

Equality and Human Rights Commission
Research report 104

Recruitment in Britain

Examining employers' practices and attitudes to employing UK-born and foreign-born workers

Lorna Adams, Andrea Broughton, Marc Cranney, Sarah Dobie, Rachel Marangozov, Yvonne Markaki, Madeleine Sumption

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Post: Research Team
 Equality and Human Rights Commission
 Arndale House
 The Arndale Centre
 Manchester M4 3AQ

Email: research@equalityhumanrights.com

Telephone: 0161 829 8100

Website: www.equalityhumanrights.com

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Executive summary

In August 2015, the Equality and Human Rights Commission ('the EHRC') conducted research into employer and employee practices, perceptions and experiences in relation to recruitment. Our aim was to understand whether there was any evidence of differential treatment between UK-born and foreign-born workers with a right to work in the UK; the extent of discrimination on the basis of nationality, and what may be causing it.

The Equality Act 2010 provides protection from discrimination on the grounds of nine 'protected characteristics' including race, which covers ethnicity and nationality. The Act makes it unlawful for employers and their agents to discriminate against people seeking employment: they must treat applicants fairly and not discriminate in any arrangements for making appointments.

The research focused on sectors with a high proportion of foreign-born workers and a mixture of skill levels:

- Food manufacturing
- Accommodation (hotels, holiday and other short-stay accommodation, youth hostels and camping grounds)
- Food and beverage service activities (restaurants, mobile food service activities, pubs and bars)
- Social care
- Computer programming

Workplaces¹ across these five sectors that have at least 10 staff account for 6% of all UK workplaces. Twelve per cent of the UK workforce is employed in these workplaces.

The research is based on a literature review on discriminatory recruitment practices and migrant workers in the UK, quantitative surveys of workplaces² and recruitment

¹ The term 'workplace' is used instead of 'employers' to describe the respondents to this survey. This is because participants were asked to respond to questions about their particular site, office or branch rather than a wider corporation or organisation to which they may be affiliated.

agencies, and qualitative interviews with employers, recruitment agencies and both UK-born and foreign-born workers in these five sectors. The research is based on employer and employee perceptions of treatment. This allows us to identify practices which may be discriminatory, whether this is done consciously or not; however only a tribunal can determine whether unlawful discrimination has occurred.

Key findings

In most circumstances, **employers appointed workers on their ability to do their job**, rather than where they came from. There was a small number of examples of approaches by employers and recruitment agencies that may lead to potentially discriminatory recruitment practices. There was also evidence of a lack of knowledge about the law, which could also lead to unlawful discrimination. However, our evidence suggests that there is only **limited clear and unequivocal evidence to suggest that employers might act on a preference to recruit foreign-born over UK-born workers, or vice versa**. Our research allowed us to check whether this held true through a variety of questions; looking at knowledge, approaches and practices, application outcomes, employers' views of workers and experiences from employers, recruitment agencies and workers themselves. Throughout this summary and the report we flag up where the evidence may indicate the potential for discriminatory recruitment practices.

Are there different perceptions of workers?

Workplaces did not see nationality in itself as a key driver of success in terms of securing job offers, with most workplaces indicating that UK-born and foreign-born job applications were equally likely to be successful (78%).

Where foreign-born workers were unsuccessful in job applications, respondents were more likely to give insufficient English language skills as the reason (54%). About two-thirds of respondents (64%) said that UK-born applicants were most likely to be unsuccessful due to a perceived lack of motivation, enthusiasm and energy,

² The term 'workplace' is used instead of 'employers' to describe the respondents to this survey. This is because participants were asked to respond to questions about their particular site, office or branch rather than a wider corporation or organisation to which they may be affiliated.

compared with 30% who said the same about foreign-born workers. Sixty-four per cent of respondents said that UK applicants were unsuccessful due to a lack of relevant knowledge/experience, compared with 47% of employers who said that foreign-born applicants were unsuccessful for the same reason. There were some instances of foreign-born workers being relatively over-qualified for the jobs that they were doing, and employers tended to appreciate their additional skills.

Respondents tended to regard UK born and foreign born workers as being productive, flexible and hardworking, although a greater percentage thought foreign-born workers had these attributes. Ninety-two per cent of respondents perceived foreign-born workers to be productive compared with 83% who said the same about UK-born workers; 88% of respondents perceived foreign-born workers to be enthusiastic and motivated compared with 75% who said the same about UK-born workers. When asked to identify specific disadvantages of employing UK-born workers, around half of respondents (52%) said there were none. By contrast, 37% of workplaces said there were no disadvantages to employing foreign-born workers.

In most cases **employers said that they looked primarily for the skills, experience, qualifications (if relevant) and personal attributes necessary for the vacancies on offer, regardless of nationality**. Foreign-born and UK-born workers also did not report experiences that suggested that they had been targeted in particular on the basis of anything other than their ability to do the job. Many foreign-born workers reported experiencing positive attitudes towards them, on the part of employers, but it was generally felt that these views and perceptions did not translate into targeted recruitment strategies.

Is there different treatment in recruitment practices and the workplace based on nationality?

The means of recruiting workers and also the outcomes in terms of the job itself also did not suggest any different treatment between foreign-born and UK-born workers.

Workplaces in different sectors used similar recruitment channels and processes for UK-born and foreign-born workers.

Almost half of workplaces who recruited or tried to recruit new staff reported having a vacancy that was difficult to fill. This was mainly because of skills shortages, the

shortcomings of the recruitment methods they used and strong competition for staff amongst employers in their sector. Only one in eight workplaces (13%) that had carried at least one hard-to-fill vacancy had targeted foreign-born workers as a result. **It was far more common for workplaces to have tried other strategies, such as offering training to less well-qualified recruits (75%), restructuring their existing workforce (73%) or increasing the amount spent on recruitment (53%).**

Workplaces said that the **salaries and terms and conditions for the roles most commonly held by UK-born workers and foreign-born workers were similar.** Foreign-born workers were less likely to be earning less than £7 an hour and were slightly more likely to be earning more than £12.70 an hour.

The majority of the foreign-born interviewees said that they were not treated differently in the workplace in comparison with UK-born workers. However, UK- and foreign-born interviewees reported examples where they believed employers had treated UK-born workers more favourably in relation to issues such as training and shift allocation. There were also incidents in which foreign-born employees were treated less favourably by customers or service users.

Is there evidence of discrimination in recruitment and in the workplace, and what are the causes of this?

Discrimination in recruitment does occur, this is clear from reports the EHRC receives³ as well as the literature review in this report; **we found some evidence where there was a potential for workplaces to risk discriminating against either UK-born or foreign-born workers directly or by asking recruitment agencies to discriminate on their behalf.** Notably, of the one hundred recruitment agencies that we surveyed, ten reported that employers specifically asked for UK-born workers to fill a vacancy, mainly to recruit someone with good English skills, and eleven said that they also have had employers request foreign-born workers specifically (in most cases this was due to their perceived work ethic and foreign language skills). It is unlawful for employers to instruct recruitment agencies to discriminate in their selection of applicants, where neither an occupational requirement nor one of the other specific exceptions in the Equality Act applies.

³ <https://www.equalityhumanrights.com/en/our-work/news/unlawful-adverts-jeopardise-job-opportunities-says-commission>

However, **clear evidence of discrimination was not as prevalent as we might have expected across the five sectors**, especially considering the high proportions of foreign-born workers within them. That said, it is clear that **there is considerable confusion among workplaces and recruitment professionals about their legal obligations in relation to recruitment**. It would be for a tribunal to decide on a case by case basis whether any recruitment practices were discriminatory but we found that:

- Twenty-eight per cent of recruitment agents incorrectly believed that employers are allowed to advertise for people with English as their first language (in practice employers are permitted to request English language skills, but not English as a mother tongue).
- Less than half of workplaces (45%) knew that employers must check that all job applicants have a right to work in the UK before employing them, irrespective of their place of birth – this was the question that workplaces were most likely to get wrong (52% answered incorrectly).
- Only a minority of workplaces agreed that it is illegal for an employer to advertise jobs in Britain exclusively in a foreign language (39%) unless the ability to speak a language is a genuine requirement of the job. In such circumstances, it is advisable to advertise in both languages so all applicants know that speaking the language is a requirement. Only 0.065% of workplaces had said they had advertised exclusively in a foreign language.
- Larger workplaces (those with 100 or more staff) tended to have slightly higher awareness of their legal obligations than small ones (10–24 staff).

This evidence suggests that workplaces and recruitment agencies should increase their understanding about the law in relation to recruitment so that they are not at risk of discriminating against candidates on the basis of their nationality. This will help them to better demonstrate that they are using a fair, lawful and transparent recruitment and selection processes.

Chapter One: Introduction and methodology

This report contains the findings of research into employer and employee practices, perceptions and experiences in relation to recruitment to understand whether there was any evidence of differential treatment of foreign-born and UK-born workers, and therefore discrimination.

The Equality and Human Rights Commission (the EHRC), established under the Equality Act 2006, aims to work towards the elimination of unlawful discrimination, to promote equality of opportunity and to protect and promote human rights. Advancing equality in routes into work and treatment at work is one of the EHRC's strategic priorities, as described in its Strategic Plan 2016-19.⁴ This includes analysing employers' policies and behaviours, exploring the impact on different groups and helping to deliver improvements in employers' practices where necessary.

This project stems from the EHRC's concerns about discriminatory recruitment practices by employers and recruitment agencies, particularly in their approaches to recruiting British- and foreign-born staff with the right to work in Great Britain.

1.1 The Equality Act 2010

The Equality Act 2010 provides that employers must not harass, victimise or discriminate against a person because of a protected characteristic (for example age, race or gender), either directly or indirectly. This includes the way in which jobs are advertised by employers, the selection process, the terms on which employment is offered and deciding who to employ, or not. Direct discrimination may involve, for example, rejecting job applications from people of a particular nationality or ethnicity. Indirect discrimination means putting in place criteria which apply to everyone but put

⁴ EHRC Strategic Plan 2016-19: <https://www.equalityhumanrights.com/en/what-we-do/our-strategic-plan/our-strategic-plan-2016-19>

applicants with a particular protected characteristic at a disadvantage compared with others, where the criteria cannot be justified. For example, if an employer states that excellent English is required for a job – when only basic skills are needed so the requirement cannot be justified – this could indirectly discriminate against workers whose first language is not English.

Employers are not permitted to request that recruitment agencies only supply workers with particular protected characteristics, for example people of a certain race or gender. Employers can only make such requests if it is an occupational requirement or where one of the other specific exceptions in the Equality Act applies. Further details about the Equality Act 2010 may be found in Annex II.

1.2 Aims

The EHRC commissioned this research from the Institute for Employment Studies (IES), in partnership with IFF Research and the Centre on Migration, Policy and Society (COMPAS). The aim of the research was to assess the nature and extent of employer discrimination in relation to recruiting foreign-born and UK-born workers. It explored the experiences and perceptions of employers, recruitment agencies and employees in Britain. The focus was on unearthing evidence of preferential or less favourable treatment based on a person's nationality and to understand the reasoning behind such differential treatment.

1.3 Methodology

This section gives details of the methodology used in this project. It comprised three interlinked stages:

- A literature review
- Telephone surveys of 1,200 employers and 100 recruitment agencies
- 25 qualitative interviews with workers and 10 with employers/recruitment agencies.

1.3.1 Literature review

The literature review comprised the first phase of the project. It aimed to establish what is already known about employer recruitment practices in relation to foreign-

born and UK-born workers. It synthesised a broad range of academic and practitioner research, government reports, other types of official reports and media articles. The aim was for the literature review to inform the methodological approach to be taken in the subsequent two phases of the research. In particular, the review focused on the following issues:

- What does the existing evidence base tell us about employer recruitment practices in relation to foreign-born and UK-born workers?
- What are the major gaps in knowledge?
- What further research and information is needed to help the EHRC to further its strategic objectives?

The literature review was conducted by the Centre on Migration, Policy and Society (COMPAS) at the University of Oxford. A summary is contained in Chapter 3. The full version is included in Annex I, including all literature references and a more detailed description of the approach taken.

1.3.2 Quantitative surveys of workplaces and recruitment consultants

The quantitative part of the project involved two surveys:

- 1,200 telephone interviews with workplaces (240 per sector, five sectors in total – see below)
- 100 telephone interviews with recruitment agencies/recruitment consultants.

The design of the survey questionnaires was informed initially by the literature review and was further developed following a number of discussions with the EHRC and stakeholders. This was to ensure that they aligned with the overall research objective of assessing the nature and extent of employer discrimination in relation to recruiting foreign-born and UK-born workers in five sectors of the economy. Unless explicitly stated otherwise, all reported statistical differences are significant at the 95% level.

Survey of workplaces

The purpose of this survey was to establish the extent of discrimination on the part of employers in the five sectors which were the focus of this research: food manufacturing, accommodation, food service, computer programming and social care. A statistically representative sample was developed in order to be able to draw conclusions about the experiences and perceptions of workplaces in general, as well as to analyse differences across sectors. The workplace survey gathered basic

information on the size and profile of the workforce, before probing the following areas:

Employment of foreign-born workers (including role profiles and salary)

- Recruitment needs and methods and drivers of candidate selection
- Overall attitudes towards foreign-born and UK-born workers
- Awareness of recruitment and employment law.

The overarching aim of the questionnaire was to gather data on workplaces' reported behaviours and perceptions towards foreign-born and UK-born workers and tease out any evidence of discrimination. The limitations of such an approach are clear: employers may hold certain preferential views that do not necessarily prevent them from carrying out fair and equal recruitment and employment practices – which is difficult to ascertain from a questionnaire. Similarly, people may have biases and preconceptions of which they are unaware, and therefore unable to account for in a short survey. Finally, if an employer is deliberately breaking the law it is unlikely to admit to doing so, even in an anonymous survey. (Unintentional discrimination may be easier to gather data on because the employer does not know it is doing anything wrong.)

Nevertheless, the research findings do suggest certain areas where there may be risks of discrimination and potentially unfair treatment. By exploring awareness of legislation, for example, we can identify where employers may be at risk of discriminating against candidates simply through lack of knowledge.

The workplace survey sampled workplaces such as hotels, care homes, food processing plants, pubs and so on, rather than chains or corporations, as this is where recruitment decisions are most commonly made. The survey was conducted by phone.

Rather than covering the whole economy, the survey focused on five sectors which have a relatively high proportion of foreign-born workers (as evidenced through the Labour Force Survey/Annual Population Survey). This means the research cannot be extrapolated to the economy as a whole.

The sectors covered by the survey were:

- Food Manufacturing (Standard Industrial Classification (SIC) Code 10). This sector covers activities such as meat and fish processing, processing and preserving of fruit and vegetables, manufacture of dairy products, manufacture of bakery products etc.

- Accommodation (SIC Code 55). This sector covers hotels, holiday and other short-stay accommodation, youth hostels, camping grounds etc.
- Food service (SIC Code 56). This sector covers restaurants, cafes, take away food shops, event catering, bars, pubs and licenced clubs.
- Computer Programming (SIC Code 62). This sector covers business and domestic software development, consultancy, computer facilities management etc.
- Social Care (SIC Codes 87 and 88). This includes residential care homes for older people and for disabled people and social work activities that do not involve accommodation such as day care centres.

These sectors were selected due to the high number of foreign-born workers employed in them and to provide a mixture of skill levels for purposes of comparison (computer programming is a more highly-skilled industry than the other four sectors).

The survey covered only workplaces with at least 10 staff in order to focus on those that are recruiting on a more regular basis and that account for the majority of employment. Although the smallest employers are quite numerous, they account for a relatively small share of total employment. To give some idea of the coverage of the survey, workplaces across these five sectors that have at least 10 staff account for 6% of all UK workplaces. Twelve per cent of the UK workforce is employed in these workplaces.

At the analysis stage, the data from the survey of workplaces was weighted to the profile of employers across the five sectors by size, sector and country. The population figures used for weighting were taken from the Inter-Departmental Business Register (IDBR) maintained by the Office of National Statistics (ONS). The numbers of workplaces in each of the five sectors varies quite considerably (from around 40,000 in the social care and food services sectors to around 3,000 in the food manufacture sector). This means that, when weighted, the total level findings are quite heavily influenced by the findings from these two largest sectors. For this reason, results are normally shown both at overall level and for each sector individually.

1.3.3 Survey of recruitment agents

A smaller scale survey with recruitment agencies was conducted to supplement the main workplace survey; it offers an insight into employers' preferences and demands as interpreted by recruitment agencies. Its design and purpose was closely aligned

with the workplace survey. Again, reported statistical differences are significant at the 95% level unless stated otherwise.

The 100 interviews with recruitment agents were structured so that 20 of the interviews focused on a discussion about each sector covered by the workplace survey (note that these sub-groups are not statistically representative – the intention was simply to have an even spread across the sample). At the beginning of the interview, recruitment agents were asked which of the five sectors their business covered and then asked to focus on one of those covered for the remainder of the interview. This survey was also conducted by phone.

The survey questionnaires can be viewed in full in Annex II.

1.3.4 Qualitative research

The qualitative research comprised 36 interviews in total and included participants who were interviewed in their capacity as:

- A foreign-born employee (21 interviews in total)
- A UK-born employee (five interviews)
- An employer (five interviews)
- A recruitment agency (five interviews)

The primary purpose of the qualitative research was to explore the experiences of foreign-born workers themselves. This perspective was missing from the quantitative surveys; the interviews offered an opportunity to provide a more complete picture and to explore whether or not the employers' account of their practices married up with the experiences of workers themselves. For comparison purposes, five interviews were also held with UK-born workers. All of these interviewees (26 in total) worked in the five sectors covered in the quantitative surveys: computer programming, manufacture of food products, accommodation, food and beverage service activities and social care.

In addition to the interviews with workers, a small number of interviews were also held with employers (five in total) and recruitment agencies (also five). The purpose of these interviews was to explore in more depth the themes emerging from the quantitative research. These participants were also from one of the five sectors of interest (i.e. one from each sector).

The interviews were carried out on a semi-structured basis, using an agreed discussion guide (see Annex V). Where possible, interviews were held face-to-face,

although some were held by telephone (all of the worker interviews were conducted face-to-face). The sample was recruited using a variety of means, including:

- Contacting civil society and support organisations with links to certain ethnic groups and communities
- Contacting support organisations for workers in the five specified sectors in the UK
- Posting information on the IES website and asking potential interviewees to get in touch
- Using personal contacts
- Asking interviewees whether they could recommend other interviewees (snowballing technique).

This part of the research was carried out by IES, with the exception of the five recruitment agency interviews, which were carried out by IFF Research. As with the quantitative survey, the research may have been hindered by the fact that people do not sometimes realise they are acting in a discriminatory way or are even the victim of discrimination. The findings are therefore reported as the subjective experiences of the research participants and should be interpreted as such.

For more information on the sample used in the qualitative research, see Annex V.

Chapter Two: Background – discriminatory recruitment practices and foreign-born workers in the UK

Increases in international migration to the UK over the past two decades have generated considerable debate about the role of foreign-born workers in the UK labour force, its effects on employers' recruitment practices, and its implications for UK residents.

An ongoing theme in this discussion is the question of discrimination: whether employers have a preference for certain groups of workers over others, and whether this leads to discriminatory recruitment practices. Common questions in this debate include whether employers make assumptions about how prospective employees will perform based on their national origin, and whether they directly or indirectly target foreign workers in their recruitment efforts (for example, by using specialist recruitment agencies to hire overseas).

Over the past decade, substantial literature has developed on the labour-market role of foreign-born workers, pointing to a complex web of factors shaping recruitment and employment practices that shape the pool of available candidates and the profile of employees who are ultimately recruited. This section provides a short overview of this literature. A longer version, with references to the studies in question, is included in Annex I.

Many employers handle the process of recruiting, hiring, and employing workers exclusively internally, while others rely on intermediaries such as advertising and recruitment agencies or labour providers. Employers use different methods of recruitment, such as word of mouth versus advertising vacancies online or in print and their prevalence varies by sector and occupation. The ways that employers recruit and the ways that jobseekers look for work are also changing over time.

Discriminatory motivation is not required in establishing whether there is discrimination. People may hold diverse views, including prejudiced ones, but it is the less favourable treatment or their being disadvantaged as compared with others by criteria because of a protected characteristic which can amount to a discriminatory act. However there is a large academic literature about stereotypes and some general observations can be drawn from existing research in this field.

First, qualitative studies frequently find that employers express generalisations or stereotypes about the qualities of workers of particular nationalities or countries of origin. These can be either positive or negative. Studies that have identified negative perceptions of foreign-born workers, for example, have pointed to lack of language proficiency or lack of UK work experience or understanding of UK workplaces as a barrier to employment. In some cases, such as in the care sector, employers and recruiters note that there may be pressure from customers to be served by workers of particular ethnicities or cultural backgrounds. By contrast, several recent studies have found that many employers make positive generalisations about foreign-born workers from Eastern Europe, in particular, citing their high productivity, soft skills, reliability and work ethic. In these studies, employers often described UK-born workers as less willing to take on certain types of jobs, for a variety of reasons including domestic commitments, expectations about pay and working conditions and concerns about losing benefits. It is possible for these generalised views to lead to unconscious bias in decision-making.

The fact that employers often have views about the productivity or skills of people with particular national origins does not necessarily mean that they actually discriminate on this basis. Employers may hold these views based on experience but still conduct open recruitment processes in which individuals are selected only on the basis of their ability to perform the job. Previous research evidence has not identified widespread practices of direct discrimination on the grounds of origin or nationality – for example employers refusing to interview or employ a worker because of their nationality, language, or country of birth. These forms of discrimination are by nature difficult to observe and identify in social-scientific research.

However, existing research has identified ways in which recruitment and selection methods may indirectly or inadvertently lead to job opportunities being more available to some groups than others, which may give rise to discrimination. For example, employers often find social networks and word of mouth recruitment to be a cost-effective way of identifying new recruits. Although this may not be directly aimed at recruiting people of specific origins, these strategies may lead to the

recruitment of the same national origins as existing staff (whether these staff are UK-born or from overseas) and so certain nationalities may be excluded from applying for these jobs.

The nature of the work and conditions offered may also affect the pool of willing and available workers. Low pay, difficult working conditions, undesirable working hours or lack of opportunities for career progression are often cited as a disincentive for UK-born workers to take particular jobs, driving employer demand for foreign workers. There is some debate about whether it should be possible for employers to improve these conditions in order to diversify their applicant pools. Employers often point to external pressures shaping the requirements of the job, such as highly competitive markets with low profit margins that make it difficult to invest in training or improved pay and conditions. Whilst these can be legitimate factors in determining pay and conditions, the Equality Act requires that employers ensure the same pay and conditions for the job, regardless of nationality.

Some important structural factors are likely to contribute to different patterns in the recruitment and employment of UK-born and foreign-born workers. For example, foreign-born workers are thought to be more willing to take on low-wage jobs because of their dual frame of reference – the perception that the jobs on offer in the UK are comparatively better than the pay and working conditions in their countries of origin. The fact that many are working in low-skilled sectors despite having high levels of qualifications may make them particularly desirable recruits. At the same time, underinvestment in vocational education and training in some sectors, such as construction, is often identified as a barrier to recruiting suitably trained UK workers. In the public sector, low investment in certain public services, like social care, has led to low-wage jobs that are relatively unattractive to UK workers. These are deep-rooted structural factors that would only be likely to shift in response to very significant changes to institutions and policies.

