

Inquiry into recruitment and employment in the meat and poultry processing sector

**Coercion, physical and verbal abuse of
agency workers: our findings**

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The evidence from this Inquiry revealed a large disparity between the treatment of agency workers and that of directly employed workers across the sector. There is a wide variation in practice between companies, and sometimes across different sites within the same company. While we located some good practice, we found that it is not uncommon for agency workers to be subjected to treatment that breaches minimum ethical trading standards and basic human rights.

This document sets out our findings regarding:

- The different treatment of directly employed and agency workers.
- Coercion and threatening behaviour by agencies and by managers.
- Why agency workers are vulnerable to coercion.
- International Labour Organization standards regarding coercion.
- Refusal of permission for toilet breaks.
- Physical abuse in the workplace.
- Verbal abuse, shouting and swearing.
- The impact of verbal abuse on workers.

Our recommendations to address these issues are set out at the end.

Different treatment of directly employed and agency workers

More than 80% of the 260 workers we took evidence from said that agency workers were treated worse than directly employed workers in the processing firms that they worked in. No one told us that they knew of agency workers being treated better than directly employed staff in the same roles.

Interviewees described agency workers as being treated like 'second-class citizens' in the workplace. All workers described a 'pecking order'

in factories in which, in many cases, agency staff were at the bottom, even if they had been working in the same factory for a lengthy period.

‘Well, on the factory floor... the permanent workers do tend to have a priority over us. It’s like they’re all chargehands [supervisors], the actual workers – “Oh, get one of the Poles”, “Get one of the Czechs”... agency tend to get used as lackeys more. That’s understandable [when] we’re newer to the job, but I think after a few months, it’s not rocket science, it should be an even rule and it’s not, it’s far from it.’

British male working in meat processing factory in north-west England

Coercion and threatening behaviour by agencies and managers

Around one in six migrant agency workers, many Polish, mentioned having been forced to work under threat of losing their immediate job and any further work from the agency. They were sometimes made to do overtime when they did not want to, either because they were tired after a long shift, ill or pregnant. We received reports of coercion in poultry and meat processing firms across England and Wales, suggesting the problem is not an isolated one. These included:

- Ill workers being forced to work

‘[The agency is] threatening people who do not come to do overtime – or who do not feel well or are ill – that they would be dismissed.’

‘I was sick, and I was forced to work.’

- Workers being forced to carry out overtime

‘The Polish supervisors forced people to stay overtime. Because the day shift was 10 hours, after 10 hours the people want to go home, but the Polish supervisors from the agency say to stay and say if you want to come back tomorrow you must stay another six hours, and those people working for 16 hours a day.’

Polish female working in a meat processing factory, South Wales

Some workers described managers standing at the factory exit and turning back agency workers when they tried to leave the factory after their shift had ended.

‘I did work on the night shift that finish at half 11. We could go out [but] a manager stay on the door and... let some out, but the agency staff were forced to stay to do overtime even if they didn’t want to, and that’s not really fair is it? It should be an option.’

Portuguese male working in poultry processing factory,
east of England

- Workers being told to work on their day off or on annual leave
One agency had a practice of entering the workers’ house and waking up the people sleeping there to send them to work on their day off.

‘[Name of agency] staff entered the lodgings, and woke up the workers in the morning, asking them to go to work for an additional day. The workers did not have a choice.’

Polish female working in meat processing factory,
Yorkshire and the Humber

Others described being forced to work when demand was high, and being forced to take annual leave when there was less work in the factory. However, if demand picked up in the period where workers had been made to take annual leave, they described being called by their agency and forced to go to work again.

‘It depends because sometimes they work like 40 hours, for example, and the other weeks sometimes if they don’t have, if the factory don’t have enough work for the workers, if they have holiday available they have to take holiday or if they haven’t they have to stay at home. Sometimes it’s like that if they have a day off they receive a phone call from agency saying you have to go to work... If you don’t, you just lose your job basically.’

