Human rights: discrimination in treatment based on nationality Human rights: against inequality, women treated differently, migrant treated differently Human rights issues: discrimination subjective and not provable in law Policy different from practice: equality Equality: biggest problem in UK as a migrant Human rights issues: slight and fuzzy
00:52:33-4 S: so it's more subjective in a way?	
00:52:34-7 K: weeeelllll Yeah! (laughing)	
00:52:37-6 S: I mean subjective, in the sense that equality has got this sort of moral standing which maybe is more difficult to prove...	
00:53:09-8 K: yes I absolutely agree on that! I mean actually even the material part of this can be difficult to prove as well. There, the personal conduct is pretty much next to impossible to be proven because a lot of these things happen, if you take it on a camera would you necessarily see that you know this Polish worker is	Human rights issues: not always observable and provable at individual level in law

<p>treated worse than this French guy. It may not come necessarily come across! Of course, she might be on the verge of a suicide because she just that poor girl her whole world was ruined in two sentences. But if you put that in a court, you wouldn't necessarily stand a chance so... yeah, that's also one of the reasons why I felt like your study was important, because it brings attention to those things, which not necessarily are seen or want to be seen...</p>	<p>Important to look into more personal subjective dimension of rights</p>
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Kaja interview – migration and national stereotyping segment (context of equality concern)	
<p>00:07:08-0 K: oh registration itself was easy, it was just £50, they made it a little more expensive later. That was the only thing I was concerned about. But then I thought about it more philosophically. So I think a lot of people don't think about these things like that. But clearly, I was an educated little intellectual at that time with way too much time on my hands, so I started thinking about that and I realised (chuckle) I realised 'gosh! this is like watching National Geographic!' I feel like I was dog-tagged! (chuckle) Yeah, It was essentially that because I also came, the reason this became so obvious to me was because my husband, while at that time he was boyfriend, he came from Sweden. We met when we were at high school and then exchange things in Germany, and we thought 'let's move to London together, it's a nice place as good as any, you are coming from Sweden we would have to move anyway!' So, we did that. And from the beginning, I went to this prestigious school, I had some of the best British education you could possibly ever have at that time. The boarding school I went is where the Royal Family send there kids!</p>	<p>Migration personal: educated little intellectual, able to analyse situation and policy, aware of rights Migration personal: feeling dog-tagged</p>
<p>00:08:16-3 S: yeah yeah St Andrews!</p>	
<p>00:08:17-7 K: yeah, I was in St Andrews, it's where Prince Williams was going to swimming pool or something whatever!</p>	
<p>00:08:24-6 S: I should call you Lady then! (laughing)</p>	
<p>00:08:26-8 K: (laughing) please don't!</p>	
<p>00:08:29-8 S: no no I'm kidding!</p>	
<p>00:08:31-6 K: but my husband came from this completely unremarkable town in Northern Sweden, very rural, just a few lumberjacks and white cottages in the middle of the forest, and some moose running around. And, yet when I was applying for jobs I immediately was marked out: 'she is the migrant worker from Eastern Europe, she will do these jobs!' He applied for the same jobs, he couldn't get them!</p>	<p>Migration personal: being marked out for certain jobs as Eastern European even if British educated vs Swedish husband from remote village</p>
<p>00:08:55-0 S: really?!</p>	
<p>00:08:56-3 K: As a Swedish person, and someone told us later, we were wondering why is he not getting a job in a bar, in a supermarket or construction work? All my Polish friends were getting them within a week! Yet this Polish, this Swedish guy cannot get any single job like that! So he thought because he didn't have that education he had to apply for those low-skilled jobs too. But one day we spoke to someone, like: 'you know Germans and Swedes and stuff they work in better jobs than that here! Brits don't like to be served by these kinds!' We were like 'Okay, so that's new, that's interesting!' So, just for the fun of it he applied to some letting agency back in Mayfair of all places, the poshest places you could possibly imagine, it was in Bond Street they had an office. So he applied. He didn't even have a suit or anything, he was given an interview, so the day before we had to run to a charity shop but the only thing that fit him, because he is quite tall, was a ladies, fat ladies, old ladies, (errr) (incomprehensible) so he bought that! And he went with that and he got the job on the spot!</p>	<p>Migration worker: local expectations and job accessibility; certain nationalities for certain jobs</p>
<p>00:10:12-0 S: really!</p>	
<p>00:10:11-7 K: and we were in shock! So why is he getting those jobs while I'm getting these jobs? And then we figured very quickly that it was because of the</p>	<p>Migration personal: surprise at job segregation, social benefits</p>