Chapter Three: Workplace profile – facts and figures

3.1 Size profile of sectors covered

This section of the report provides some information about the five sectors covered by the research and the individuals that work in them. This offers useful context for interpreting the findings discussed later on.

The sectors covered by the research are:

- Food Manufacturing (SIC Code 10). This sector covers activities such as meat and fish processing, processing and preserving of fruit and vegetables, manufacture of dairy products, manufacture of bakery products etc.
- Accommodation (SIC Code 55). This sector covers hotels, holiday and other short-stay accommodation, youth hostels, camping grounds etc.
- Food Service (SIC Code 56). This sector covers restaurants, cafes, take away food shops, event catering, bars, pubs and licenced clubs.
- Computer Programming (SIC Code 62). This sector covers business and domestic software development, consultancy, computer facilities management etc.
- Social Care (SIC Codes 87 and 88). This includes residential care homes for older people and for disabled people and social work activities that do not involve accommodation such as day care centres.

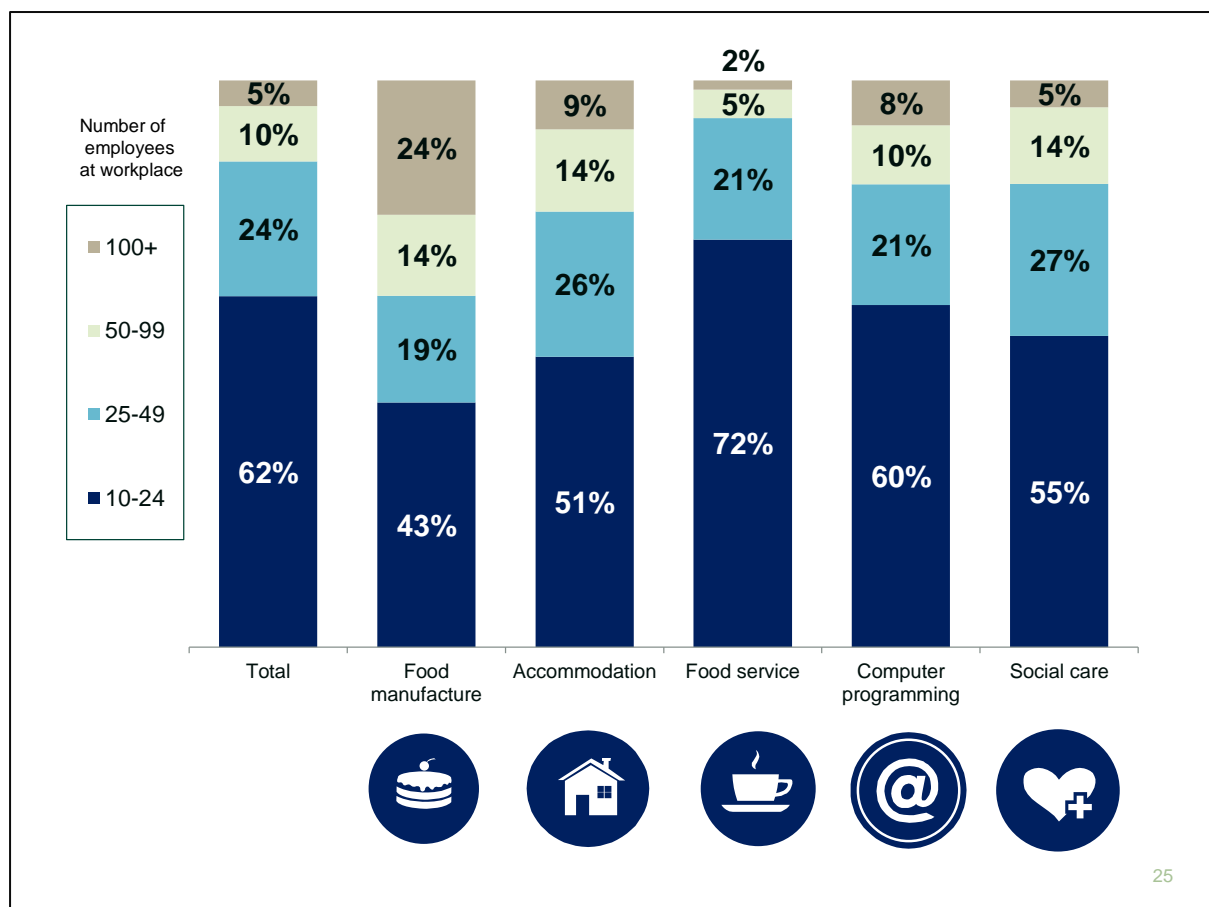
Population data taken from the Inter-Departmental Business Register (IDBR) gives the following numbers of workplaces within each of these five sectors across Great Britain (Table 3.1). Two of the sectors (social care and food service) include a much larger number of workplaces than the remaining three sectors (around 40,000 workplaces each).

Table 3.1 Business Population by Sector

Sector	Sizeband				Total
	10-24	25-49	50-99	100+	
Manufacture of food products	1,365	595	450	750	3,160
Accommodation	4,307	2,152	1,214	728	8,401
Food service	31,903	9,494	2,244	707	44,348
Computer programming	4,500	1,583	779	589	7,451
Social care	22,215	10,845	5,469	1,930	40,459
Total	64,290	24,669	10,156	4,704	103,819

Source: IDBR






Figure 3.1 compares the size profile of workplaces in each of the five sectors. It shows that the food manufacturing sector contains a much larger proportion of large workplaces (with 100 or more staff) than any of the other sectors covered by the survey. The food service sector has the highest proportion of the smallest workplaces (those with between 10 and 24 employees).

Figure 3.1 Size profile of sectors

3.2 Workforce profile by country of birth

The reason for including these sectors in the survey is that their workforces contain a relatively high proportion of foreign-born workers. Table 3.2 below shows data taken from the 2011 Census to show the number of workers in each of these sectors by country of birth. The data is shown separately for England/Wales and for Scotland because the data for Scotland uses slightly broader definitions of the sectors (Table 3.3).

Table 3.2 Volume of workers by country of birth (England and Wales)

	 Food manufacturing	 Accommodation	 Food service	 Computer Programming	 Social Care
<i>Number of workers</i>	285,726	294,148	1,198,133	516,159	1,533,759
Country of birth					
UK	202,740	218,955	851,217	407,932	1,289,046
Channel Islands/Ireland	1,166	2,005	7,204	3,965	11,333
Original EU member states	5,620	11,245	39,865	16,119	21,362
EU Accession states	43,805	27,426	70,169	8,966	34,316
Rest of Europe	1,635	2,362	19,519	3,868	5,000
Africa	6,683	8,977	35,031	18,731	70,519
Middle East and Asia	21,326	17,288	150,921	42,293	72,477
Americas and the Caribbean	2,109	4,498	19,163	8,773	25,035
Antarctica and Oceania	642	1,392	5,043	5,510	4,668
Total foreign born	82,986	75,193	346,915	108,225	244,710

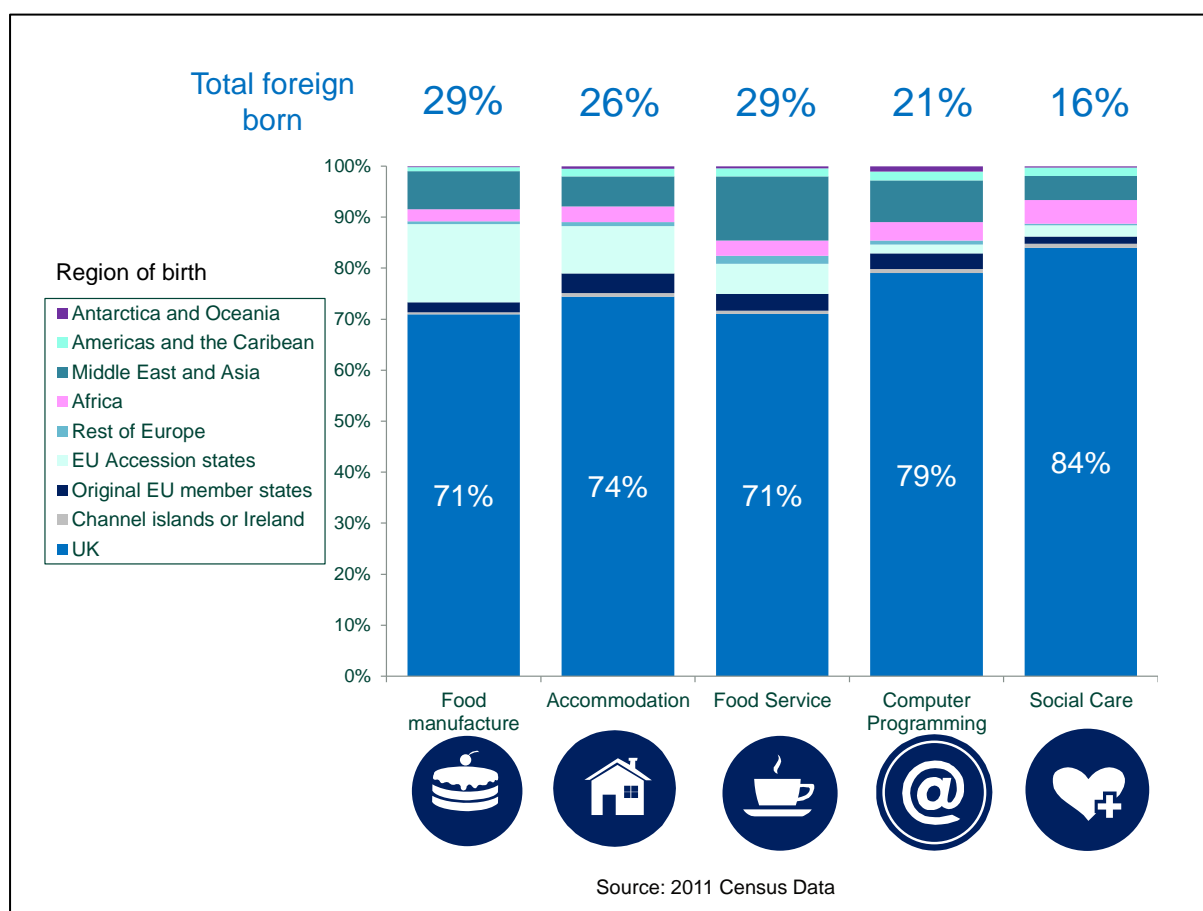
Source: 2011 Census.

Table 3.3 Volume of workers by country of birth (Scotland)

	Food manufacturing	Accommodation and Food Service	Information and Communication	Human Health and Social Care
<i>Number of workers</i>	47,698	158,175	69,014	376,813
Country of birth				
UK	38,920	127,704	62,236	347,859
Channel Islands/Ireland	136	912	386	2,258
Original EU member states	543	3,906	1,373	3,754
EU Accession states	6,881	10,784	809	4,293
Rest of Europe	198	1,051	230	709
Africa	302	1,992	955	5,646
Middle East and Asia	465	9,789	1,932	8,848
Americas and the Caribbean	168	1,334	770	2,371
Antarctica and Oceania	85	703	323	1,075
Total foreign born	8,778	30,471	6,778	28,954

As the tables show, within England and Wales, the sectors covered by the survey account for 850,000 foreign-born workers (about 22% of the whole workforce in these sectors). In Scotland, the slightly broader sectors account for about 75,000 workers (about 12% of the workforce in these sectors).

Figure 3.2 shows the proportion of the workforce within each sector born in each broad region of the world. The information shown is for England and Wales only. This analysis shows that the proportion of the workforce born in the EU Accession states is much higher in the food manufacturing sector (15%) than in the other sectors and particularly small in the computer programming and social care sectors (both 2%). The proportion of the workforce born in the Middle East and Asia is quite large in all five sectors but is highest in the food service sector (13%) and lowest in the social care sector (5%).

Figure 3.2 Profile of workforce by country of birth (England and Wales only)

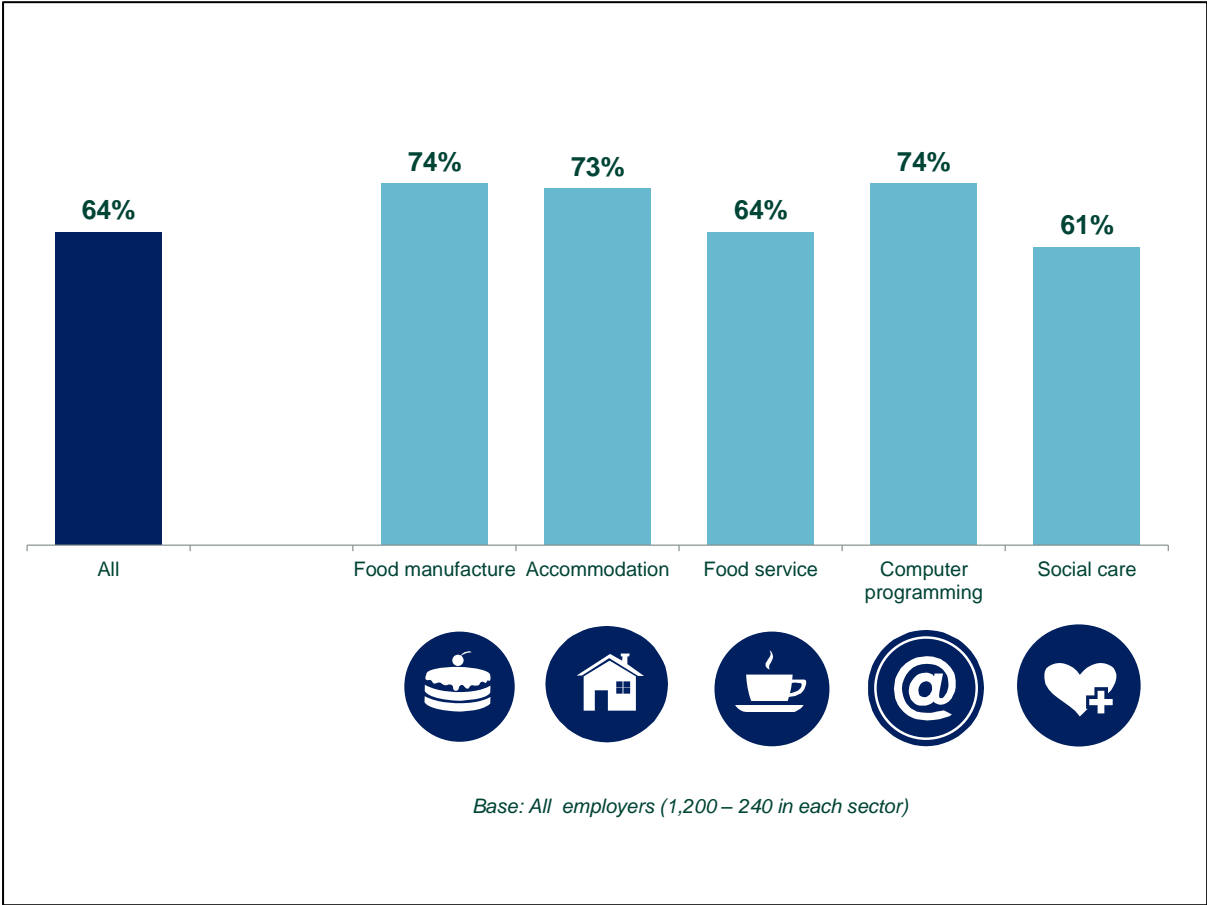
3.3 Proportion of workplaces that employed foreign-born workers

Across all five sectors covered by the survey, just under two-thirds (64%) of workplace respondents said that they employed foreign-born workers (Figure 3.3). Nearly all respondents were able to say whether or not they had any foreign-born workers among their staff (only 1% said they did not know). The proportion of workplaces with foreign-born workers was around three-quarters for the food manufacture, computer programming and accommodation sectors, and slightly lower for the food service and social care sectors (64% and 61%).

Nine in 10 of the larger workplaces with at least 100 employees (90%) said that they employed foreign-born workers compared with 55% of those with 10-24 employees. The proportion of workplaces with foreign-born workers was lower in Wales (49%) than in England or Scotland (66% and 64%). However, this may simply be a reflection of size, as workplaces in the Wales sample tended to be smaller than elsewhere.

Just over two-thirds (68%) of workplaces in the private sector employed foreign-born workers, compared with 55% of public sector workplaces and 54% of workplaces operating in the charity/voluntary sector.

Figure 3.3 Proportion of workplaces employing foreign-born workers



The respondents who did not have any foreign-born workers most commonly said that this was because they had had either no applications at all from foreign-born workers (41%) or few applications (45%). Smaller proportions of respondents said that the absence of foreign-born workers was because they did not have the necessary requirements: some respondents said they felt foreign-born workers tended to lack English language skills (17%), lack other skills or experience that they needed (17%), be over-qualified (8%), difficult to retain (8%) or had salary expectations that were too high (5%). Only 2% said that they did not have any foreign-born workers because the recruitment process for these workers was complicated (but this did rise to 6% of those in the public sector).

In order to keep the survey to a manageable length, workplaces were not asked to provide a detailed breakdown of the country of origin of all their foreign-born staff.

However, they were asked to list the top three countries of origin of their staff (other than the UK). The countries most commonly appearing in the top three are shown in Figure 3.4. As the figure shows, Poland was the number one country of origin for all sectors apart from computer programming, which was India.

Figure 3.4 Countries most likely to appear in the top three countries of origin for foreign-born workers



Chapter Four: Recruitment

This chapter focuses on why foreign-born workers come to the UK and then looks at workplaces' recruitment practices: whether or not workplaces recruited in the 12 months prior to survey, the methods they used to do so, the extent to which they had faced difficulties when recruiting and any actions they took to overcome them.

The Equality Framework: Recruitment

Advertising or selecting a candidate based on a particular protected characteristic, such as nationality, amounts to unlawful discrimination under the Equality Act 2010 unless it is an occupational requirement or one of the other specific exceptions in the Equality Act applies.

Employers and recruitment agencies should advertise widely to reach a diverse range of good candidates and increase the likelihood of finding the right person for the role. They should avoid **advertising exclusively** in places which may indirectly discriminate against potential applicants. For example, advertising exclusively in foreign language websites would indirectly discriminate against UK-born applicants who may have the necessary skills, but who are less likely to see the advertisement. Advertising by 'word of mouth' is poor practice as it limits the talent pool employers draw upon and may indirectly exclude potential candidates from applying. Relying on word of mouth can lead to unlawful discrimination if people with particular protected characteristics are effectively excluded from the opportunity to apply where using this method cannot be objectively justified. Not advertising a role could also lead to unlawful discrimination if people with particular protected characteristics are effectively excluded from the recruitment process and the decision not to advertise cannot be objectively justified.

Where there is an **occupational requirement** for a person to speak

another language fluently, the advertisement should call for a fluent rather than a native speaker. This enables speakers of that language to apply, regardless of their nationality. However, advertising for a language speaker, such as a Portuguese speaking cleaner, because the employer has a preference for a cleaner from Portugal, or would like them to speak the same language as existing staff as they believe it increases staff bonding, is unlikely to be a genuine requirement for the job, so such an advert would be unlawful.

A recruitment process that **excludes or disadvantages** people with particular protected characteristics is likely to be unlawful. Employers must assess applicants objectively against role requirements and assessment criteria and not base their selection decisions on stereotypical assumptions or prejudice. Asking recruitment agencies to provide people with certain protected characteristics, such as British only, amounts to '**instructions to discriminate**' which are almost always unlawful.

For further guidance, see Annex II.

4.1 Motives for coming to the UK

The qualitative research suggests that foreign-born workers have a range of motives for coming to the UK. The participants' circumstances varied: some were settled with families while others planned to stay only for a short time.

'I think maybe I'd like to stay one, maybe two years maximum. This is good for money but very bad for life. Too many people and bad housing. I don't like it.'

Food and beverage service activities worker, Czech Republic

One person's motive to come to the UK was to study:

'I came to the UK to do my masters, I didn't really have a plan for what I would do afterwards, I kind of just decided towards the end of my masters that I would want to stay for a bit more. And I didn't really have a plan for how long, and I think even know, I guess because I don't have a spouse, you know, or children. I'm kind of flexible in what I'll be doing next year, whether I'll be in UK or somewhere else.'

Computer programming worker, Romania

Other participants' motives were to improve their English, to search for a better life, and to take advantage of the work opportunities and the potential to earn more money in the UK than at home.

'I came like most people because of a job: in my country [there are] no jobs and small wages. You can't survive. I finished law university in my country but still I can't find a job ... I can't work in UK with my education because my English is not very good.'

Food manufacturing sector worker, Lithuania

'I've got two degrees, I studied international relations and finance and accountancy. I used to work for the Hungarian government but the political environment wasn't that good so I realised that I don't want to stay there and then I came here because many of my friends are here.'

Food and beverage services worker, Hungary

'We came to find a job and for a better life, of course, for my children.'

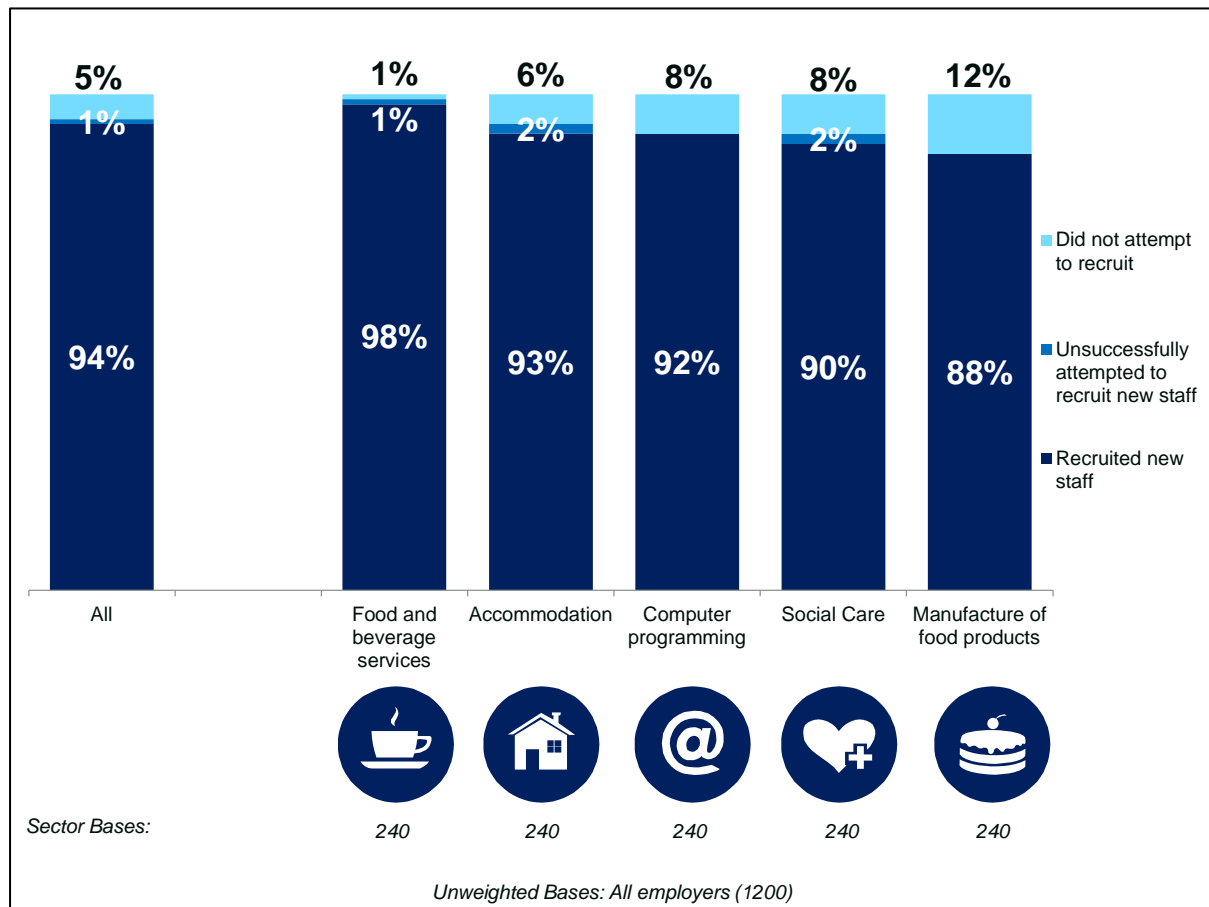
Care sector worker, Lithuania

As a consequence, many foreign-born workers were working below their levels of qualification and experience, although some were working alongside studying.