Polish female working in a meat processing factory,
Yorkshire and the Humber

Why agency workers are vulnerable to coercion

Nearly one third (29%) of meat and poultry processing factories told us that they source their agency staff through one work agency. In this situation the threat of losing the opportunity of finding work through one particular agency could mean a worker losing the chance to work at the particular factory.

Migrant agency workers with limited English language skills felt that they had a limited choice of work agencies who would allow them to register. For some agency workers, therefore, the threat of losing work offers from one particular agency could mean losing access to work all together.

Agency workers are vulnerable to threats of immediate termination of their work. Interviewees in one meat processing factory described managers from their agency threatening to sack a large number of agency workers as a group punishment when a few individual agency workers had turned down overtime due to tiredness after a shift of hard manual work. Interviewees believed that the agency's motivation was to intimidate workers so that future orders to carry out overtime would be complied with.

'The Polish agency managers just treat us very badly... there was a situation where one lady she's been... asked to work overtime and she was tired after eight hours just standing in one place and the Polish manager said, "We have to sack, I think 20 people to make the rest realise that they have to do it."'

Polish male in meat processing factory, Yorkshire and the Humber

Some cases we were informed of appeared to involve workers being forced to work over 48 hours per week with inadequate periods of daily and weekly rest. Workers in these situations may, in theory, be able to refuse work beyond normal working hours. However the threat of job loss is so great that many workers perceive that they have no choice.

(See also: Agency workers' fear of complaining and lack of awareness of their rights: our findings.)

International Labour Organization standards regarding coercion

The use of coercion will breach the International Labour Organization (ILO) standards in respect of forced labour ('Guiding Principles to Combat Forced Labour'¹) in the following circumstances:

Threat of Violence, Harassment and Intimidation: Employers shall not exact work or service from any person under the menace of any penalty.

Compulsory Overtime:

- a) Workers shall not be forced to work overtime above the limits permitted in national law and collective agreements under the menace of a penalty, for example the threat of dismissal.
- b) Work or service outside normal daily working hours shall not be imposed by exploiting a worker's vulnerability under the menace of a penalty.

As the ILO points out, abusive working conditions related to overtime are not automatically situations of forced labour. However, they can become situations of forced labour if employees are required – 'under the threat of penalty – to work more overtime hours than allowed by law'.

Even where the compulsion to work more hours than the worker wishes does not amount to coercion, it is apparent that the flexibility in working hours (often referred to as a major benefit of agency work) is in practice flexibility for those using the agency staff, not flexibility experienced by the staff themselves.

Refusal of permission for toilet breaks

In one in eight interviews, we were told about problems that agency workers experienced in being allowed to go to the toilet. Interviewees

¹ www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/instructionalmaterial/wcms_099625.pdf

described themselves and their colleagues being prevented from visiting the toilet by their line manager.

We heard about instances of pregnant women, women with heavy periods and people with bladder problems being prevented from leaving the production line. Interviewees described the humiliation of workers urinating and bleeding on themselves while working on the production line after being refused permission to go.

‘They are very bad in that... One [woman] had her monthly period... the managers didn’t allow her [to go to the toilet] and I had to take the risk and told her you go and all my responsibility and I took the blame for that because the blood was there, coming down.’

Kurdish male working in meat processing factory, east of England

‘They... have no humanity... A man with a bladder problem was refused a toilet break so he did it on the line.’

Kurdish female working in poultry processing factory, east of England

The degrading nature of the treatment in refusing workers permission to go to the toilet in such circumstances may amount to a violation of their rights under Articles 3 and 8 of the European Convention on Human Rights.

Some interviewees told us that permanent workers, and in some instances agency workers, where they were of the same nationality as the line manager, had no problems obtaining permission to go to the toilet.

‘There is no problem to go to the toilet if you are Portuguese; just... “I need to go to the toilet”, and you are allowed to go. Within their group, the Portuguese people treat themselves very friendly and they help each other... They benefit from having a Portuguese supervisor.’