<p>nationality! And we were like 'okay!' He didn't have to register, he could claim unemployment benefits straightaway. In fact, any other new EU countries once they joined and all those, they never had any restrictions or anything like that!</p>	<p>discrimination Migration policy: restriction and job (in)accessibility</p>
<p>00:10:37-3 S: no! No!</p>	
<p>00:10:37-9 K: so we were like: 'alright, so we can see clear difference in the patterns!' We were living together, the immigration we both went through was a completely different story!</p>	<p>Migration personal: different experience depending on nationality</p>

Kaja	Human rights what, when/where, how	HR experience/ issues	Language / key words	Frame
<p>A native of the Czech Republic, she had lived in the UK for a long time, first as a bursar student in one of the best boarding schools, and then in London where she did her BA and MA. Kaja completed her PhD in Physics at Oxford and was head hunted to work in Los Alamos, New Mexico. She funded her studies by working as a waitress and barperson in fancy cocktail bars in London alongside many other high-flyers from Eastern and Central Europe.</p>	<p>What: I see human rights as a right! To me I get the flag of the United Nations in my mind and the suffragettes well all the rights of the all workers and women and you name it!</p> <p>I see it as a basic legal system that should be respected throughout the world. It provides a basis, in my view it provides a basis for human conduct. So, it's like a moral base, if you wish.</p> <p>How do you treat someone equally?</p> <p>I felt like equality was definitely the biggest problem here!</p> <p>Where/when: the biggest thing where the word human rights was constantly banging and screaming at the back of my mind was every time I felt different treatment for different people, different nationalities.</p> <p>How: What necessarily happens on the forefront or how the middle management will deal with that (errr) may not exactly in the clear.</p> <p>They're violating in slight and very fuzzy ways but it's almost cultural rather than legal</p> <p>The funny part is that it's not necessarily provable, in the strictest respect. . . they have to comply with the British laws and Britain has signed the international human rights treaties, and it's officially what in their constitution too. However, what necessarily happens on the forefront or how the middle management will deal with that may not be exactly in the clear.</p>	<p>Unequal treatment As foreign worker: for me from locals we are treated very differently</p> <p>In terms of pay: You don't necessarily publish what your salary is or these kinds of things?</p> <p>Gender based: It by far women are treated differently, whether it's in hospitality or somewhere else</p> <p>National stereotyping: I feel like I was dog-tagged!</p> <p>Yet when I was applying for jobs I immediately was marked out: 'she is the migrant worker from Eastern Europe, she will do these jobs!' He applied for the same jobs, he couldn't get them!</p> <p>Yet this Polish, this Swedish guy cannot get any single job like that! So he thought because he didn't have that education he had to apply for those low-skilled jobs too. But one day we spoke to someone, like: 'you know Germans and Swedes and stuff they work in better jobs than that here! Brits don't like to be served by these kinds!</p> <p>So why is he getting those jobs while I'm getting these jobs? And then we figured very quickly that it was because of the nationality! And we were like 'okay! He didn't have to register, he could claim unemployment benefits straightaway. In fact, any other new EU countries once they joined and all those, they never had any restrictions or anything like that!</p>	<p>Rights Legal system Laws International treaties Comply</p> <p>Basis of human conduct Moral base Cultural rather than legal</p> <p>Dog-tagged Treated differently</p> <p>Not provable Not exactly in the clear Slight and fuzzy</p>	<p>Equality</p>

Appendix 6a - Card set based on Ruggie, 2013, 21–22

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		

Appendix 6b - Card set based on “United Nations Global Compact - Principles for human rights and labour rights”

Dignity	Respect	Health and Safety
Social Security	Personal Security	Freedom from discrimination
Equal Pay Favourable and Just Remuneration	Leisure and Rest	Freedom from Forced Labour
Freedom from Discrimination	Equality of Treatment and Access to Remedy	Freedom from Fear
Reasonable Limitations of Working Hours	Standard of Living Adequate for Health and Well-being	Freedom of Association and to Form and Join a trade Union