4.2 Recruitment practices and methods used

As shown in Figure 4.1, the vast majority of workplaces (94%) had recruited at least one new member of staff in the 12 months preceding the survey. Just 1% did not manage to recruit any new staff despite attempting to do so and 5% made no attempt to recruit any new members of staff.

Figure 4.1 Workplaces' recruitment practices in the 12 months prior to the survey by sector



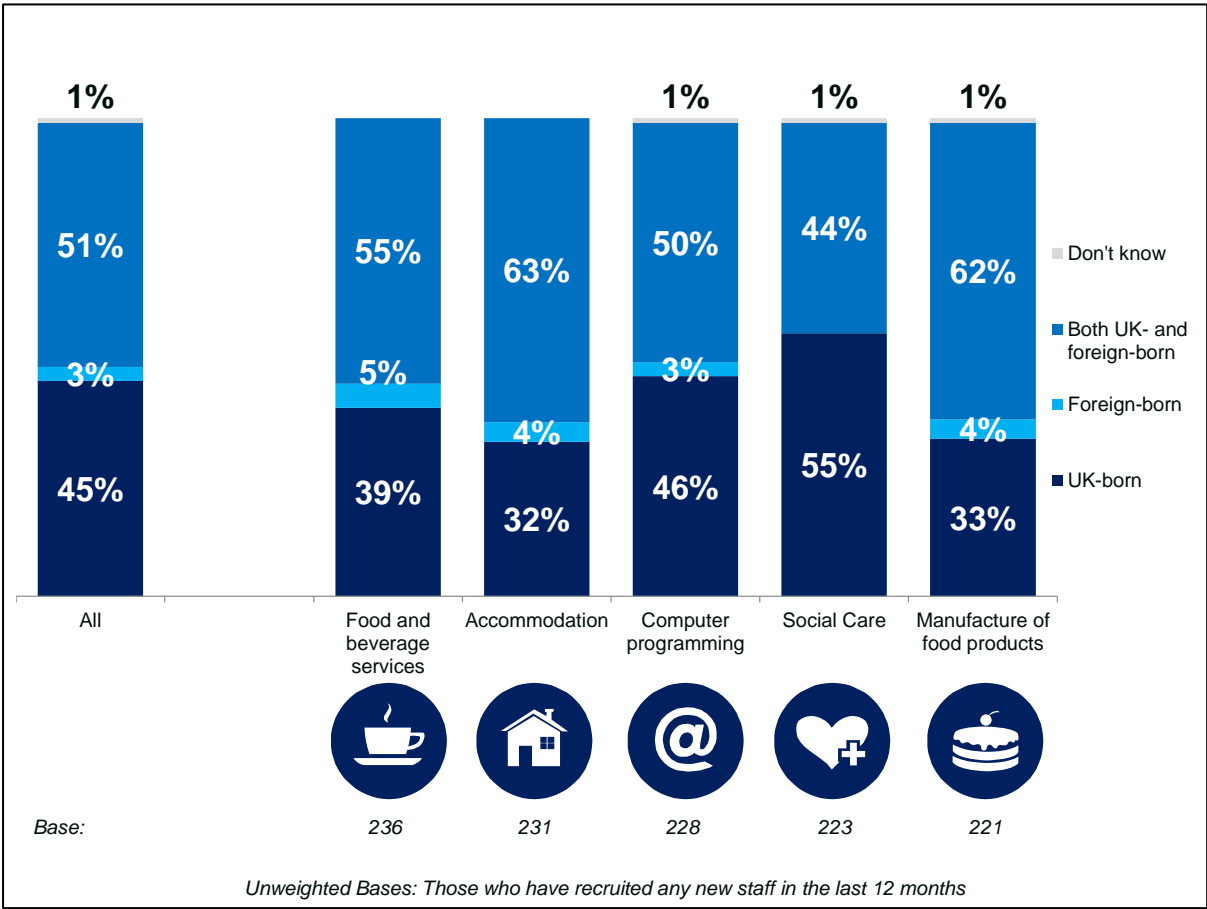
Workplaces in the food service sector were most likely to have recruited new staff (98%) and those in the food manufacturing sector were most likely not to have attempted to recruit (12%).

Across all five sectors, a very small proportion of workplaces tried to recruit but failed to do so (this was an issue for zero workplaces in the computer programming sector or the food manufacturing sector, just 1% of those in the food service sector and just 2% of those in accommodation and social care).

Around half (51%) of workplaces that recruited new staff recruited a mixture of UK- and foreign-born workers. A large minority of workplaces (45%) only recruited UK-born staff and just 3% only recruited foreign-born staff (Figure 5.2).

Across all five sectors the majority of workplaces who recruited new staff took on a mixture of UK-born and foreign-born staff. However, workplaces in social care were more likely to have recruited UK-born workers only (55% vs. 44% who recruited a mixture of both).

Figure 4.2 Status of workers recruited by workplaces in the 12 months prior to the survey by sector (UK-born and/or foreign-born)



Larger workplaces were more likely to have recruited both UK-born and foreign-born workers. This was the case for around four-fifths (83%) of workplaces with 100+ employees compared with 69% of workplaces with 50-99 employees, 59% of workplaces with 25-49 employees and 43% of workplaces with 10-24 employees.

Smaller workplaces were more likely to have exclusively recruited UK-born staff (this may be a reflection of lower turnover of staff in general). Over half (53%) of workplaces with 10-24 employees only recruited UK-born workers compared with 39% of workplaces with 24-29 employees, 29% of those with 50-99 employees and 15% of those with 100+ employees.

Workplaces most commonly advertised or let people know about vacancies at their establishment via recruitment websites such as Monster or Gumtree (44% of all workplaces advertised vacancies in this way), their own company website (35%) and through word of mouth (34%). See Table A4.1 in Annex V for a full breakdown of the recruitment methods used for both foreign- and UK-born workers, by sector.

Qualitative findings

The qualitative interviews with employers found there was generally no difference between the main recruitment channels employers used for prospective foreign-born and UK-born employees.

The survey findings also largely correspond to the findings from the qualitative interviews with foreign-born and UK-born workers, all of whom reported a variety of different ways in which they had found work. These varied from very formal processes, involving online applications and face-to-face interviews, to informal processes, such as handing in CVs to restaurants and bars or registering with recruitment agencies. Any differences tended to be between sectors, rather than between the UK-born and foreign-born workers. Most notably, and perhaps unsurprisingly, those in computer programming reported much less experience with informal recruitment channels, such as word of mouth.

One key finding to emerge from the qualitative interviews was that foreign-born workers tended to be more reliant than UK-born workers on personal contacts, friends and family members to find out about vacancies and job opportunities, largely because they were unfamiliar with the UK labour market and where and how to search for work. A few foreign-born workers had also found job searching difficult because of their poor English, and so had used personal contacts to help them find vacancies. After finding out about work opportunities, foreign-born workers reported that their experiences of the actual ‘mechanics’ of recruitment (application process, interviews and so on) were fairly standard.

Some workers decided to register with recruitment agencies at first, in order to gain some work experience, and then move on to other work.






4.3 Difficulties faced and action taken to overcome them

Almost half (48%) of workplaces who recruited or tried to recruit new staff in the 12 months prior to the survey reported having at least one vacancy that was difficult to fill. The proportion of workplaces that had difficulties recruiting did not vary considerably across the five sectors.

Workplaces that had had difficult-to-fill vacancies most commonly cited skills shortages (38%), the shortcomings of the recruitment channels they used (24%) and strong competition for staff amongst employers in their sector (23%) as the main

reasons for this. Table 4.2 explores this further by looking at responses on a sector by sector basis.

Table 4.1 Reasons for having difficult-to-fill vacancies by sector

	 Food manufacturing	 Accommodation	 Food service	 Computer Programming	 Social Care
<i>Unweighted Bases</i>	221	233	239	228	226
Shortage of people with necessary skills/ experience	39%	37%	34%	49%	40%
Recruitment channels not supplying staff needed	23%	29%	24%	26%	23%
Strong competition amongst employers	20%	26%	23%	32%	22%
People are reluctant to accept salaries offered	22%	25%	21%	10%	21%
The terms and conditions of the occupation are unattractive	20%	21%	19%	1%	18%
Location of business	7%	5%	2%	3%	3%
Shortage of people with correct attitude	5%	1%	2%	2%	1%
Red tape/bureaucracy	-	*	-	*	1%
Other	1%	1%	*	1%	1%

Although each of the five sectors was equally likely to report experiencing hard-to-fill vacancies, the reasons given for these differed considerably. Workplaces in the computer programming sector were most likely to cite skills shortages (mentioned by 49% with difficult-to-fill vacancies in that sector) and strong competition (32%) as the reasons why they had difficult-to-fill vacancies. These respondents were less likely than those in the other sectors to mention issues relating to the salary offered or the terms and conditions of the job.

The vast majority (98%) of workplaces reported said they took action in order to overcome the recruitment difficulties they faced. As shown in Figure 5.4, one in eight workplaces (13%) that had experienced a hard-to-fill vacancy had targeted foreign-born workers in response. This approach was considerably less common than a

number of other strategies. Most commonly workplaces had offered training to less well-qualified recruits (75%), restructured their existing workforce (73%) or increased the amount spent on recruitment (53%).

Figure 4.3 Actions taken by workplaces to overcome difficulties faced when recruiting



Workplaces in the accommodation sector were twice as likely as workplaces as a whole to target foreign-born workers in attempting to overcome recruitment difficulties (26% compared with 13%). This approach was adopted by 17% of workplaces in the computer programming sector, around one in eight of those in food manufacturing (14%) and social care (13%) and roughly one in 10 in the food service sector (11%).

Private workplaces were more likely to adopt this approach than public or charity/voluntary workplaces (15% vs. 9% and 5% respectively).

Actions taken to increase the number of job applications specifically from foreign-born workers

The survey asked a range of questions about whether workplaces deliberately targeted foreign-born workers and, if so, how they did so.

Just 2% of workplaces across the five sectors had advertised a job vacancy aimed specifically at foreign-born workers. This was slightly more common among workplaces in the computer programming sector (5%), the social care sector (3%) and the food manufacturing sector (3%) and less so in accommodation (1%) and food services (less than 1%).

Four per cent of all workplaces had used specialist recruitment agencies that find foreign-born workers who are living overseas and bring them to the UK – this is most prominent in the accommodation sector (8%) and the social care sector (6%).

The propensity to use these specialist recruitment agencies increases with size: 3% of workplaces with 10-14 employees, 5% of workplaces with 25-49 employees, 7% of workplaces with 50-99 employees and 10% of workplaces with 100+ employees have used this type of service.

Three per cent of workplaces reported using recruitment agencies that specialise in placing foreign-born workers who have recently moved to the UK. This did not differ by sector.

Workplaces said they used specialist international recruitment agencies for the following reasons:

- To meet company-specific requirements (cited by 22% of workplaces who have used specialist recruitment agencies)
- Because these agencies give them access to international workers who are highly skilled (20%)
- Because there is a lack of local interest (15%)
- Because there is a lack of skilled workers in the UK (14%).

Few workplaces who had advertised a job vacancy aimed specifically at foreign-born workers said they did so exclusively in a foreign language (just 3% of those that had advertised a job vacancy aimed specifically at foreign-born workers, which amounts to 0.065% of all workplaces). Those who had placed an advert exclusively in a foreign language had most commonly placed it in a foreign-language

newspaper. The ability to speak a particular language can be an occupational requirement where it can be justified; if this is not the case advertising exclusively in a foreign language will be discriminatory. However where it is a requirement for the job it is good practice to advertise in English as well so that all applicants understand that speaking that language is a requirement.

In all, 8% of workplaces had taken action of any kind to try to increase the number of job applications from foreign-born workers specifically (of these 6% have targeted foreign-born workers to a greater extent specifically to overcome recruitment difficulties). The nationalities that these workplaces most commonly tried to attract were: Polish workers (targeted by 28% of those who tried to attract foreign-born workers specifically), Romanian workers (targeted by 16%) and Filipino workers (targeted by 16% overall and a particular focus for workplaces in the social care industry in particular – 27%).

One in eight workplaces (12%) said that recruitment agencies had recommended foreign-born workers in general as being particularly well-suited to their needs. This was particularly common among those in the accommodation sector (24%) and those in computer programming (20%), and was most common among larger companies (20% of those with 100+ have had foreign-born staff recommended to them).

Workplaces who said that recruitment agents had recommended foreign-born workers said that they were told foreign-born workers had the skills and experiences they were looking for (42%); had a good work-ethic (20%); and had recognisable qualifications (12%). Lower proportions said recruitment agencies had recommended foreign-born workers in particular due to the fact that they were prepared to work for low wages (7%), move/re-locate or live on site (5%) or work unsociable or unpredictable hours (5%).

Workplaces in the computer programming sector were most likely to have had foreign-born workers recommended to them due to their skills (75% of those given a recommendation said this was the reason given), those in food manufacturing were most likely to have had foreign-born workers recommended to them due to their work ethic (42%) and those in the social care sector were most likely to have had them recommended due to their qualifications (26%) followed by those in computer programming (17%).

Fewer than 1% of workplaces had been advised not to recruit foreign-born workers by recruitment agencies. Where this had occurred, the reasons given for the advice were poor English language skills and a complex recruitment process.

Figure 4.4 Summary of actions by workplaces taken to increase the number of job applications from foreign-born workers⁵



Recruitments agents’ perspectives

Just 4% of recruitment agents said that they had recommended certain groups of foreign-born workers as being particularly well-suited to a vacancy that they were looking to fill. Similarly, just 2% said that they had advised an employer against recruiting foreign-born workers for a particular vacancy (in both cases they said this was due to the fact that the processing of recruiting foreign-born workers was more complicated).

⁵ Some organisations may have used one or more approaches which is why the percentages do not add up to the total 8%.

On the other hand, one in nine (11%) recruitment agencies said that they have had employers request foreign-born workers specifically (in most cases this was due to their perceived work ethic and foreign language skills). It is unlawful to instruct a recruitment agency to discriminate when there is no occupational reason for limiting the people who can apply.

An example given by a recruitment consultant who took part in a follow-up interview is described below.

‘In social care a lot of my clients have expressed that they would like nurses from the Philippines or the Netherlands and that’s because the people who are already working in the UK from those countries have a very good standard of work and work ethic. So they look at that culture and request those individuals to come and join their businesses but that’s totally based on the appraisals that these foreign-born workers have been given – it’s based on how well they have performed in the job already.’

Recruitment agent specialising in the accommodation and social care sectors

However, others said that they have never encountered requests of this nature and that employers ask for skills as opposed to nationality:

‘They ask for neither specifically. They have a resourcing issue and they want whoever will resolve that, they’ll take either and that is my honest experience. We have one guy at the moment who is travelling to India for a UK company and he is Romanian and he is brilliant at what he does and I think it is the talent and the quality that stands up not nationality. I honestly do believe that. However, it does come down to availability too and there are some sectors that require skills that just aren’t available in the UK anymore.’

Recruitment agent specialising in the computer programming sector

Ten per cent of recruitment agencies said employers had specifically asked for UK-born workers to fill a vacancy. As noted, such instructions to treat certain people more favourably than others are unlawful.

Employer and worker perspectives from the qualitative research

In the qualitative research, employers did not report targeting or favouring of foreign-born workers in recruitment practices. Employers said they looked primarily for the skills, experience, qualifications (if relevant) and personal attributes necessary for the vacancies on offer, and did not consciously make recruitment decisions based on nationality. As one employer described:

'It just depends if people apply. We don't have any barriers. If people are foreign-born workers, if they apply and match the essential criteria, they turn up and the most suitable candidate for the post then they get the job.'

Employer, Care sector

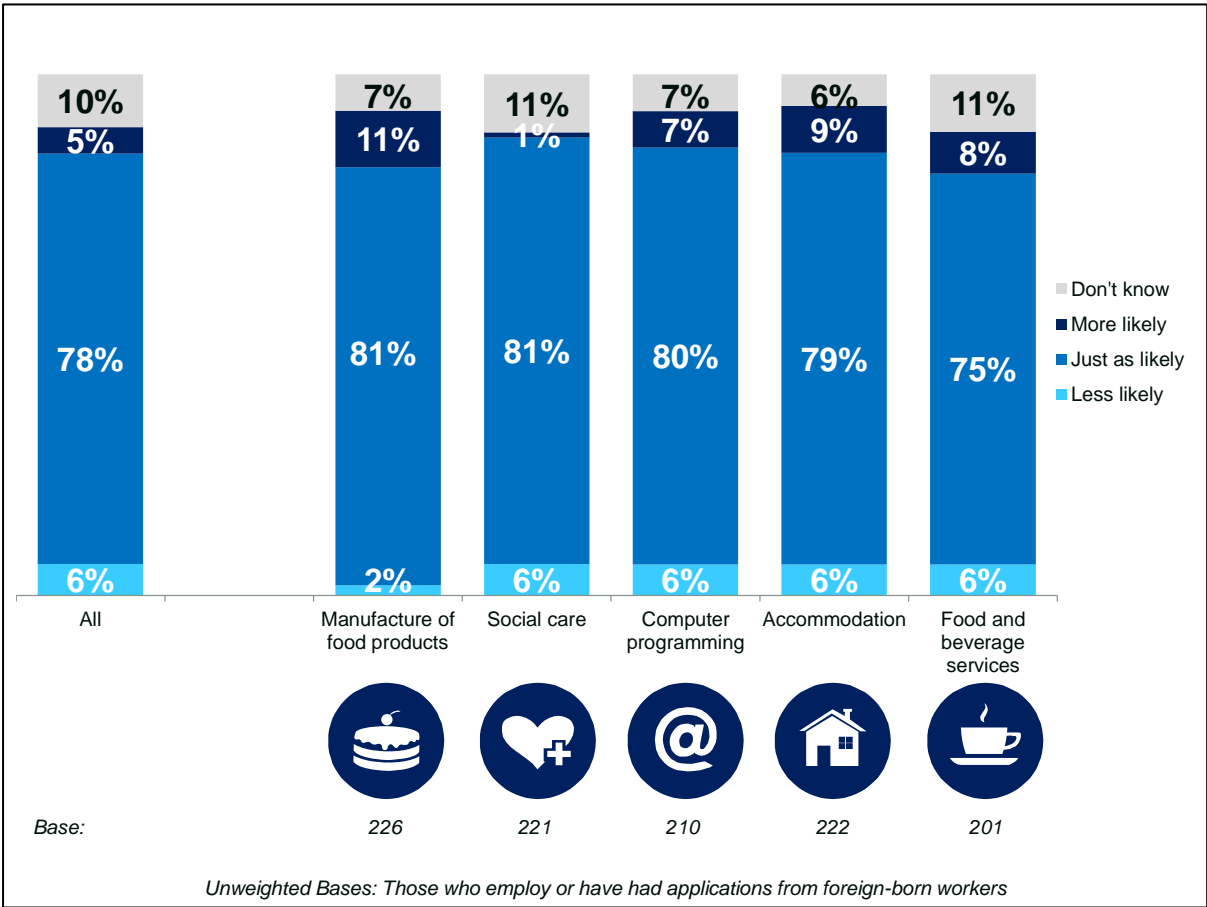
In qualitative research with foreign-born and UK-born workers, they did not report experiences that suggested deliberate targeting of foreign-born workers. Some participants felt that employers viewed foreign-born workers positively, but these views and perceptions did not translate into targeted recruitment strategies.

4.4 Drivers of success in recruitment

This section looks at factors that were important to workplaces when they were looking to recruit new staff and the extent to which workplaces felt that UK-born workers and foreign-born workers possessed the necessary traits for successful employment.

The majority (78%) of workplaces who employed or had received applications from foreign-born workers felt that foreign-born workers were just as likely as UK-born workers to secure employment at their workplace. Just 5% felt they were more likely and a similarly low proportion (6%) felt they were less likely. These views were generally expressed by similar proportions of workplaces in each of the five sectors (see Figure 5.6).