Polish female working in meat processing factory, east of England

Physical abuse in the workplace

Around one-fifth of interviewees told us about being pushed, kicked or having things thrown at them, such as trays, boxes or frozen meat products. In most of the instances that we heard about, these actions were carried out by line managers.

‘[The managers] were very mean... when they ask you to move to another place they didn’t talk, they just pushed you around... very aggressive.’

Portuguese female working in poultry processing factory, east of England

A number of incidents appeared to stem from managers inappropriately reacting to their frustration around communication difficulties and the speed that people were working.

‘I had such a horrible experience... One [manager]... she was shouting at me... saying I was not doing something right [but] in Russian. I don’t understand Russian... And I said to them, “For God’s sake, this is England. Please speak English.” She threw meat at me. And after that I was crying. The time was so hard for me... I was afraid to go to work.’

Polish female working in meat processing factory, east of England

‘The managers... they would pull our clothes... and shout at [us]. And they even [threw] hamburgers. They were so angry because we were new and couldn’t do the job as fast as we were supposed to... those frozen hamburgers are like stones.’

Polish male working in meat processing factory, east of England

Other interviewees told us that physical abuse of workers occurred on an ongoing basis and was not limited to single isolated incidents.

‘Agency and core worker [were] physically manhandled or kicked by managers... I think I was saying that in this day and age you don’t expect to see or hear of that kind of conduct, and I find it quite upsetting that that sort of thing would go on, and if I hadn’t

witnessed it for myself I'd have found it hard to believe... [It] is not a one-off situation; there have been numbers of other instances.'
Union regional organiser

Verbal abuse, shouting and swearing

In over one-third of interviews, workers reported experiencing or witnessing verbal abuse when at work. Interviewees described being shouted and sworn at in processing factories across England and Wales working for a variety of processing firms, indicating that this problem is not isolated to one geographical area or firm. In many cases the abuse appeared to be a common, repeated occurrence for agency and particularly migrant workers.

Some interviewees spoke of verbal abuse from co-workers. However, the majority of complaints were related to the behaviour of managers, often 'line leaders' or 'supervisors' – first-line management positions overseeing small teams of production workers. A few female interviewees thought that women workers experienced worse verbal abuse than male workers.

'I think that the women are treated much worse than the men... Supervisors... tend to shout at women more than men. A lot of women resign from job after one, two days of trying to work there... because they were treated so badly. They are supposed to work really hard and really fast and really do not deserve to be called names.'

Polish female working in a meat processing firm, east of England

In many processing factories there are areas where the background noise level is high, requiring workers to wear hearing protection such as earplugs or earmuffs. In these circumstances it may be necessary for those working under these conditions to raise their voice to make themselves heard.

However, the shouting that interviewees reported was not merely colleagues trying to raise their voices above the background noise of

machinery. Rather it had been experienced, in all cases, as bullying and humiliating in its intent.

Impact of verbal abuse on workers

A number of interviewees described the emotional impact of working in an environment where they were being shouted at and verbally abused on a regular basis. People told us about increased levels of anxiety, feelings of humiliation and inability to sleep due to the stress it caused.

‘I’ll never forget it... I’m not a slave. I just can’t speak English. He talked to me like he talked with an animal or something like that. It is so terrible... sometimes I don’t even sleep in the night. Because the next day I need to go to there [to that] horrible place again.’

Brazilian male working in a poultry processing factory,
east of England

The Polish-Welsh Mutual Association, in its Memorandum of Evidence, advised us that the non-fulfilment of basic working rights has a profound psychological bearing upon migrant and agency workers, including stress, fatigue, anxiety and withdrawal. The existing emotional pressures of the circumstances in which these workers function – such as separation from family and friends – are exacerbated by the poor working conditions. In addition, the Association found that agency workers were scared to answer direct questions relating to their working conditions even on the basis of anonymity.