Figure 4.5 How likely foreign-born workers were to secure employment compared with UK-born workers by sector

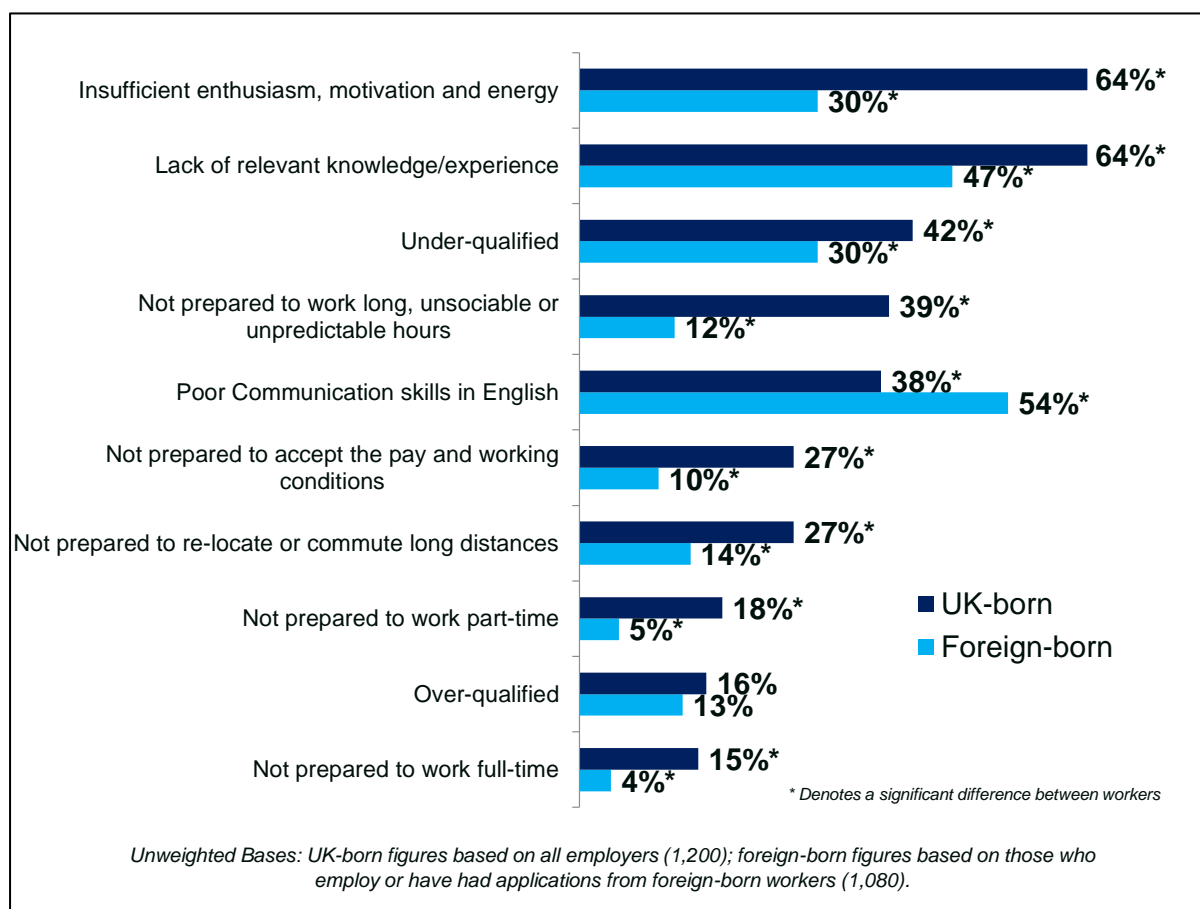


Despite being broadly similar, Figure 4.6 does illustrate some differences between the sectors. Around one in 10 (11%) of workplaces in the food manufacturing sector thought foreign-born workers were more likely than UK-born workers to secure employment at their workplace but just 2% thought they were less likely. On the other hand, 6% of workplaces in the social care sector said that foreign-born workers were less likely to secure employment and just 1% said they were more likely.

The fact that a clear majority of workplaces overall (78%) felt that foreign-born and UK-born workers were just as likely to be successful in securing employment at their workplace suggests that workplaces did not see nationality in itself as a key driver of success in terms of securing job offers. This is important to bear in mind when considering the differences outlined in Figure 4.7.

That said, there were differences in the reasons that workplaces gave for why applications from UK-born and foreign-born workers tended to be unsuccessful (see Figure 4.7).

Figure 4.6 Workplaces' reasons why applications from UK-born and foreign-born workers have been unsuccessful



As Figure 4.6 illustrates, workplaces were more likely to attribute almost all of the reasons for failed applications shown to UK-born workers. The exception to this was poor communication skills in English, which was seen as the most common reason for unsuccessful applications from foreign-born workers. For a full breakdown of reasons why applications from UK-born and foreign-born workers were unsuccessful by sector see Table A4.1 in Annex V.

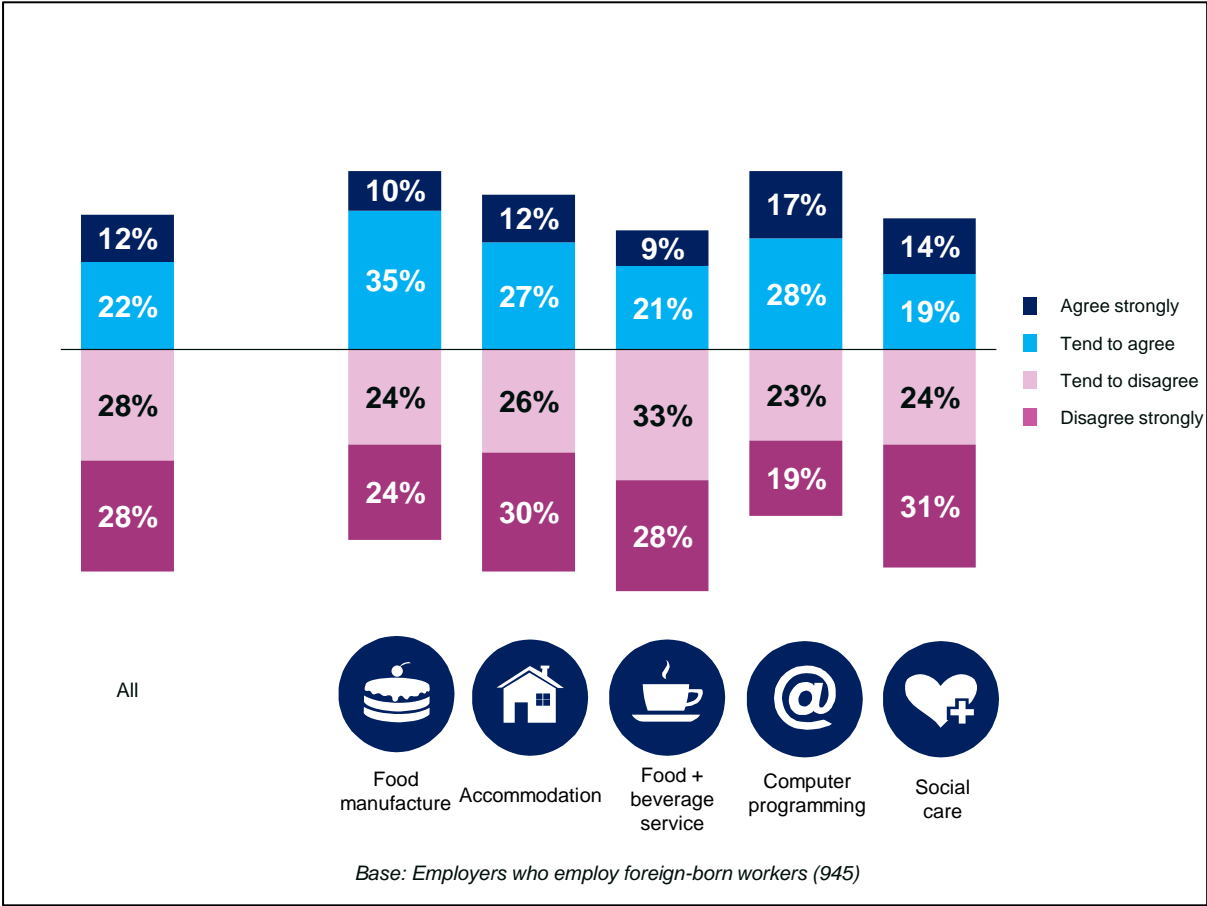
For some workplaces, it *may* have been the case – although we cannot be sure – that an assessment of communication skills in English was used to screen candidates. This may be appropriate if the role requires a particular standard of English to fulfil a role, for example, to understand safety instructions or dealing with customers. However, this may be unlawful if the role does not require it. Unsurprisingly there was a greater tendency for foreign-born workers to fall short in this area. This may have meant other skills were not fully explored and this might account for some of the differences between UK-born and foreign-born workers seen in Figure 4.7. For example, if a foreign-born worker is not able to express his or

herself in English very well, it is harder for an employer to assess their knowledge, skill and attitude.

Workplaces were asked about their preferences with respect to hiring staff who spoke the same language, if their first language was not English (see Figure 4.7). A majority of workplaces (56%) across all five sectors disagreed that they would prefer to hire workers who spoke the same language as existing staff if their first language was not English. This was particularly the case in workplaces in the food service and accommodation sectors (61% and 56% respectively).

Although poor communication skills in English prevented some foreign-born workers from securing employment, results suggest that speaking the same language as existing foreign-born workers occasionally helped. Of all workplaces that employed foreign-born workers, around a third (34%) agreed that they would prefer to hire workers who spoke the same languages as other existing staff if they were employing individuals whose first language was not English. Further, this rose to 46% of those in the computer programming sector and 44% of those in the food manufacturing sector (see Figure 4.8). Note, however, that this is just a statement of preference – the survey did not ask if workplaces actually did this in practice. If employers were to limit their staffing to those who spoke a language that was not an occupational requirement for the role, then this could be unlawful if other equally qualified candidates, who did not speak that language, were being overlooked or excluded from consideration in the recruitment process.

Figure 4.7 Extent to which workplaces agree that they’d prefer to hire workers who spoke the same language as existing staff, if their first language was not English, by sector



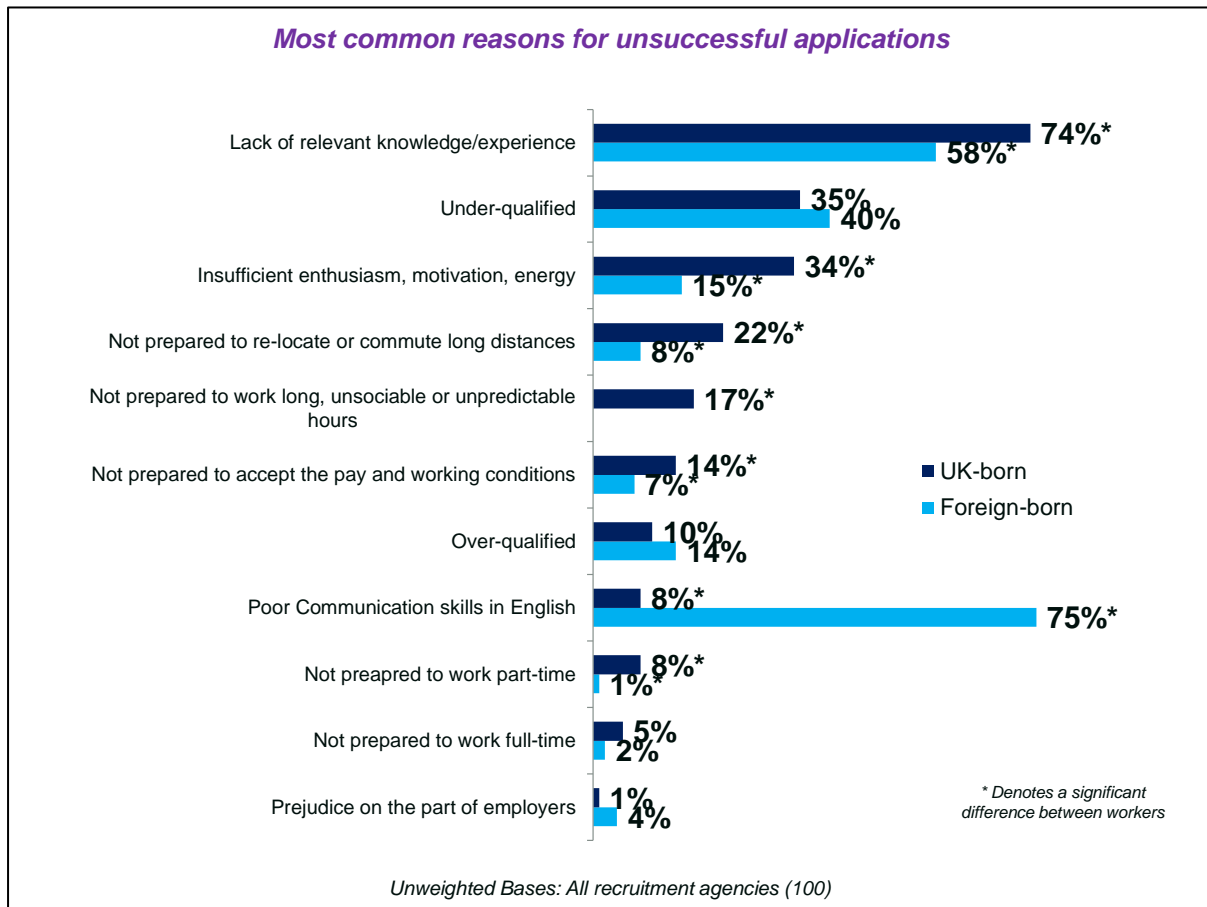
Recruitments agents' perspectives

Compared with workplaces themselves, recruitment agencies were less likely to think that both foreign-born and UK-born applicants had equal chances of success. Seven in 10 (69%) felt their foreign-born applicants were just as likely to secure employment as their UK-born applicants, 10% felt they were more likely and 18% felt they were less likely.

The most common reasons for unsuccessful applications by foreign-born workers were poor communication skills in English (cited by 75% of recruitment agencies), a lack of relevant knowledge / experience (58%) and a lack of qualifications required (40%). Recruitment agencies should ensure that they do not impose higher standards of English on candidates when the role does not require it, as this may be discriminatory.

In comparison, the top three reasons for failed applications from UK-born workers were a lack of relevant knowledge/experience (74%), a lack of qualifications required (35%) and a lack of enthusiasm or motivation (34%). When recruiting, if employers or recruiters, in the absence of a genuine requirement for the job, treat applicants more or less favourably on the basis of nationality stereotypes, this may amount to discrimination.

Figure 4.8 Recruitment agencies' most common reasons for unsuccessful applications



As shown in Figure 4.8, results from the recruitment agent survey mirrored those in the employer survey in so far that recruitment agencies were significantly generally more likely to attribute most of the reasons for unsuccessful applications to UK-born workers (except for being under-qualified, being over-qualified, and prejudice on the part of employers where differences were not statistically significant). Predictably, they were more likely to cite poor communication skills in English as a common reason for unsuccessful applications from foreign-born workers. Again, this could be due to the fact that English language skills are likely to be one of the primary methods of screening potential recruits. However, opinions from the follow-up interviews suggest that some recruitment agencies find foreign-born workers far easier to work with stating that they are more enthusiastic, motivated and willing to be flexible in terms of the terms and conditions of the placement.

'If I had 15 English chefs out a week it would take me 20 hours to get them into work next week – if I had 15 chefs from EU countries working for me it

would probably take me 10 minutes to get them all working the next week. They are more responsive, they are more eager to work, they are more reliable and they do a better quality of work than UK-born workers do. That's down to work ethic and not being particular about hours of work or where they work.'

Recruitment agent specialising in the accommodation and social care sectors

Despite this, other recruitment agents who took part in the follow-up interviews felt that the nationality was not a driver of success in recruitment and that the only factor that was important was the skills, experience and knowledge that a worker possessed.

'We genuinely don't see any difference between someone who is UK-born and someone who is Lithuanian for example – we don't see it. Foreign-born workers are good if there is no one in the UK to do the job. It gives you access to a larger pool of talent... but after that there is no difference. We have a really mixed bag in terms of individuals who we work with and it really is down to them and the skills they have and their ability to do the job.'

Recruitment agent specialising in the computer programming sector

'At the moment we've got an Italian girl who has a degree in childcare so I'd expect her to work in nurseries. She has a particular interest in art and music. That makes her a bit different from other people in terms of activity planning and what she can bring to a role. I wouldn't recommend her because she's foreign it's because she's got a particular interest that makes her suited to a role.'

Recruitment agent specialising in the care sector

A few recruitment agencies that took part in the follow-up interviews felt that the foreign-language skills were a key driver of recruitment.

'Some of our clients specifically ask us if they are French- or German-born, for example, generally because translating the language then is a lot easier as they are born in that country so they have the accent and slang which makes it easier to converse, rather than having someone who is obviously a French-speaker but English-born.'

Recruitment agent specialising in food and beverage service activities

Such requests amount to unlawful discrimination because some applicants who may have perfect fluency in the relevant language would be excluded because of their

nationality alone. If the agency complied with the instructions to discriminate it would be liable as would the employer.

One recruitment agency suggested that proficiency in other languages is seen as an added bonus advantage rather than a key driver of recruitment:

‘They might be working with other individuals in the kitchen whose mother tongue is not English and they can easily converse with them in the kitchen. Employers have never requested this specifically though – it is just an added advantage to them.’

Recruitment agent talking about placing candidates in the accommodation sector

Selection of candidates: qualitative data

In line with the survey findings, the qualitative research with employers found that employers recruited on the basis of their needs, and not overtly on the basis of nationality. Employers emphasised the importance of skills, experience, qualifications (where relevant) and, occasionally, of filling labour shortages in their selection criteria, but not of nationality.

‘It’s purely if they have got the right qualifications that we’re looking for and the right skills and if we think that they can do the job and that they would fit into the workplace.’

Employer, food processing sector

‘In terms of who we employ it’s more about their personality as opposed to where they came from.’

Employer, food and beverage service activities

The qualitative research with foreign- and UK-born workers also found no evidence of perceptions that employers recruited on the basis of nationality, or that nationality was a consideration in recruitment selection. However, a few foreign-born workers felt that their employers preferred foreign workers, often because of the perception that they had a good work ethic and were more flexible (see the following section for more details on this).

‘[The interviewer] told me that he has three other people but at the moment he liked me the most because I’m Polish and he already has two Polish girls ... I think his opinion about Polish people was that they are good workers and they work hard.’

Care worker, Poland

‘If I send my CV for a job as a carer, usually people call back and invite me [for interview], no problem. They [employers] like people from east Europe ... they’re very calm. A little bit reserved maybe. Not emotional.’

Care worker, Lithuania

However, the foreign-born workers did not generally feel that these positive perceptions of foreign workers had improved their own employment chances in a tangible way.

Very few foreign-born candidates reported feeling uncomfortable during the recruitment process and when they did, this was not because of their nationality or any reference to nationality in the recruitment process, but because of their own feelings of nervousness, particularly in interviews situations.

‘Nobody has really asked me about where I come from, although they can hear an accent and sometimes it does therefore come up. But I’ve never felt disadvantaged or particularly advantaged by the fact that I come from Poland.’

Food processing sector worker, Poland

Reasons for unsuccessful applications from foreign-born candidates

The qualitative research also found that difficulty with the English language was often the perceived reason behind unsuccessful applications from foreign-born candidates. Among the employers that were interviewed, this was often because the nature of the job role required a particular standard of English – for example, if the role was customer facing or required employees to be able to comprehend written English on safety notices then good language skills were seen as critical.

‘It’s about making sure that the health and safety element is kind of well understood. The guys who come across have reasonable and good enough conversational English ... but what they don’t have is the ability to read it. So, when we’re in a situation where they are signing off check sheets for trucks that go out on the road or whatever, there is an element of, do they actually entirely understand what it is that they are writing up or signing off?’

Employer, food manufacturing

Workers also felt that often a lack of English speaking skills contributed to unsuccessful applications:

‘[The interviewer] was a native Scottish person who knew I was living in Scotland and I was working in Scotland and I am speaking to her in English

and her comments were about “you know, are you sure you can manage with the language when it’s full on.”

Food and beverage service activities worker, Estonia

‘[The other guy] wasn’t very competent in English ... and I was like a charming posh Londoner, so I get away with more stuff.’

UK-born worker, food and beverage service activities

In a few cases, a lack of feedback on unsuccessful applications led some foreign-born workers to speculate that their nationality had been the reason why they had not got the job, but they could not be certain of this.

‘I went for a couple of interviews recently and the reason I didn’t get the job, they said that’s because there’s certain skills the other candidate had. But I always think oh that’s because probably I am Eastern European ... I will never know. But I think UK is very polite country and no-one will tell me face-to-face.’

IT worker, Lithuania

Reasons for unsuccessful applications from UK-born candidates

As the survey data shows, higher proportions of workplace respondents were more likely to cite specific reasons for unsuccessful applications from UK-born candidates, than they were for foreign-born candidates, with the exception of ‘poor communication skills in English’ (see Figure 4.6). Much of this was to do with the fact that many of the job roles that workplaces were surveyed about involved full-time work, guaranteed hours or working outside normal hours – all of which foreign-born candidates were more likely to agree to (see Figure 4.3 above). However, some of this was also to do with the value workplaces placed on qualities such as motivation, enthusiasm and willingness to accept the conditions of the work on offer – qualities which workplaces assumed they were more likely to find lacking in the applications of UK-born candidates.

Chapter Five: Employment

Equality framework overview: Employment

Employers must not treat one person less favourably than another because of a protected characteristic, save where the Equality Act sets out a specific exception, as this may amount to unlawful discrimination.⁶

Employers must not base their selection decisions on **stereotypical assumptions**. Employers must not use criteria which place candidates with a particular protected characteristic at a disadvantage. Nor should they impose requirements which candidates with certain protected characteristics are less likely to be able to meet as these may be unlawfully discriminatory.

Employers have a **duty of care** to their staff, and under the Equality Act, employers are required to take reasonable steps to protect their staff from harassment which is related to a protected characteristic at work. For further guidance, see Annex II.

5.1 Workers' experiences

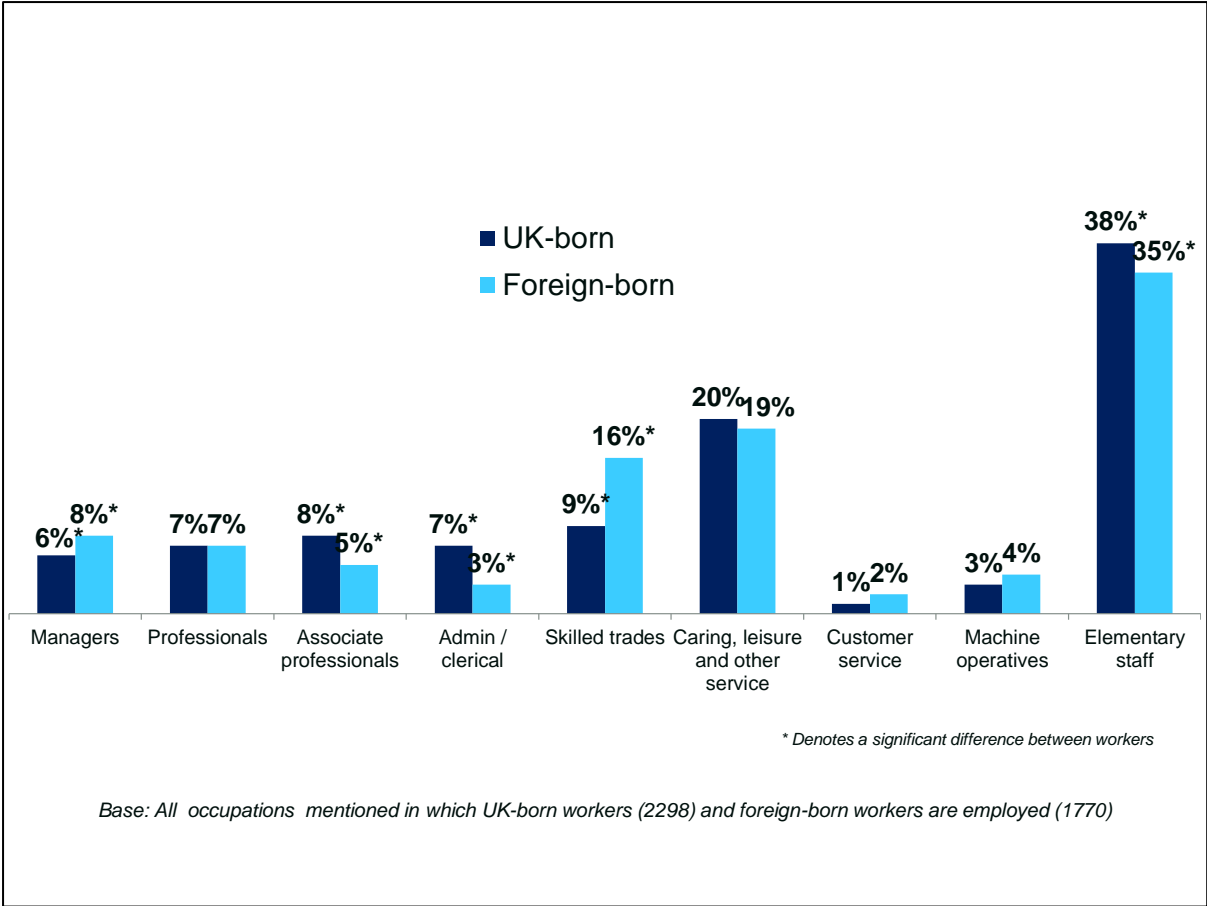
This section of the report examines the experiences of foreign-born and UK-born workers specifically in terms of the pay and the training they received as well as other more general features of the roles they most commonly undertook. It also contains information from the qualitative interviews regarding the experiences of individuals in the workplace.

In the survey, workplaces respondents were asked to describe the top three occupations held by UK-born workers and the top three occupations held by foreign-

⁶ It is not unlawful to treat a disabled person more favourably than a non-disabled person because of their disability (s13(3)); there is a duty to make reasonable adjustments for disabled people (s20); occupational requirements or other exceptions may apply, s158, s159, Schedules 22 and 23 and positive action provisions permit preferential treatment where the provisions are met s158 and 159. Please see our Employment Code of Practice for more detail.

born workers at their workplace. Figure 5.1 shows the profile of these occupations in which foreign-born and UK-born workers were employed by broad job role (1 digit Standard Occupational Classification (SOC) code level).⁷





Figure 5.1 Top three occupations in which each type of worker was employed by broad job role (1 digit SOC codes)



As illustrated, the occupational profile for the jobs most commonly held by UK-born and foreign-born workers were similar, although there were some small differences. Foreign-born workers were slightly more likely than UK-born ones to be managers (8% and 6% respectively) and to work in skilled trades (16% and 9% respectively). Table 5.1 shows similar information but covers the jobs most commonly mentioned at a slightly more detailed level (2-digit SOC).

⁷ SOC2010 is a common classification of occupational information for the UK used by the Office of National Statistics (ONS). Within the context of the classification, jobs are classified in terms of their skills level and skill content. It is used for career information to labour market entrants, job matching by employment agencies and the development of government labour market policies.

Table 5.1 Top three occupations in which each type of worker is employed by sector (2 digit SOC codes)

					
	Food manufacturing	Accommodation	Food service	Computer Programming	Social Care
UK-born					
<i>Unweighted Bases</i>	454	520	444	448	432
1)	Process, plant and machine operatives (39%)	Elementary admin and service occupations (66%)	Elementary admin and service occupations (49%)	Tech professionals (36%)	Caring and personal service occupations (49%)
2)	Administrative occupations (10%)	Textiles, printing and other skilled trades (15%)	Secretarial + related occupations (14%)	Business service professionals (21%)	Elementary admin and service occupations (13%)
3)	Corporate managers and directors (8%)	Other managers and proprietors (6%)	Textiles, printing and other skilled trades (11%)	Tech associate professionals (12%)	Administrative occupations (8%)
Foreign-born					
<i>Unweighted Bases</i>	389	442	337	330	272
1)	Process, plant and machine operatives (51%)	Elementary admin and service occupations (57%)	Elementary admin and service occupations (61%)	Tech professionals (43%)	Caring and personal service occupations (53%)
2)	Elementary trades and related occupations (7%)	Textiles, printing and other skilled trades (22%)	Textiles, printing and other skilled trades (13%)	Business service professionals (12%)	Elementary admin and service occupations (15%)
3)	Corporate managers and directors (7%)	Other managers and proprietors (8%)	Secretarial + related occupations (9%)	Tech associate professionals (11%)	Health professionals (10%)

As shown above, the top three occupations undertaken by foreign-born workers and those undertaken by UK-born workers are largely similar. However, there are some notable differences.

The top occupations mentioned by workplaces in the accommodation sector were elementary administrative and service occupations. The proportion of workplaces

who reported that these roles were in the top three undertaken by foreign-born workers (61%) was higher than the proportion of workplaces who mentioned that they were in the top three undertaken by UK-born workers (49%).

The most common roles reportedly undertaken by workers in the food manufacturing sector were process, plant and machine operative roles. Again, the proportion of workplaces that reported that these roles were in the top three undertaken by foreign-born workers (51%) was higher than the proportion of workplaces that mentioned that they were in the top three undertaken by UK-born workers (39%).

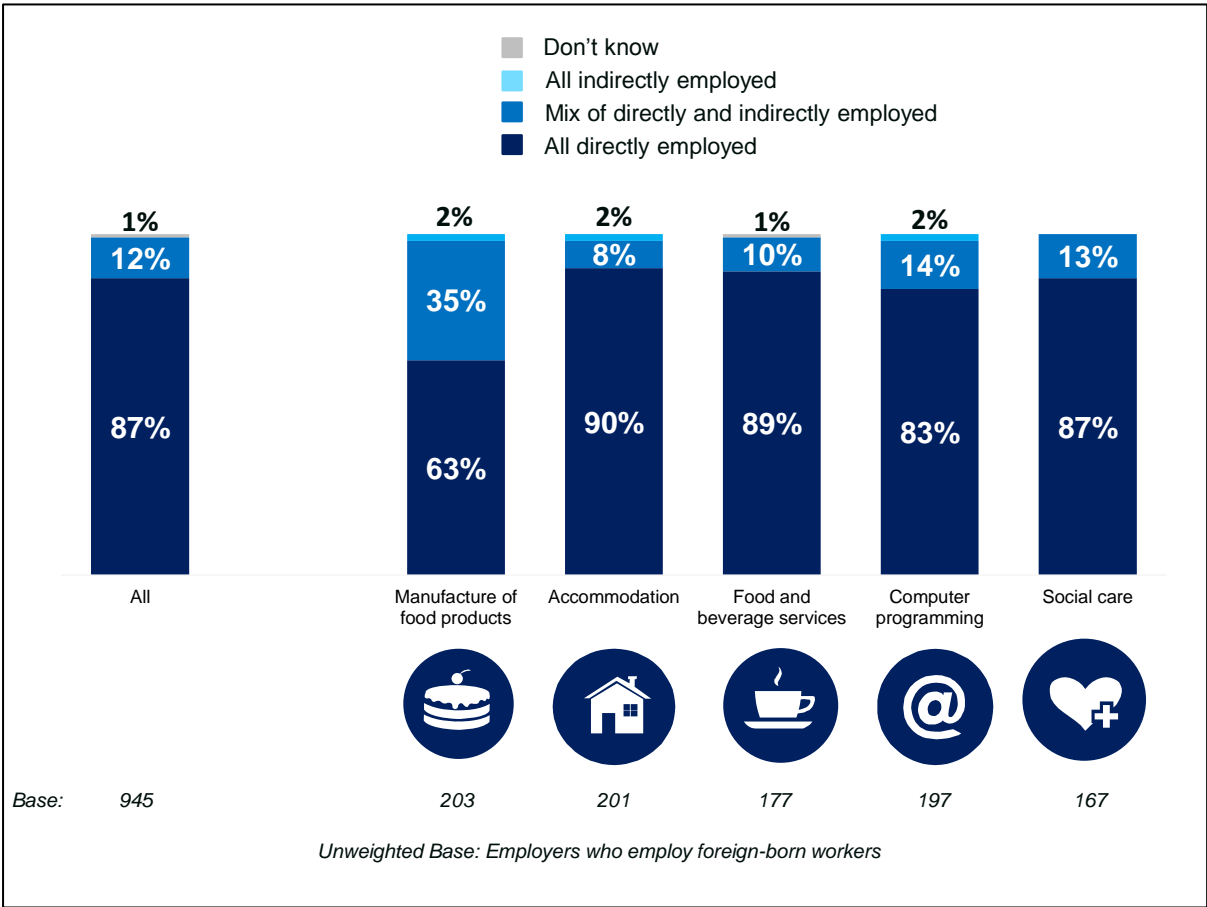
Put simply, foreign-born workers in the accommodation and food manufacturing were more likely to work in routine, low-skill positions than UK-born ones.

In the food services sector, a higher proportion of workplaces reported that the top three roles for foreign-born workers were in skilled trades roles (i.e. chefs, cooks, catering and bar managers) than the proportion who gave these roles among the top three for UK-born workers (22% vs. 15% respectively).

On the other hand, workplaces in the computer programming industry were more likely to mention business service professional roles among the top three that UK-born workers were employed in than they were to report these roles for foreign-born workers (21% vs. 12% respectively).

As Figure 5.2 illustrates, the vast majority (87%) of all workplaces stated that all of their foreign-born workers were directly employed, one in eight (12%) said they had a mix of directly and indirectly employed foreign-born staff and less than 1% employed all their foreign-born workers on an indirect basis.

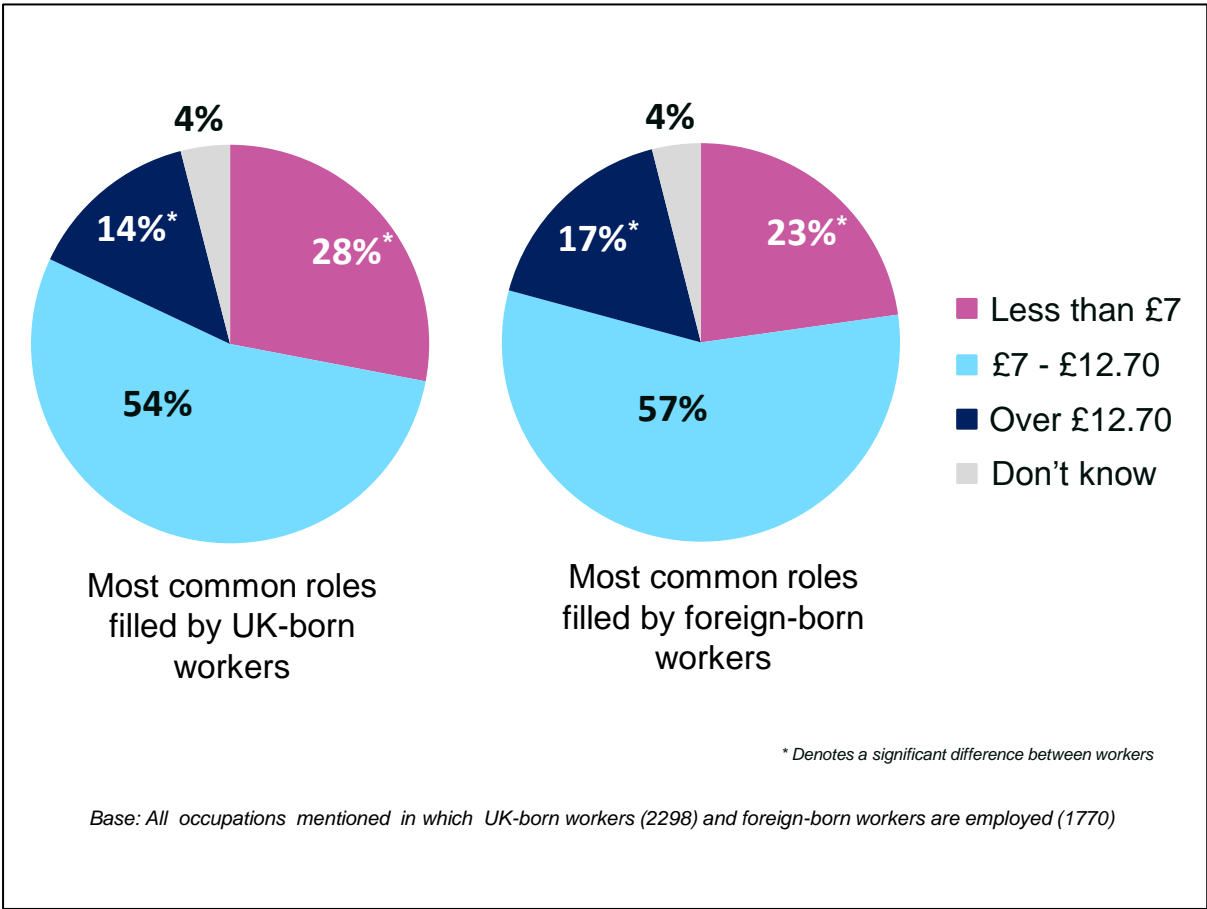
Figure 5.2 Status of employment undertaken by foreign-born workers by sector



In four of the five sectors the vast majority of workplace respondents said all of their foreign-born workers were directly employed (ranging from 83% of workplaces in computer programming to 90% in the accommodation sector). Workplaces in the food manufacturing sector were less likely to report that all of their foreign-born workers were employed on a direct basis (63%) and were more likely to say that they employed some of their foreign-born workers directly and some indirectly (35%).

Workplaces respondents said that the salaries for the roles most commonly held by UK-born workers and those most commonly held by foreign-born workers were similar. The most common roles undertaken by foreign-born workers were slightly less likely to be paid under £7 an hour and were slightly more likely to be paid more than £12.70 an hour (see Figure 5.3).

Figure 5.3 Pay levels of job roles most commonly undertaken by UK-born and foreign-born workers



As Table 5.2 shows, much of the difference in the pay rates of UK-born and foreign-born workers shown at an overall level is driven by the relatively large difference seen for the food service sector. In this sector, the roles most commonly held by UK-born workers were considerably more likely to be paid under £7 per hour than those most commonly held by foreign-born workers (40% compared with 29%).

Table 5.2 Pay levels of job roles most commonly undertaken by UK-born and foreign-born workers by sector



	Food manufacturing		Accommodation		Food service		Computer Programming		Social Care	
	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born
<i>Unweighted Bases:</i> <i>(Occupations in which workers are most commonly employed)</i>	454	389	520	442	444	337	448	330	432	272
Less than £7 an hour	8%	12%	38%	36%	40%	29%	1%	1%	19%	16%
£7-£12.70 an hour	74%	71%	51%	54%	53%	60%	30%	22%	60%	60%
Over £12.70 an hour	16%	15%	8%	5%	5%	10%	63%	67%	17%	19%
Don't know	2%	2%	3%	5%	3%	2%	6%	10%	5%	4%

There were some regional differences in terms of pay levels but these appear to be driven by the profile of businesses in those regions.⁸ However, when looking at the lowest pay bracket specifically, there were some differences between the pay profile for UK-born and foreign-born workers within regions.

- Almost half (46%) of occupations in which UK-born workers were most commonly employed in Yorkshire and the Humber were reported to be paid less than £7 an hour compared with just 22% of occupations in which foreign-born workers were most commonly employed by workplaces in that region.
- Two-fifths (39%) of occupations in which UK-born workers were most commonly employed in the East Midlands were reportedly paid less than £7 an hour, however, this was reported to be the case for just 19% of occupations in which foreign-born workers were most commonly employed by workplaces in that region.

⁸ Workplaces in regions where a lower proportion of businesses were in the computer programming sector (such as Wales and the North East) tended to have a higher proportion of workplaces report that their workers tended to be most commonly employed in roles that earn less than £7 an hour. On the other hand, workplaces in regions where a higher proportion of businesses were in the computer programming sector (London, Scotland and the South East) were least likely to report that their workers most commonly undertook roles that earn less than £7 an hour.

- A third (34%) of occupations in which UK-born workers were most commonly employed in the East of England were reported to be paid less than £7 an hour, whereas this was reported to be the case for just 18% of occupations in which foreign-born workers were most commonly employed by workplaces in that region.

Workplace respondents also said that UK-born and foreign-born workers tended to undertake roles that required similar levels of training (see Figure 5.4).

Figure 5.4 The amount of training required in job roles most commonly undertaken by UK-born and foreign-born workers

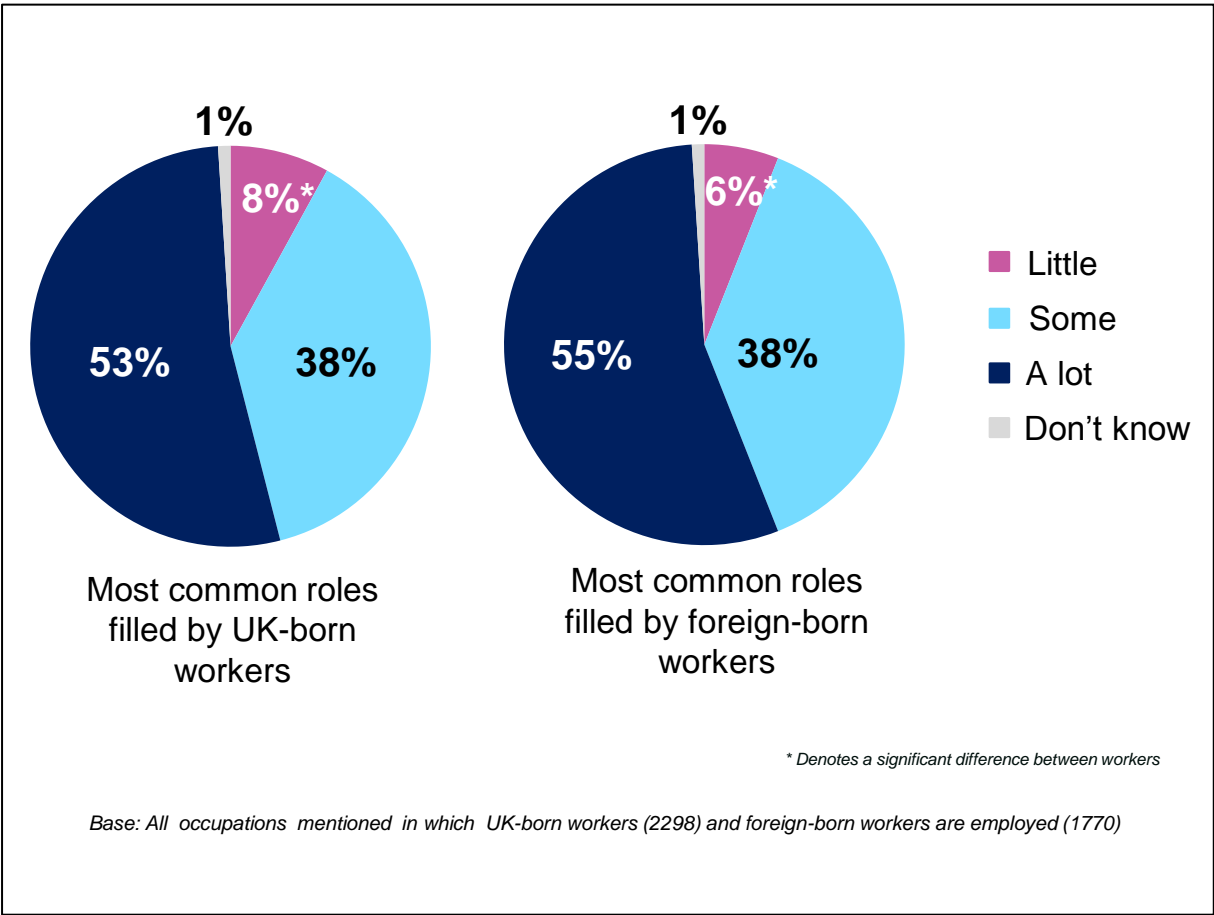
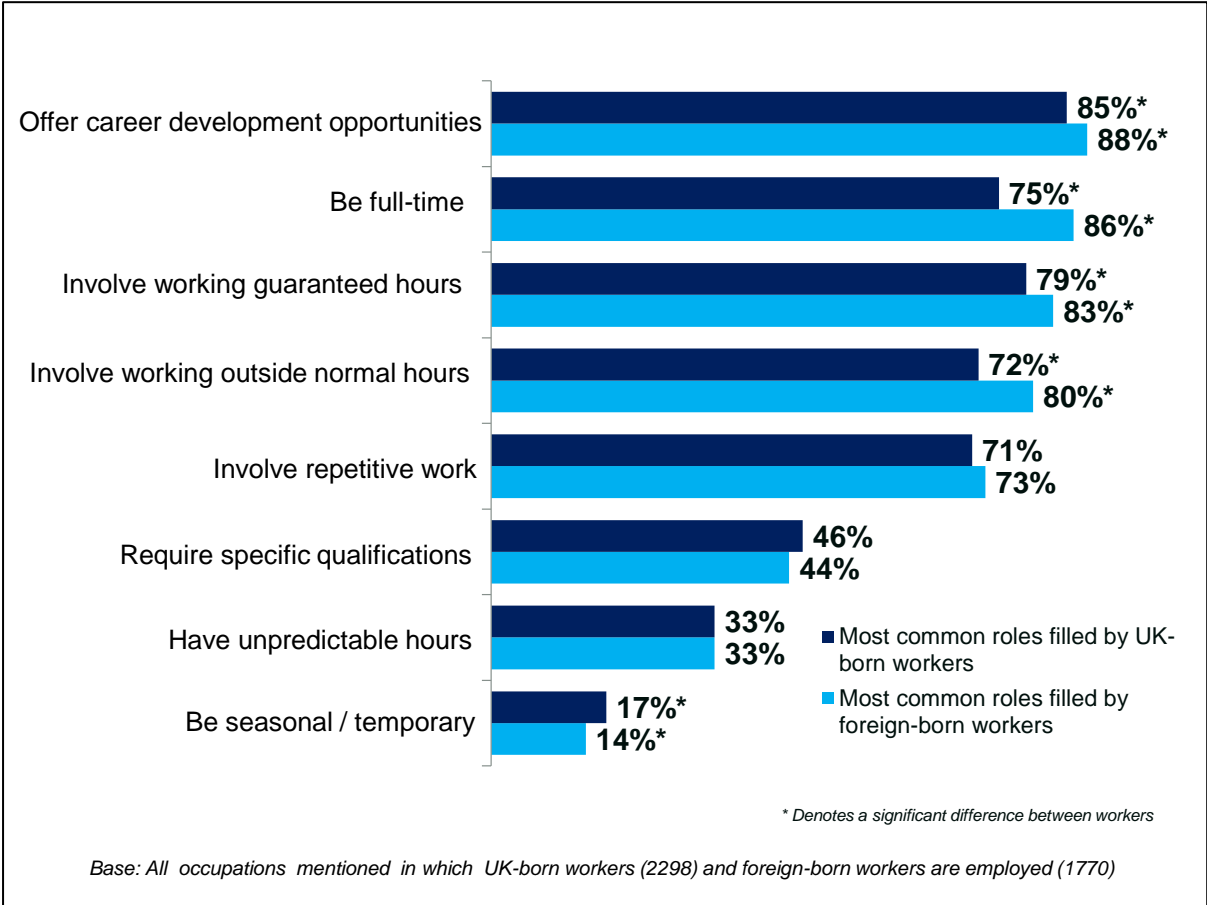


Table A4.1 in Appendix IV explores this further by looking at reported levels of training in the most common roles undertaken by sector.