The Association also considers that the non-fulfilment of working rights is causally linked to the emergence of dependency, or addiction to, substances [particularly alcohol] for some migrant workers.

The psychological pressures which workers endure as a result of employment conditions can also, in the Association’s experience, lead to mental health problems.

Responsibility of meat processing firms

Even though all verbal abuse in the workplace is unacceptable, there are some types which are expressly unlawful, such as where the abuse results from the nationality or gender of the affected worker,

or contravenes the Protection from Harassment Act. However we found that firms lacked awareness of the extent of the problem.

Thirteen per cent of firms told us that they had received formal complaints about workers being sworn or shouted at by their line manager in the past year but 81% of firms said that they were unaware of any workers experiencing this problem at work, and did not suspect that they might have occurred in the past 12 months.

Formal complaints were more likely to surface in firms with union recognition agreements (65% had had no formal complaints compared to 90% without a recognition agreement).

When asked why they thought that so few complaints were received about this issue, the majority of firms stated that this was because this was not a problem at their workplace.

The causes of a culture in which abuse is acceptable

Line managers were alleged to be responsible for carrying out much of the unacceptable and discriminatory practice. However, it is difficult to conceive that managers at a higher level are not aware of incidents, given the proportion of workers that reported poor practice to us openly carried out in workplaces across England and Wales.

It appears that these line managers used verbal abuse as an everyday part of managing and motivating staff to meet production targets. In many cases, interviewees reported being shouted at by managers who were keen to increase the speed of work. Others reported that line speeds, in conjunction with cramped working spaces, caused tension which could tip over into verbal abuse

‘There’s this lady... [a] line manager... normally she goes yelling and, “Go faster”, you know, so that the line can go faster, and pushing people so they keep on working faster and faster, and she always does that.’

Kurdish male working in factory processing meat and poultry, east of England

‘When I worked at [name of red meat processing firm] there was one very malicious manager and he was able to speed the machine so that people couldn’t manage the workload. We asked him to slow it down, and he used to do say, “If you don’t like it here, f*** off!”’

Polish female working in meat processing factory, east of England

A number of the migrant workers we interviewed linked verbal abuse with managers’ frustration at their inability to speak fluent English and immediately understand instructions in English. Instead of finding ways to communicate with workers – for example, through using co-workers with a higher level of English language skills to translate – interviewees said that line managers resorted to shouting and verbal abuse.

‘My manager is very crazy. Too much screaming at people... People who don’t understand English.’

Polish male working in meat processing factory, east of England

Interviewees who had moved from agency work to direct employment in the same factory said they then experienced a noticeable reduction in the level of verbal abuse directed at them. One interviewee, who was regularly verbally abused as an agency worker, told us that this had improved markedly as soon as she got a permanent contract.

‘I can see the difference. I’m on contract now and I am treated different.’

Polish female working in meat processing factory, east of England

Some interviewees reported varying management practice within the same factory, with some managers treating workers appropriately while others did not.

‘That depends on the manager or line leader because some, you know, they treat you right, and some they just get there yelling and pushing you around.’

Portuguese female working in poultry processing factory, east of England

Other managers failing to challenge abuse

Interviewees reported that other managers on the factory floor were aware of workers being verbally and physically abused but ignored it. None of the 260 workers submitting evidence stated that they had experience of any managers challenging abusive treatment of workers. Nor were they aware of any action being taken to prevent it, or of any managers responsible for the abuse being disciplined.

‘The line leaders they knew but the higher ones like the... directors of the company probably they didn’t, but the line leaders they knew what was going on because they were always yelling... [I] wanted to try to do something about like talk to a union or something to change things around but... never had the opportunity to do so.’
Portuguese female working in a poultry processing factory,
east of England

The need for managerial training

Some interviewees highlighted the lack of training for first line managers in managing workers in a positive manner as related to the amount of verbal abuse they used towards workers.