The terms and conditions of the roles in which UK-born and foreign-born workers were most commonly employed tended to be quite similar, as Figure 5.5 shows. Workplaces were slightly more likely to describe the roles filled by foreign-born

workers as usually involving working full-time and also involving working outside of normal office hours – see Figure 5.5.

Figure 5.5 Proportion of workplaces that agreed that job roles most commonly undertaken by UK-born and foreign-born workers tended to...



5.2 Experiences from the qualitative interviews

The mix at the workplace

From the qualitative interviews, it seemed that, overall, the different nationalities in the workplace tended to mix well. Where the workforce was predominantly quite young, as was often the case in bars and restaurants, there appeared to be very few tensions in terms of nationality. In some cases, even where there were historic differences between countries, workers reported getting on well together in the workplace.

‘We’ve got some people from Romania as well. That was the night [shift] with all the Romanian guys and me.

Do you get on okay with Romanians?

‘I’m not happy about the history that we have in common, but it’s not their fault.’

Food and beverage services sector worker, Hungary

This seemed to be particularly true in the computer programming sector, where workers from all nationalities tended to mix well and the focus was on the skills and expertise of specific individuals, rather than their particular nationality. This was the view of a Hungarian computer programmer:

‘In IT the nationality is so unimportant that I have a colleague who is Slovakian, I’m Hungarian. On average, Hungarian people hate Slovakian people and Slovakian people hate Hungarian people. We are working together just fine! ...It doesn’t matter where you come from, it doesn’t matter what nationality you are. If you are a good person, you can fit in just fine.’

Computer programmer, Hungary

It would seem that self-segregation in the workplace tended to be along age lines, with older workers and younger workers forming distinct groups, regardless of nationality.

‘The older workers tended to get along better and the older workers were mostly Brits, but the younger ones were Brits and internationals, but all of us got along really well and now in the restaurant it doesn’t really matter. Like, everybody gets along really well and everybody is really supportive and I think the UK-born workers rather help me even more than the others.’

Food and beverage services sector worker, Estonia

Nevertheless, there was some inevitable segregation along language lines, which could on occasion create some tensions, as certain groups would not be understood by other workers and would therefore appear exclusive. Many employers had a rule that employees were not permitted to speak any language other than English when in customer-facing roles. There were also some reports of groups forming during breaks according to language, with the English-speaking workers chatting together and other groups forming according to their mother tongue.

‘English, especially men, yeah, they’re in one group ... making some jokes and, of course, if you don’t understand some jokes, of course, you’re laughing and smiling and they laugh more, because probably they said something not

very nice! ... There were a lot of people from Slovakia at that time. Also they had their groups. I know Polish people they also had their own groups. They never let other people into their group, because the Polish community is very very close ... they never let Lithuanians in!’

Manufacture of food products sector worker, Lithuania

There tended to be some division in establishments such as higher-end restaurants and bars, social care and accommodation, on the basis of UK-born workers working in supervisor positions and having more seniority and experience than their foreign-born counterparts. There also seemed to be divisions between the kitchen staff and waiting staff in restaurants. For example, the waiting staff, certainly in higher-end restaurants and bars, tended to be western European or English, whereas the kitchen staff tended to be African or eastern European.

‘English kids upstairs being genteel and friendly. And then downstairs you have Eastern Europeans and Africans shouting and running round and you would never ... you could never swap them over.’

Food and beverage services sector worker, UK

Differential treatment by the employer

The majority of the foreign-born interviewees said that they were not treated differently in the workplace in comparison with UK-born workers.

‘Well in terms of nationality I’ve had really positive experience with it. I feel like I’m completely integrated ... most of my friends here are local anyway so not really, I don’t feel the barrier at all.’

Food and beverage services sector worker, Latvia

However, there were some instances where interviewees felt that they had not been treated in quite the same manner. For example, one worker from Estonia, working in a bar, was suddenly transferred to another branch for training and development, at no notice, whereas other UK-born colleagues did receive notice. Another UK-born worker, in the accommodation sector, said that she had been granted a change in shift patterns, whereas none of the foreign-born workers had, even though they had asked on several occasions. A Lithuanian working in a care home said that she was always worried about taking time off if her daughter was ill, whereas a UK-born colleague took a lot of time off sick and was not challenged by the employer.

Language competence came up as an issue for many of the foreign-born interviewees, especially at the beginning of their time in the UK. Some of the foreign-

born workers found this particularly frustrating at first, especially if they were educated to a relatively high level in their own country. They felt that struggling with a foreign language could give the impression that they were not intelligent.

‘I am not stupid because I don’t understand ... you should explain to me step by step.’

Food and beverage services sector worker, Morocco

There was also a view from some interviewees that employers and supervisors would naturally talk more to those employees who could speak English well, which ruled out some foreign-born workers, who might be able to get by in English, but who would not be able to hold spontaneous and in-depth conversations.

‘The work was not very intellectual. The owners treated all nationalities the same, but what did make the difference was language fluency. I felt that people who didn’t speak such good English were treated a bit differently, as the owners couldn’t have a conversation with them.’

Food and beverage services sector worker, Poland

There were also some reports of employers either being concerned that foreign-born workers might not be able to understand local accents, for example in Scotland. Some individuals also reported having difficulty in understanding local accents, either from employers or customers, when they first arrived in the UK. This tended to become less problematic as their experience and language competence grew.

Differential treatment by customers and clients

Where more differential treatment was observed, however, was among clients, who were reported on occasion to be hostile towards foreign-born workers. For example, a care sector worker of Kenyan origin reported incidences of racism among her clients, a fact she simply accepted as part of the job:

‘When you work for [clients] sometimes they can’t look at you and you’re working for them ... You come across people, they can’t stand you but you have to do that job for them. But it doesn’t bother me because people are different. You can get African people who are discriminating against white people, so it happens ... I look at them, an elderly person – they can do whatever they want. As long as they are not beating you or punching you, it doesn’t matter what they say.’

Care sector worker, Kenya

A Lithuanian worker in a care home reported a similar experience with care home residents.

‘They prefer English, but some of them, they have no choice over it, because they can’t walk, they can’t speak, they can’t eat, you know, so they have no choice. When we are doing our job, those who have full mental capacity, one lady she said “I don’t want any foreigners in my room ...” One lady, she couldn’t speak, but with her body language she said ‘I don’t want you’, like if you’re trying to fix her, or come to her room to wash and dress her, she was spitting on your face.’

Care sector worker, Lithuania

In the food and beverage services sector, one Hungarian worker reported that workers were required to wear flag badges to let customers know where they were from. He said that customers were much more friendly if he wasn’t wearing the badge and so didn’t know immediately that he was foreign.

‘I did an experiment. When we started they gave us a little flag ... as I work in the night shift I try to find out how [customers] react if I wear it or not ... when I put it on, the people were rudier with me – so after that I took off. They were normal again because they didn’t know where I’m from. Since then I don’t wear any badge. It’s better.’

Food and beverage services sector worker, Hungary

By contrast, one of the UK-born workers said that she had received comments from customers referring to the fact that she was English, which was seen as exceptional. This interviewee also said that although she had experienced some rudeness from customers, it was worse for foreign-born workers.

‘From the customers, I had a couple of very strange comments like, “Oh you’re the first English voice I’ve heard all day” ... Obviously people were rude to me at some points but far more rude to Eastern European employees.’

Accommodation sector worker, UK

There were also some reports of friendly treatment by customers, based on the fact that the worker was foreign.

‘Some guests like to talk with us. They know we are cleaning but because they are posh they have a pleasure to stop five minutes and ask you where are you from. Or curiosity. Or because they want to make just a small conversation, small talk.’

Accommodation sector worker, Brazil

Workplace advantages of being foreign-born

Many of the interviewees felt that their nationality had not generally made much difference either way to their chances of finding employment in the UK.

Some of the foreign-born interviewees felt that there were positive aspects to being foreign-born, based on their perceptions of employers’ attitudes, preferences and experiences. For example, one Brazilian worker said that there was a perception among employers that Brazilians in general were good, reliable workers and therefore she often had requests for recommendations from among her friends.

‘[Brazilians] have a reputation in America because they are really good cleaners. Because I have a lot of colleagues there [my employer] said “give me good Brazilian cleaners, your friends”. So it’s this kind of co-operation.’

Care sector and food manufacturing worker, Brazil

Similarly one Polish interviewee felt that there was a perception among her employers (who were not Polish themselves), that Polish people were in general hard-working and provided good-quality labour. She felt that this meant that her employers were pre-disposed to think highly of her.

‘The owners of the bar really liked Polish people in terms of how efficient and hard-working they are. With me, they knew what kind of quality of work they would expect.’

Bar worker, Poland

Two other interviewees, from Estonia and Lithuania, also spoke of employer perceptions that eastern Europeans were a little more flexible than UK-born workers and tended to complain less about factors such as pay.

‘The place I went to work, they actually do prefer foreign workers ... they say that most people who come over are hard workers. They don’t usually ask that high a wage as the natives and usually they don’t complain and they don’t say no.’

Food and beverage service activities worker, Estonia

However, although many of the foreign-born interviewees felt that there were positive aspects to being foreign-born, none of them felt that this had really enhanced their chances of employment. Some thought that it had in fact hindered them, due to language issues and unfounded concerns about work permits. For example, one interviewee felt that the fact that she was Estonian had made it harder for her to find work.

‘Yeah, I think it hasn’t helped me actually ... because I feel like the two-month period when I was applying and I got no responses, then I felt that it was like a flaw, not a flaw, but I felt maybe they’re not too sure about my linguistic skills ... they can see my CV but they don’t know anything about the places I worked in. I can talk about my experience [in Estonia] but they don’t even know whether it exists, let’s say. So I felt it was rather difficult for me to get a job.’

Food and beverage services worker, Estonia

By contrast, one of the UK-born workers felt that the fact that she spoke English as her mother tongue had definitely helped her to find work.

‘It was definitely a plus that I had English as my first language ... horrendously easy [to find a job]. I got that job within 48 hours.’

Accommodation sector worker, UK

In the computer programming sector, one interviewee from Latvia thought that his language might be a problem in customer-facing roles, but other than that, he was not expecting to have any difficulties in finding work in his industry.

‘I believe [my nationality] would be a barrier for me to find a work that’s customer-facing because as good as my English sounds now I believe I’m not the best person for doing customer service. Just because I’m not local here. Other than that I believe people don’t care, especially in the IT industry because there’s a massive shortage of supply of people who can do the job.’

Computer programmer, Latvia

Many had heard that employers think that eastern European workers tend to be hard-working, and also tended to agree with that, but in reality, they could not think of any particular instances where this had actually helped them, either in the recruitment process or when they were actually working.

‘[Those from Lithuania] do work hard, but they are maybe only there for a certain period of time.’

Food and beverage service activities worker, Lithuania

Agency and company workers

Many workers in the care sector, but also in the manufacture of food products and accommodation sectors, found employment via agencies. This was particularly the case if they had no prior contacts in the UK. There were some reports that company staff would resent the agency staff if they were paid more, and there were anecdotes of agency staff being given the worst jobs in a workplace.

‘It’s different working as an agency worker – you’re just coming in for a short time. There can be some resentment among the permanent workers – they might give you the worse jobs, or sometimes everyone would go off on their tea break and they wouldn’t tell you. People would get angry when they realise that you are paid more, as an agency worker, but we don’t work every day, maybe just a few hours.’

Care sector worker, Lithuania

Some people looking for work through agencies were thought to be in a vulnerable position. One interviewee, from Lithuania, described how some workers were exploited by unscrupulous employment agencies, particular in relation to pay, contract renewal, deductions for accommodation and holiday/sickness pay.

‘Especially when you [work for an] agency and when you are maybe from a different country and you can work hard but they say, better keep quiet, because even if you work hard if you start arguing with them they can fire you straightaway. I have had some problems with agencies – most people who are new, they manipulate them, sometimes they don’t pay holidays, they don’t pay sickness, they can easily fire you because they think most people from our countries [have] some bad English, some don’t know rules, some don’t know where to go, they don’t know they can go to the CAB or to a lawyer or you can find online about agency rules and everything ... you can go to court, you can claim something and you can win. But still most people don’t do this because if you go to solicitors it’s very expensive and some people don’t have good English.’

Manufacture of food products sector worker, Lithuania

Getting to grips with British culture

There were some isolated reports of incidents of racism against foreign-born workers in the workplace, although most of the interviewees said that they got on well with UK-born workers and people of other nationalities. Some worked in workplaces where there were no UK-born workers. There were also some interesting cultural issues that arose when mixing with British workers at the workplace, for example, when getting to grips with British ways and behaviour.

‘Eastern Europeans are very open and say what they mean – sometimes it’s not a good thing. English people are not like that and it took me a long time to understand this. For example, when they say “I’m a little bit concerned”, I thought that was ok, but now I know that ‘a little bit concerned’ means “very bad”!’

Care sector worker, Lithuania

‘What I really like the most is how English people behave at work and confidentiality at work and politeness which, you know, in Poland they say what really they think about you at work, the boss can tell you how rubbish you are. Here you know it’s completely different approach and I really love it.’

Care sector worker, Poland

Urban vs rural

There were some differences in the labour market experiences of foreign-born workers depending on where they were in the UK. For example, whether they were in a large city such as London or whether they worked and lived in smaller places.

‘The fact that I’m from Lithuania hasn’t helped me to get work. Sometimes, when people hear an eastern European accent, they don’t like it, but it depends on the type of organisation and job, of course. It depends on the town too – it’s harder in a small town.’

Food and beverage service activities worker, Lithuania

‘I think being English, certainly more so being white middle class English had helped just because as I said – particularly in London, restaurants and bars – a lot of the people they’re selling to will be tourists and stuff. And they want the staff just serving tourists to be people who traditionally look like they’re English and speak the Queen’s English and yeah, I think that certainly helped me.’

UK-born worker, food and beverage service activities

Sectoral differences

On a sectoral basis, it was clear that the computer programming sector was in a category of its own, in that it employs highly-qualified staff, with the emphasis very much on skills and experience. In this sector, staff tended to have roles that were commensurate with their professional qualifications and level of experience, and often worked in a very international environment. Nationality seemed to be irrelevant:

‘I don't think [getting the job] was particularly related to my nationality. I think it's just that from looking at my CV, and they obviously had the results of the technical test, that they'd obviously, they'd made up their mind that I seemed competent. I don't think it was related to my nationality.’

Computer programming sector worker, UK

This was the same for the UK-born and the foreign-born workers. The computer programming sector appeared to be truly international and focused on skills and expertise. There were examples from both the UK-born and foreign-born interviewees of different nationalities working well together in the workplace, and collaborating across continents.

5.3 Workplaces' attitudes

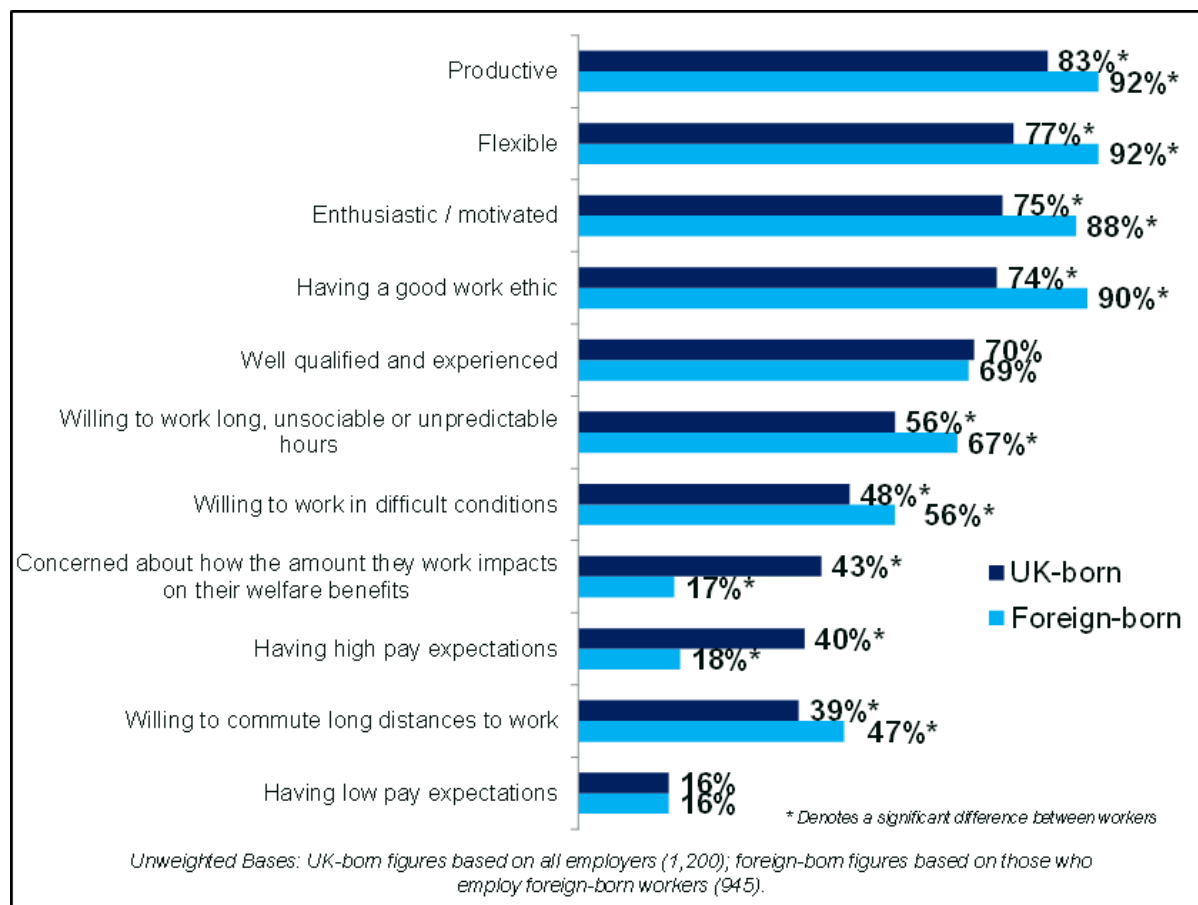
This section of the report looks at workplaces' attitudes towards workers. It compares how workplaces tended to describe UK-born and foreign-born workers before discussing the perceived advantages and disadvantages of employing each. Employers and recruitment agencies might report stereotyped views of employees based on nationality. However this would only amount to discrimination when recruiting if employers or recruiters, in the absence of a genuine requirement for the job, treat workers more or less favourably on the basis of nationality (or other protected characteristic) or apply unjustified criteria which put some nationalities (or other protected characteristic) at a disadvantage. Employers and recruitment agencies must ensure that they use objective criteria and transparent processes to select candidates on the basis of their skills, knowledge and experience.

General attitudes

Workplaces were generally positive about their employees. The majority thought that UK-born and foreign-born workers tended to be productive, flexible, enthusiastic/motivated and hard-working. However, as Figure 5.6 illustrates,

workplaces were slightly more likely to attribute these positive traits to foreign-born workers.

Figure 5.6 Proportion of workplaces that would generally describe UK-born and foreign-born workers as...



Over two-fifths (43%) of workplaces said UK-born workers were generally concerned about the impact that how much they worked would have on their benefits, whereas just 17% of workplaces said this about foreign-born workers. Likewise, the proportion of workplaces who would generally describe UK-born workers as having high pay expectations (40%) was more than twice the proportion of workplaces who said the same of foreign-born workers (17%).

Looking at workplaces' attitudes on a sector by sector basis does not alter this picture (see Table A4.3 in Annex IV). Across all five sectors workplaces were more likely to attribute positive traits to foreign-born workers and negative ones to UK-born workers.

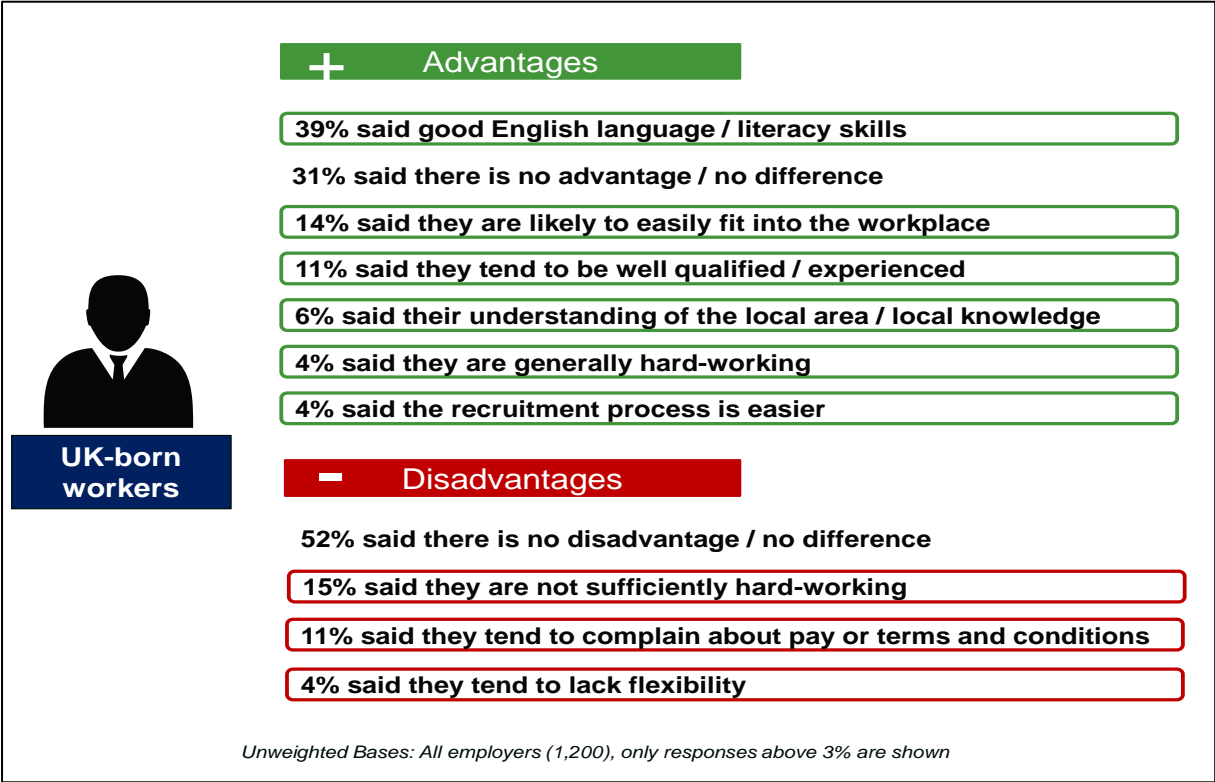
However, workplaces in some sectors were particularly likely to attribute certain characteristics to foreign-born workers. For example, 80% of workplaces in the accommodation sector said that foreign-born workers were generally willing to work long, unsociable or unpredictable hours, compared with 54% of workplaces that said the same about UK-born workers (67% of workplaces across all sectors described UK-born workers in these terms). Similarly, almost all workplaces in the food manufacturing industry would generally describe foreign-born workers as being productive (98%) or flexible (97%). The figures for UK-born workers were 84% and 78% respectively. For a full breakdown of workplace attitudes by sector see Table A4.5 in Annex IV.

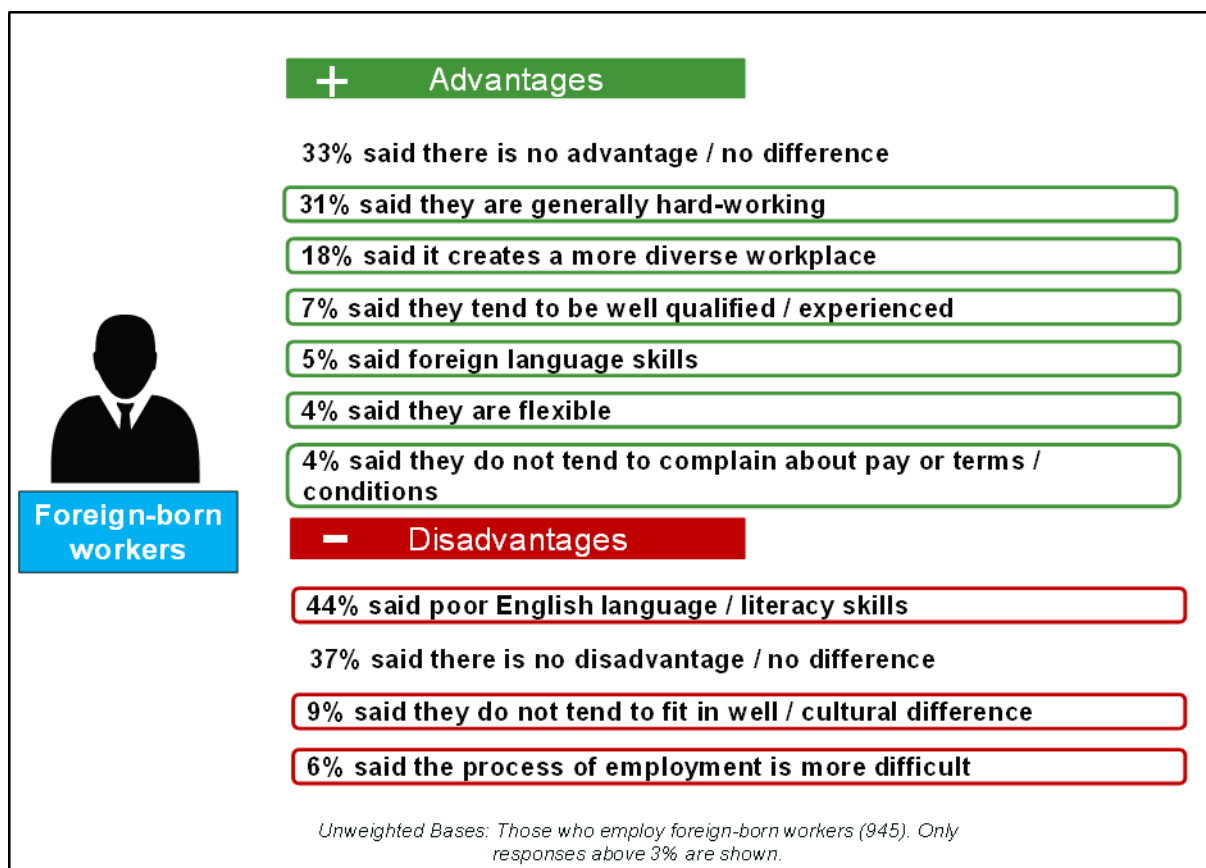
Advantages and disadvantages of employing UK-born and foreign-born workers

Around a third of workplaces felt that there were no particular advantages to employing UK-born workers (31%) and over half (52%) of workplaces said there were no particular disadvantages. Likewise, a third of workplaces (33%) with foreign-born staff felt there were no advantages to having them/that it did not make a difference and 37% said there were no disadvantages/that it did not make a difference.

However, a number of workplaces did feel that there were advantages and disadvantages to employing each type of worker (see Figure 5.7).

Figure 5.7 Advantages and disadvantages of employing UK-born and foreign-born workers





Around a third (31%) of workplaces felt that the main advantage of employing foreign-born workers was that they were generally hard-working (this rose to 39% of workplaces in the food manufacturing sector and fell to just 9% of those in the computer programming sector).

Around a fifth (18%) of workplaces felt that the creation of a more diverse workforce was a main advantage of employing foreign-born workers – this was particularly common amongst workplaces in the social care industry (25% cited this as a main advantage) but less so in food manufacturing (6% of workplaces said this).

Workplaces in the computer programming sector were most likely to think that an advantage of employing foreign-born workers was that they were well-qualified/experienced (28% compared with fewer than 10% of workplaces in each of the four other sectors).

Over two-fifths (44%) of those with foreign-born workers felt their poor English language/literacy skills were a disadvantage. Between two-fifths and half of workplaces in each of the five sectors cited this as a main disadvantage – but the proportion in computer programming who thought this was a disadvantage was comparatively lower (29%).

Six per cent of workplaces said that a disadvantage of employing foreign-born labour was that the recruitment process was more difficult. This was driven by workplaces in the computer programming sector (21% of workplaces in this sector cited this as a disadvantage). Conversely one in 10 (10%) workplaces in the computer programming industry said that the process of recruiting UK-born workers was easier and that this was an advantage of employing them (this was cited by 4% of businesses across all five sectors).

Around two-fifths (39%) workplaces said good English language/literacy skills were an advantage of employing UK-born workers. Around half (49%) of those in the food service sector, two-fifths (42%) of those in accommodation and a similar proportion (41%) of those in the food manufacturing sector thought this was an advantage – those in social care and computer programming were less likely to say this (29% and 23% respectively).

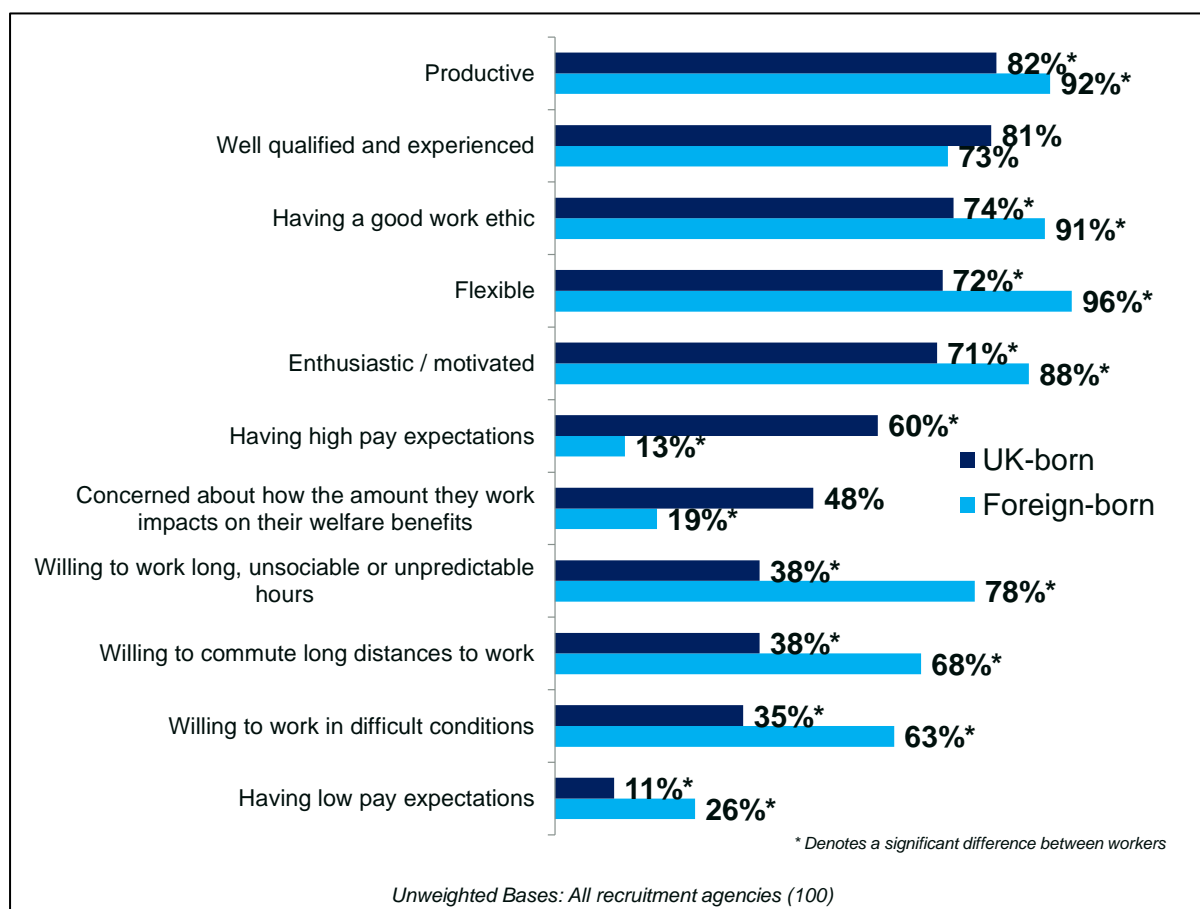
On the other hand, workplaces in the social care sector and those in computer programming were slightly more likely to say an advantage of employing UK-born workers was that they tended to be well-qualified (16% and 15% respectively compared with fewer than 8% of workplaces in the other sectors).

In terms of disadvantages, workplaces in the accommodation sector and those in the food manufacturing sector were particularly likely to say that a disadvantage of employing UK-born workers was their poor work ethic (26% and 20% respectively).

Recruitments agents' attitudes

Recruitment agencies' attitudes about foreign-born workers generally mirrored those expressed by employers (see Figure 5.8).

Figure 5.8 Proportion of recruitment agents who would generally describe UK-born and foreign-born workers as...



However, there was a bigger gulf in recruitment agencies' perceptions of UK-born and foreign-born workers. As with workplaces, recruitment consultants were more likely to attribute the positive characteristics to foreign-born workers (although it is worth bearing in mind that the majority also attributed them to UK-born workers).

As with workplaces, recruitment agencies were more likely to think UK-born workers had high pay expectations. However, the difference between the proportion attributing this to UK-born workers and to foreign-born workers was even more marked – 60% compared with just 13%.

These views were echoed by one qualitative research participant who worked for a recruitment agency. This person thought that foreign-born workers tended to be more enthusiastic, hard-working and more flexible:

'UK-born candidates tend to be less personable; those who come to the UK tend to have high levels of needs and they will help their friends and family members to get into work. Foreign-born workers on temp contracts usually

have a flexible contract. They could do five hours a week or they could do 70 hours a week – because their need and want to work is high they will often work as many hours as possible and they would look to work straightaway.’

Recruitment agent specialising in the accommodation and social care sectors

One recruitment agency specialising in the social care sector felt that an advantage of recruiting UK-born workers was the qualifications they held and the training they had generally taken, along with their superior awareness of care legislation in the UK. They felt that employers had a good awareness of legislation changes and that they preferred employees who could demonstrate this too. Employer awareness of UK employment legislation is explored in the next section of this report.

5.4 Employers’ views from the qualitative research

Based on the evidence gathered from the qualitative employer interviews, views of, and experiences with, foreign-born workers were also positive. There was a perception that foreign-born workers were hard-working, that they came to the UK to work and wanted to earn money to send to their family back home.

‘Hard working people. Always very hard working people. They want to be here. They want to be working. I think that there is an element of status attached to having a job and to being in full-time employment, that employment itself being well paid. And in that money being able to be in part transferred back to their family wherever their family resides. There's an element of, you know, they have a respect for work because they appreciate obviously what not having a job is like.’

Employer, food processing sector

Another employer highlighted the flexibility of foreign-born workers, noting that they could be relied upon to work shifts that UK-born workers might not be happy with. This was, in part, due to the fact that UK-born workers tended to have family commitments that many foreign-born workers did not.

There was also some discussion around pay expectations, with one employer expressing a view that UK-born workers tended to expect higher pay than foreign-born workers.

‘I think there’s certainly an expectation for UK residents to perhaps think they should be paid more than they are, whereas foreign-born, non-UK residents

seem to just accept if that's the rate of pay for the job and they decide to do the job, then they're happy with that rate of pay.'

Employer, food and beverage service activities

Overall, the employers interviewed tended to think that foreign-born workers fitted in well in the workplace and made a positive contribution to the team. In one case, the perceived strong work ethic of Polish workers meant that they quickly became an integral part of the team:

'I think they fit in well, so I would say very positive. Because obviously we have to manage a certain workload in a certain time. So, as an example, when a Polish guy comes on and joins the team and he demonstrates that desire to achieve what the rest of the team is achieving, then the team obviously recognises that individual is helping them get out the door on time.'

Employer, food processing sector

There were some instances of foreign-born workers being relatively over-qualified for the jobs that they were doing. For example, our sample included a Lithuanian person who was a trained lawyer, but who was working in the manufacture of food products sector and a Hungarian individual who was a trained accountant, formerly working for the Hungarian government, but who was now working in a fast-food restaurant. While this was viewed by the workers themselves as a temporary situation while they waited to establish themselves in their chosen area of work, their experience and ability was seen as a positive thing by the employer.

'They're prepared to bide their time and come over very qualified, clearly very articulate in terms of what they can and can't do, and as far as I've seen a very honest bunch, who are anxious to contribute.'

Employer, food processing sector

5.5 Awareness of legislation

The final section of this report focuses on the extent to which workplaces and recruitment agencies understood employment legislation. Both groups were asked to identify whether a series of statements regarding their obligations in recruitment were true or false.

As shown in Table 5.6, in which the correct answers are highlighted in green, workplaces were most likely to be aware that foreign-born workers are protected by the same equality law as UK-born workers (95%), that it is illegal to offer less than

the minimum wage to foreign-born workers (92%) and that the Working Time Regulations apply to foreign-born workers (92%).

Less than half of workplaces knew that employers cannot advertise jobs in Britain exclusively in a foreign language (39%). Employers can only do this where the ability to speak a particular language is an occupational requirement. Nonetheless, it is good practice to advertise in English as well so that all applicants understand that speaking that language is a requirement

Forty-two per cent got this wrong and 19% didn't know (61% in total failed to provide the correct answer). Around a third (36%) of workplaces falsely believed that employers can advertise for people with English as their first language. A further 11% did not know, which comes to a total of 47% that were not able to provide the correct answer. The remaining 53% correctly judged this statement to be false.

Less than half of respondents (45%) were aware that employers need to check that UK-born applicants have a right to work in the UK before employing them.

There was also considerable confusion among workplaces and recruitment agencies on whether employers could advertise jobs in Britain exclusively abroad. Fifty-one per cent of workplaces and 54% of recruitment agencies said that employers were not allowed to advertise exclusively abroad. Under the Equality Act, it is almost always unlawful for employers to advertise jobs exclusively abroad apart from in limited circumstances.

Table 5.3 Proportion of workplaces that reported each statement was true or false⁹

	TRUE	FALSE	DK
<i>Base: All employers (1,200)</i>			
Employers can offer different pay rates for the same job roles to people born outside of the UK compared with UK-born workers	9%	87%	4%
Employers can offer different types of employment contract for the same roles to people born outside of the UK and to UK-born workers where this meets the needs of the business	12%	82%	6%
Employers are allowed to advertise for people with English as their first language	36%	53%	11%
Employers cannot advertise jobs in Britain exclusively in a foreign language (i.e. without an English translation of the advert) ¹⁰	39%	42%	19%

⁹ The correct responses are highlighted in green.

¹⁰ The ability to speak a particular language can be an occupational requirement where it can be justified (an occupational requirement). If this is not the case advertising exclusively in a foreign language will be discriminatory. Where it is a requirement for the job, it is good practice to

Employers are allowed to advertise jobs in Britain exclusively abroad (i.e. the advertisement is publicised in foreign countries but not in Britain) ¹¹	27%	51%	22%
It is legal to offer less than the minimum wage to foreign-born workers	6%	92%	2%
Foreign-born workers are protected by the same equality law as UK-born workers	95%	2%	3%
Employers can have a quota for the number of foreign-born workers they employ	13%	63%	24%
Employers can ask an applicant's nationality on an application form	60%	32%	8%
The Working Time Regulations do not apply to foreign-born workers	4%	92%	4%
Employers must check that all foreign-born job applicants have the right to work in the UK before employing them, but they don't need to do this with UK-born applicants	52%	45%	3%

On average, workplaces answered 7.6 out of the 11 statements correctly. Accuracy of responses varied by workplace size: the average number of correct answers among those with 100+ employees rose to 8.2 and it fell to 7.5 among those with 10-24 employees. In particular, larger workplaces (those with 100+ employees) were significantly more likely to correctly identify that:

- Employers cannot offer different pay rates for the same job roles to people born outside of the UK compared with foreign-born workers (92%, compared with 84% of workplaces with 10-24 employees).
- Employers cannot offer different types of employment contract for the same roles to foreign-born workers and to UK-born workers where this meets the needs of the business (87%, compared with 83% of workplaces with 10-24 employees).
- Employers are not allowed to advertise for people with English as their first language (62%, compared with 50% of workplaces with 10-24 employees).
- Employers need to check that both foreign-born and UK-born job applications have the right to work in the UK before employing them (71%, compared with 43% of workplaces with 10-24 employees).

Conversely, the smallest workplaces were significantly more likely to correctly identify that employers can ask an applicant's nationality on an application form

advertise in English as well so that all applicants understand that speaking that language is a requirement.

¹¹ Employers advertising exclusively outside the UK and using no other avenues for recruiting UK workers is likely to be unlawful, unless it can be objectively justified. Recruitment agencies must always ensure positions in the UK are advertised in the UK, alongside any recruitment efforts abroad.

(63% among those with 10-24 employees compared with 54% among those with 100 or more employees).

Workplaces in the food manufacturing sector got most statements correct (8 on average), followed by food and beverage service activities (7.7). The computer programming sector got an average of 7.3 statements correct (see Table A4.5 in Appendix IV for a full breakdown and the average number of correct responses to these statements by sector).

The proportion of recruitment agents that answered each statement correctly was noticeably higher than the workplaces; the level of knowledge of recruitment agents was superior in response to every single question, albeit to varying degrees. The vast majority identified that foreign-born workers are protected by the same equality law as UK-born workers (99%) and that Working Time Regulations apply to both UK-born and foreign-born workers (97%, see Table 5.8).

Recruitment agents were more likely to correctly answer the statements regarding job advertisements. Exactly two thirds (66%) correctly identified that employers are not allowed to advertise for people with English as their first language. In total 34% were unable to provide the correct answer either because they got it wrong (28%) or did not know (6%). Over half of recruitment agents (54%) correctly identified that employers cannot advertise jobs in Britain exclusively in a foreign language, whilst only 39% of employers got this right. The remaining 46% were unable to provide the correct answer – 28% got it wrong and 18% did not know.

Finally, recruitment agencies were far more likely than workplaces to know that employers must check that all foreign-born and UK-born job applicants have the right to work in the UK before employing them (76% compared with 45%).

Table 5.4 Proportion of recruitment agents that reported each statement was true or false

	TRUE	FALSE	DK
<i>Base: All recruitment agents (100)</i>			
Employers can offer different pay rates for the same job roles to people born outside of the UK compared with UK-born workers	9%	89%	2%
Employers can offer different types of employment contract for the same roles to people born outside of the UK and to UK-born workers where this meets the needs of the business	4%	90%	6%
Employers are allowed to advertise for people with English as their first language	28%	66%	6%
Employers cannot advertise jobs in Britain exclusively in a foreign language (i.e. without an English translation of the advert)	54%	28%	18%
Employers are allowed to advertise jobs in Britain exclusively abroad (i.e. the advertisement is publicised in foreign countries but not in Britain)	26%	54%	20%
It is legal to offer less than the minimum wage to foreign-born workers	6%	92%	2%
Foreign-born workers are protected by the same equality law as UK-born workers	99%	0%	1%
Employers can have a quota for the number of foreign-born workers they employ	15%	64%	21%
Employers can ask an applicant's nationality on an application form	74%	18%	8%
The Working Time Regulations do not apply to foreign-born workers	0%	97%	3%
Employers must check that all foreign-born job applicants have the right to work in the UK before employing them, but they don't need to do this with UK-born applicants	21%	76%	3%

Chapter Six: Conclusions

This research investigated employer and employee practices, perceptions and experiences in relation to recruitment to understand whether there was any evidence of potentially differential treatment of foreign-born and UK-born workers.

Most workplaces in the five sectors surveyed employed at least some foreign-born workers, and were particularly likely to in larger companies. Individual workers had a mixture of motivations for coming to the UK, such as seeking new employment opportunities, improving their English, to study or simply to search for a better life. Some foreign-born workers spoke of the difficulties of getting into the labour market at first, especially if they had only rudimentary English. Many foreign born individuals registered with recruitment agencies in order to gain experience before then moving to jobs in which they were directly employed.

The key recruitment methods varied from one sector to another, although they did not vary significantly for UK-born and foreign-born workers within sectors. That said, a large proportion of employers used word of mouth recruitment. This can lead to unlawful discrimination because it can lead to recruitment of staff with the same protected characteristics, for example national origins, as existing staff, and exclude people with certain protected characteristics from the opportunity to apply.

There was very little evidence of targeting foreign-born workers specifically (for example by aiming adverts at foreign-born workers or using specialist international recruitment agencies), even in the case of hard-to-fill vacancies, although where this occurred, it was more likely in the accommodation sector. In conclusion, there was no clear evidence from the research of favourable treatment towards foreign-born workers or UK-born workers in recruitment processes, with employers' mostly appointing staff on the basis of their ability to do the job. If employers were to make selection decisions based on stereotypes – an area outside the scope of this research – this is likely to be unlawful because it excludes or disadvantages people with particular protected characteristics.

From the qualitative interviews, it was reported that recruitment processes differed widely, but were perceived to be fair on the whole. There was little explicit evidence

of either unfair or preferential treatment during interviews, with employers being mainly concerned with language competence and whether or not individuals were allowed to work in the UK. Clear-cut discrimination was difficult to 'prove' in the qualitative research, which was based on people's perceptions and experiences.

Most employers felt that UK-born and foreign-born job applicants were equally likely to be successful. Where they were unsuccessful, employers were more likely to give poor English language skills as the reason in the case of foreign-born workers.

Individual foreign-born workers also noted that their lack of English language competence had been a hindrance, particularly towards the beginning of their time in the UK, or if they lived in an area with a strong regional accent.

About a third of employers expressed a preference for recruiting foreign-born workers who spoke the same language as existing staff (if not English). The research did not examine whether anyone acted on these preferences. However, it is unlawful for employers to seek individuals who can speak certain languages at the exclusion of other equally qualified applicants, where this is not an occupational requirement. Furthermore, where language skills are a genuine requirement for a job, selection on the basis of nationality is unlawful. The workers themselves reported that cliques were sometimes naturally formed by those with a common language although there would generally be an employer policy of speaking English in customer-facing roles.