‘[The solution is] train your management because they need training... you can’t supervise people without having the knowledge of what supervision is all about... poor management, lack of education... I strongly believe that the lack of education that’s what brings the bullying, discrimination, racism... shouting, humiliation... and the rest.’

Interviewee working in a poultry processing factory, West Midlands

Some firms described the steps they had taken in training their managers. One shift manager described her development as a people manager, and how she had learned, through training, to recognise the impact of her management style on those working for her.

Managers from another firm described how management style was an important part of the ethos of the company, and this was part of the selection criteria. One manager stated that she had experience of those

who had left the company asking to return shortly after leaving as the culture in other processing firms was different.

'[Firms have a] certain management style, one that is suited to your business and the way that you want people to be managed and treated. ... I've interviewed people from other [processing] businesses, you can see how they manage people. It can be very autocratic, managed on fear and lack of respect for individuals... That's not how it's done here. And if a manager decided that's what they were going to do, they wouldn't last, They need to be trained to look at it in a different way... so you can generate a whole culture of management and how you want things done.'

HR director, meat processing factory

We visited a number of factories and talked to workers and managers about how managers interacted with staff, and how they motivated them to deliver on tight targets to meet the expectations of customers.

Managers in these case study factories were unanimous in the view that shouting and swearing at production workers as a means of getting them to work faster or harder was not only unacceptable in a modern workplace, but also completely ineffective.

Indeed, some of the managers in case study factories stated that shouting and/or swearing at workers would lead to them disengaging with the tasks that they were required to carry out, and even motivate some to damage the meat or poultry they were processing.

'I'm sorry, but if someone starts shouting at me and effing and blinding, do you know what I am going to say in my head? "F*** off". You know you will. So by shouting and bawling at someone they will completely switch off... [and] they will just start breaking legs [of poultry they are processing].'

Shift manager, poultry processing factory

In the good practice firms we spoke to, managers thought that it was important to lead by example, and there was a clear ethos in the factory

that shouting and swearing would not be tolerated. Senior managers stated that they were aware that managers below them were likely to mirror their actions, and were therefore aware of the importance of the tone of their interactions with workers as setting a standard for junior colleagues to follow.

Our recommendations to address coercion, physical and verbal abuse of agency workers

Taking steps to prevent a culture of abuse or discrimination

We recommend that:

- All processing firms take steps to ensure that the culture in their workplace is one that actively tackles harassment and discrimination and promotes an ethos in which discrimination is viewed by all as being unacceptable, including the following actions:
 - implementing an equal opportunities policy
 - providing diversity and equality awareness training to staff
 - providing specific training and guidance for line managers, including how to manage pregnant workers and workers of different nationalities, and
 - ensuring that all staff have access to a confidential complaints and grievance procedure.

We recommend that:

- Work agencies make sure all recruitment consultants and managers understand that coercion of agency workers is contrary to the Gangmasters Licensing Authority (GLA)'s licensing standards and could result in the agency losing its licence, and treat acts of discrimination, victimisation and coercion by their staff as a disciplinary offence.

Training

As part of an integrated approach to equality, inclusion and dignity at work, we recommend that:

- Work agencies and processing firms provide training to recruitment consultants and managers on their duty not to discriminate against, harass or coerce agency workers. Processing firms provide supervisors and managers, particularly first-line managers, with

appropriate training to enable them to operate in a way which promotes equality and inclusion and respects the dignity of workers.

- Supermarkets support processing firms in their supply chain with training programmes specifically aimed at supervisors and line managers, and build on current Ethical Trading Initiative (ETI) initiatives which promote equitable management practices.

Forced labour

We recommend that:

- The GLA be given formal authority and appropriate resources to investigate the new offence of forced labour when the legislation comes into force.
- The government produce guidance for work agencies and employers on forced labour, including clarifying the circumstances where the actions of recruitment consultants, including forced overtime, can amount to forced labour.