Employers' experiences of foreign-born workers led them to conclude they generally had fairly low expectations in terms of pay, were flexible, had a strong work ethic and a positive attitude to work. This was the case for both the survey and the qualitative interviews. However, there was no evidence that these attitudes directly influenced recruitment practices or led to special treatment for one group or another, although it is worth recognising that bias often operates at a subconscious level. In addition, the worker interviewees tended not to feel that their chances of employment were positively influenced by being foreign-born. Some thought that it had hindered them, due to language issues and unfounded concerns, on the part of employers, about work permits.

While employers were most likely to show that they selected candidates according to the skills required for the job, there was evidence that discrimination does occur in the recruitment process. The literature review, information reported to the Commission as well as the evidence from the quantitative surveys highlighted approaches where discrimination was likely to be occurring, or at risk of occurring. For example the research found that some employers and recruitment agencies

were potentially selecting or appointing applicants on the basis of nationality where this was not a requirement for the job.

There is evidence of considerable confusion among employers and recruitment professionals about their legal obligations in relation to recruitment. For example, less than half of workplaces knew employers need to check that UK-born applicants have a right to work in the UK before employing them (45%) and those employers cannot advertise jobs in Britain exclusively in a foreign language (39%). On average, workplaces answered 7.6 of 11 statements correctly. Accuracy of responses varied by workplace size: the average number of correct answers among those with 100+ employees rose to 8.2 and it fell to 7.5 among those with 10-24 employees – so larger workplaces tended to be more knowledgeable. There were also some sectoral differences.

Workers reported mixing well in general at the workplace. The divisions tended to be related more to age than to nationality or language: older or young workers were often drawn together, regardless of nationality. Some foreign-born workers reported incidents of hostility, largely by customers, but most said that they got on well with UK-born workers and other nationalities.

Recommendations

Evidence from this report suggests that organisations providing advice and information to employers, recruiters and employees should focus on the following areas to ensure fair and non-discriminatory treatment:

- Employers and recruitment professionals need greater **understanding of their legal obligations in relation to recruitment** so that they are not at risk of discriminating against candidates on the basis of their nationality, and are better able to demonstrate that they are using fair, lawful and transparent recruitment and selection processes.
- Employers need to **take reasonable steps to protect workers from harassment including that from customers and service users**. The research finds that foreign-born workers experienced some hostility from customers, particularly in the care sector.
- Employers need to ensure that all workers are **treated fairly and apply their employment policies consistently**. Our qualitative research suggested that some UK-born staff believed that they experienced preferential treatment to foreign-born staff. If true, this could amount to discrimination.

The Commission will write to employer representative bodies and set out the key areas of equality law in recruitment and employment, with the expectation that they will share this information with their members.

Annex I: Literature review

Introduction

The enlargement of the European Union in 2004 marked the beginning of a period of sustained change in UK migration patterns. Traditionally, most migration to the United Kingdom has been from non-EU countries, such as India, Pakistan, Bangladesh, and the Caribbean. The past ten years have been quite different, with a much larger share of migration coming from within the European Union and governed by EU rules on freedom of movement. The number of Polish-born residents in England and Wales, for example, increased from 58,000 to 579,000 (ONS 2013) between the 2001 and 2011 Censuses, becoming the second largest country of birth after India. EU migration declined with the economic crisis in 2008, before rising again in 2012 onwards. In 2014, net migration of EU citizens was measured at an annual 178,000 per year – a level roughly comparable to the previous peak in the mid-2000s (ONS 2015).

This new migration brought significant changes to certain segments of the UK labour market, most notably those relying on low-wage work. In 2013, there were just under 1.2 million migrant workers employed in low-skilled jobs, according to the Migration Advisory Committee (2014). Among them, 29% were non-EU family migrants, the traditional source of low-skilled migration to the UK; a comparable number – 26% – were EU labour migrants.¹²

These patterns have generated debate about the role of migrant workers in the UK labour force, its effects on employers' recruitment practices, and its implications for UK residents. An ongoing theme in this discussion is the question of discrimination: whether employers have a preference for certain groups of workers, and whether this leads to discriminatory recruitment practices. Common questions in this debate include whether employers make assumptions about prospective employees based on their national origin, and whether they directly or indirectly target migrant workers

¹² Reason for migration is self-reported in the data from the Annual Population Survey.

in their recruitment efforts (for example, by using specialist recruitment agencies to hire overseas).

Over the past decade, a substantial literature has developed on the labour-market role of migrant workers, pointing to a complex web of factors shaping recruitment and employment practices. This report reviews the literature and empirical evidence on the employment of migrant workers, particularly in low-wage jobs, focusing on the risks of discriminatory recruitment practices on the basis of national origin.¹³ It examines research findings from 2006 onwards in the contemporary post-EU enlargement period, with a particular emphasis on newly arrived migrants (as opposed to settled migrants who have been in the country for many years and may have acquired British citizenship).

The literature review was based on a search of studies produced from 2006 onwards identified through databases of scholarly articles and reports (Google Scholar, SSRN); journals and working paper series' related to migration (e.g. IZA, CReAM, COMPAS); research reports published by government agencies (e.g. Migration Advisory Committee, Home Office, EHRC, the Low Pay Commission); citation and bibliography searches from previous reviews of the impacts of migration; and a network-based search among stakeholders and researchers working on migration. Initial keyword searches identified items including both terms related to migration (e.g. 'migration', 'immigration', 'migrants', 'immigrants', 'nationality', 'national origin', 'foreign-born', 'foreign national') and terms related to recruitment, employment practices and labour demand (e.g. 'recruitment', 'hiring', 'employment', 'discrimination', 'employers', 'employer preferences', 'selection', 'shortages', 'labour demand', 'agencies'). Further searches were conducted to identify literatures on relevant subtopics (e.g. 'word-of-mouth recruitment', 'work ethic', 'working conditions', etc.).

Context and background: recruiting migrant workers in the UK

Before reviewing the empirical evidence, it is useful to briefly set out the UK's general operational structure and legal framework with regards to discrimination, as well as the channels through which migrant workers are recruited and employed in the UK.

¹³ Note that the report does not cover severe forms of exploitation such as forced labour, trafficking, slavery, servitude, and severe criminal labour exploitation.

UK's labour market and legal framework

A significant body of legislation has gradually developed since the early 1990s which regulates the legal and contractual obligations and statutory rights of all actors in the labour market, including employers, agencies or other intermediaries, and workers. These include a range of legislative actions, such as the Employment Rights Act 1996 (ERA), the Equality Act 2010, the National Minimum Wage Act 1998 (NMWA), the Working Time Regulations 1998 (WTR), among others.

The key piece of legislation for the purposes of this research is the Equality Act 2010, which sets out rights to equal treatment in the labour market. The Act makes a crucial distinction between two forms of discriminatory practices: direct and indirect. According to the definition of **direct** discrimination, 'a person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.' Protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation (Equality Act 2010), where 'race' includes colour, nationality and ethnic or national origins. This means that it would be unlawful for an employer to choose a prospective employee purely because of their national origin, for example this preferential treatment could be based on the assumption that people of a given origin will perform better on the job.

Indirect discrimination, by contrast, is defined as follows: 'person (A) discriminates against another (B) if A applies to B a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of B's.' This refers to situations where criteria are put in place which apply to everyone but put applicants with a particular protected characteristic at a disadvantage compared with others. For example, requiring employees to work fixed hours might be found to constitute indirect discrimination against women if the hours are incompatible with child care responsibilities. Not all indirect discrimination is unlawful, and employers may be able to engage in indirectly discriminatory practices if they have 'objective justification' that their actions were 'a proportionate means of achieving a legitimate aim'. For example, inflexible hours might be justified if it is required to run the business efficiently (Citizens Advice, n.d.).

In addition to legislation governing discrimination specifically, there are numerous provisions regulating contracts and employment relationships. These include the national minimum wage, regulations prohibiting less favourable treatment of part-time workers compared with full-time workers and fixed-term workers compared with people on indefinite contracts. They also include a range of employment rights for

employees, including the right to have a written statement of terms and conditions of employment, a personal payslip, no unauthorised deductions from wages or unfair dismissals, parental rights, the right to be paid no less than a national minimum wage, a pro rata equivalent of 28 days statutory annual leave, flexible working arrangements and minimum periods of notice for redundancy (Employment Rights Act 1996, Working Time Regulations 1998, National Minimum Wage Act 1998, Transfer of Undertakings Regulations 2006, Information and Consultation of Employees Regulations 2004). While a full discussion of these regulations and their enforcement is outside the scope of this project, it is worth noting that there may be differences between migrant and UK-born workers' ability to enforce these rights (Clark 2013).

There are also many different regulations governing the activities of recruitment agencies and employment businesses, whether they are hiring UK or migrant workers. For example, recruitment agencies are not allowed to use contracts that prevent a temporary worker from taking on a permanent job with the business that has employed them, and have obligations to seek and provide information about any health or safety risks the job may entail.

Some regulations specifically address the recruitment of foreign workers. For example, labour providers recruiting workers from countries within the EEA may not advertise vacancies in other EEA states unless they have also advertised them in English within Great Britain simultaneously, or for a minimum of 28 days prior to advertising abroad.¹⁴ Such vacancies must be advertised in English in Great Britain before or at the same time as they are advertised in the EEA country. Using additional languages in adverts used to recruit from an EEA country is not precluded.

Actors and channels of recruitment

To identify forms of discrimination in the research evidence, it is helpful to understand the various actors and channels involved in employing workers. The process of hiring workers involves many actors across distinct stages, from recruitment agencies, employment agencies, and labour providers, to employers and workers (see Fitzgerald 2007; Findlay and McCollum 2013; Findlay et al 2012; Hogarth et al 2014; McCollum and Findlay 2012; McCollum et al 2013; Sporton 2013; Allan 2007; Cangiano and Walsh 2014; CIPD 2013; CIPD 2014; Dench et al 2006; EHRC 2010; EHRC 2014; Forde and MacKenzie 2009; Forde and MacKenzie

¹⁴ This regulation applies to jobs to be performed within the country but does not apply to those hired by the agency or employment business directly as their own staff.

2010). Many employers handle the process of recruiting, hiring, and employing workers exclusively internally. However, some employers rely on intermediaries such as advertising and recruitment agencies or labour providers, whose expertise can help reduce costs and time associated with advertising vacancies, shortlisting candidates, interviewing, setting up various contracts, and managing HR payroll systems.

An insightful typology sets out four types of strategies used by employers to recruit, employ, and manage migrant workers (McCollum and Findlay 2012). The **employer-led recruitment** system follows the familiar form of employers advertising, interviewing, and employing workers directly without external assistance. The **conventional recruitment agency** system operates with labour providers recruiting workers who are then employed directly by the employers, either temporarily or permanently. In the so-called **gangmaster dominated regimes**, workers are sourced, paid, and managed by labour providers who effectively act as advertisers, recruiters and employment providers. A reportedly common hiring system for certain low-skilled sectors in the UK, the **gangmaster-employer collaborative** system, involving labour providers advertising, recruiting, and paying the workers while day-to-day management is implemented locally by the employer. Some advertising and recruitment happens locally, some happens only through word of mouth, while other labour providers or employers advertise both locally and abroad (MAC 2014).

The role of recruitment agencies in facilitating demand for migrant labour has been much debated. The UK has a long history of recruiting migrant workers on a seasonal basis from throughout continental Europe, for example through the Seasonal Agricultural Workers Scheme (Martin 2006; Scott et al 2008). After 2004, however, the opening of the borders contributed to a shift in the locations where workers were sourced (Findlay and McCollum 2013). Recruitment and employment agencies are thought to have played a central role in establishing migrant recruitment networks in the UK from the accession countries after 2004 (Sporton, 2013).

A survey conducted by CIPD in 2012-2013 found that a quarter of employers that recruit either EU or non-EU workers used a recruitment agency to do so, including nearly one third of private sector employers (CIPD 2013). Over the years, however, these practices may be changing. Although the evidence is more descriptive and testimonial than quantitative, some studies have found that over the years since 2004 migrants have begun to settle in Britain so recruitment abroad became increasingly unnecessary (Findlay and McCollum 2013, Green et al 2014). In

addition, settled migrants became a lower-cost intermediary for recruitment through social networks and word of mouth (Findlay and McCollum 2013). This is consistent with evidence provided to MAC (2014, p 118).

Understanding the evidence

Conceptual issues

Despite the variety of evidence available, studying discrimination in recruitment and employment is difficult. There are many conceptual and methodological trade-offs, which can pose difficulties in meaningfully interpreting the findings. The diversity of methods used, paired with each study's specific scope or coverage leads to inconsistencies in definitions, compromise confidence in the findings, and limit our ability to compare results or arrive to broader and overarching conclusions. Some caveats are related to specific methods used, while others apply to all studies regardless of method.

Among the obstacles encountered by any study on discrimination are that the internal biases or preconceptions of employers or recruiters are not generally observable. As a result, it can prove difficult to establish whether a practice is discriminatory or not, unless the employer voluntarily discloses this motivation – if indeed they are even aware of it. Participants in research studies may be reluctant to report their practices in a way which implies clear violations of the law, making it difficult to clearly describe the processes through which unlawful practices unfold. A further complicating factor is that, as the primary research in this report found, employers are not always aware of the law.

It is also difficult to disentangle the reasons for preferring one applicant over another. Studies often struggle to discern, for example, whether an employer preferred to hire a migrant worker **because** they expected to be able to pay a lower wage, or for other reasons. Even with the full cooperation of the participants, the lawfulness of recruitment and employment practices depends on very specific circumstances and contractual factors and it is not always possible to get the full picture from one study.

In attempting to disentangle the underlying reasons for employers' preferences and practices, it is also important to note that in some cases there may be gaps between perceptions and reality. For example, employers may perceive that migrants are more skilled than UK-born applicants, but it is hard to test these assertions in

practice (statistical evidence may help in this respect, but is typically quite incomplete when it comes to measuring actual skill, rather than simply qualifications and experience). Broadly speaking, employers' or labour providers' evaluations of demand and supply of workers in their sector should be interpreted with caution since they reflect perceptions rather than factual depictions of the needs and processes of the sector in its entirety.

Sources and methods

Research concerned with migration and discriminatory recruitment practices in the UK is very diverse and uses a wide range of qualitative and quantitative research methods to collect and analyse evidence. Some studies collect information from one or more actors, including employers, recruitment agents, labour providers, workers, and policy makers, both locally and abroad (e.g. Allan 2007; Findlay et al 2012; Bloch and McKay 2015; EHRC 2010; EHRC 2014; Vasta and Kandilige 2007). A large portion of information also comes in the form of voluntary testimonies from employers and labour providers as responses to calls for evidence (MAC 2014; EHRC 2010; EHRC 2014).

The scope of studies varies widely. Some research focuses on a particular city or area, such as London, Cardiff, or Glasgow; other studies are concerned with practices within specific industries such as food processing, agriculture, or construction; others focus on migrants of certain origins such as Bangladeshi, Indian, or Polish (e.g. Batnitzky and McDowell 2013; BIS 2015; Cangiano and Walsh 2014; Dench et al 2006). The number of participants in each study can range from one or a few dozen to one or a few hundred interviews, as well as large quantitative datasets with thousands of respondents. The methods of collecting information and eliciting responses also range from focus groups to in depth semi-structured or structured interviews.

Qualitative studies concerned with employers' perceptions, preferences, and practices for recruitment and employment of workers benefit from providing a more complete, detailed, and contextualised image of actors' motivations and practices. However, this evidence tends to be limited to a small number of participants, to a specific sector or set of companies, or cover only one city. This limits the ability to generalise about practices across the UK, across all employers, or sectors. By focusing on different migrant groups or using different definitions, it can also be difficult to deduce regional variations in a consistent manner. It is worth pointing out

that the majority of the evidence discussed in this report is concerned with low-skilled occupations and sectors.

The **quantitative** analyses compare workers of different nationalities, countries of birth, and ethnicities in their reported pay, contracts, hours worked, and other working conditions (e.g. Battu et al 2011; Bessa et al 2013; Cam 2013; Drinkwater et al 2009). These use information from a range of surveys, including the Labour Force Survey, the New Earnings Survey, the Annual Survey of Hours and Earnings, the National Minimum Dataset for Social Care, or the ONS-Longitudinal Survey, among others. Quantitative evidence benefits from drawing on a larger number of participants, covering many sectors and regions, and allowing researchers to make claims about the prevalence of certain outcomes with more confidence. However, by solely focusing on the outcomes of workers, quantitative studies have difficulty deducing intentions and actual practices of discrimination, since the causal mechanisms and processes driving disparities in outcomes between workers are very complex.

Research evidence on discriminatory practices

Different forms of discrimination can occur at all the various stages of recruitment and employment. Discrimination can be direct and indirect, in favour of migrants or in favour of the UK born. While direct discrimination is never permitted on the basis of national origin among workers with authorisation to work in the UK, some forms of indirect discrimination may be justified if they represent ‘a proportionate means of achieving a legitimate aim’. Discrimination may also be lawful where there is an occupational requirement or where one of the other specific exceptions in the Equality Act applies.

Despite the important distinction and only partial overlap between a person’s country of birth, nationality, and ethnicity, or race, different studies use a wide range of groupings and definitions (Caplan et al 2009).

Employers’ views about workers’ national origins

Several qualitative studies and quantitative surveys have examined employers’ attitudes towards migrant workers, often in comparison with the UK born. These studies frequently identify national-origin stereotypes, either positive or negative. For example, a study of the market for au pairs in London found that households’

requests for workers were often based on preferences for certain nationalities, such as Filipinas (Williams and Gavanas 2008). Latin Americans were seen as more loving, Eastern Europeans as hard working, and Australians as more cheerful, while employers expressed dislikes for employees with Middle Eastern or Jewish backgrounds. Another study looking at international recruitment in the UK care sector found that employers distinguished between workers of different origins, preferring workers with experience in the UK or countries with similar social work systems, such as Australia (Hussein et al 2010). Language barriers or cultural differences were reported as reasons for preferring UK workers.

Recent qualitative studies have recorded employers reporting positive generalisations about migrant workers (particularly recent arrivals from Eastern Europe) in contrast with negative views towards the UK born. This may include attitudes based on perceptions of the likely commitment, attitude to working, productivity, probability of attrition, and soft skills of the potential workers. For example, it is now well established that many employers perceive Eastern European migrants as reliable and hard-working (Warwick IER 2013; House of Lords 2008; Forde and MacKenzie 2009), and more likely to conform with the idea of the 'ideal' worker (Wills 2009; Moriarty et al 2008; Shubin et al 2014).

'Poles work much harder than Brits and are willing to gain more training and skills on the job in order to do a better job.'

Construction employer cited in Warwick IER, 2013

'Migrants are very versatile, that is why employers have preferred them: they have a strong work ethic, will work long hours, take few breaks, do more work in their shift than UK workers if asked to by employers.'

Recruitment agency cited in Warwick IER, 2013

By contrast, UK-born workers are often described as less willing to take on certain types of jobs, for a variety of reasons including domestic commitments, expectations about pay and working conditions, or the UK welfare system:

'We would not say we actively choose to recruit migrant workers as we advertise locally only, but do find many apply for jobs as carers as there is a greater demand for staff than supply available from UK-born workers... Many UK-born workers who may apply are not willing to work full-time and are only willing to work part-time or less than 16 hours as not to affect their benefit or lose housing benefit – council tax benefit in particular ... such applicants if employed do not have the same work ethic of migrant workers who are more

willing to work hard and wish to work many shifts and extra hours to earn as much as they can...'

Care home provider response MAC 2014, p 115

'The high rate of attrition amongst UK-born workers...also means that focusing attention on recruitment from this resource would have significant cost implications – not just in recruitment fees, but also the costs of induction training and materials. These increasing costs would need to be passed on to the customer – often local authorities.'

Energy and Utility Skills response MAC 2014, p 115

Concerns about the employability of UK workers are most evident in relation to young people, with some studies finding that employers are most likely to cite problems with motivation and lack of world experience when recruiting UK school leavers (Winterbotham et al 2014).

Migrant workers' high levels of productivity are commonly cited. In particular, many are overqualified for their jobs, allowing employers to get a more productive employee for the same rate of pay because their qualifications and skills are not fully recognised in the UK (MAC 2014; Drinkwater et al 2009). For instance a social care employer responded the following to the Warwick IER Survey:

'Some migrant workers have acquired a higher level qualification in their country but as long as they do not have the UK level 2 qualification they are paid the unqualified rate.'

Warwick 2013; MAC 2014, p 119

In other cases, negative discrimination against migrant workers of particular origins has been identified. For example, Shutes and Walsh (2012) found that demand for social care workers with particular ethnic or racial characteristics was in some cases driven by customers themselves; some preferred English carers because they shared cultural references or found them easier to understand, while others asked not to be treated by black nurses. For example, one private care home provider was quoted as saying:

‘Probably one in three of our enquiries for private pay will at some point specify they don't want a black person or a foreigner in there. And with Social Services sometimes you'll find that Social Services will actually go off the record and they'll say that Mrs X will not accept black people or foreign people.’

For employers in the care industry, this created a tension between meeting the demands of customers in a competitive market and meeting their obligations not to discriminate against employees on the basis of race or national origin (Shutes and Walsh 2012).

Direct discrimination in selection

From an analytical perspective, a major question that emerges from these findings is whether and to what extent employers' generalisations about national origin characteristics translate into discriminatory recruitment and employment behaviour in practice. The fact alone that employers may hold positive views about the relative productivity or skills of migrant workers does not necessarily mean that they actually discriminate against the UK born. Instead, employers may hold these views based on experience but still conduct open recruitment processes in which individuals are selected only on the basis of their ability to perform the job.

Research evidence has not identified widespread practices of direct discrimination on the grounds of origin or nationality – for example employers refusing to interview or employ a worker because of their nationality, language, or country of birth. As discussed in the previous section, the main obstacle in identifying this form of direct and unlawful discrimination is the difficulty determining with certainty the motivation for a particular preference or practice without the employer's disclosure. One way to elicit such evidence is through reports of explicit requests for specific groups of workers in discussions between employers and recruitment agencies. In an EHRC (2010) inquiry into the meat processing sector, for example, recruitment agencies reported having received requests for particular nationalities, most commonly for British workers or for Polish workers.

For the most part, however, employers and labour providers consistently emphasise in their reports that the only distinction made between workers is not nationality but is driven by the need to find suitable and willing workers:

‘Assuming that all job applicants have the right to work in the UK, we do not discriminate on the basis of nationality or ethnic background. We recruit

people with the skills, aptitude and motivation for the job when applied to the selection criteria.’

GS Fresh response to MAC call for evidence (MAC 2014, p 132)

Selection processes that implicitly target certain groups of workers

Employers have a range of recruitment methods at their disposal, and the methods that they choose will naturally yield candidates with different backgrounds and characteristics. In practice employers can choose specific methods of recruitment which they consider more effective, although they may indirectly discourage or exclude some workers. As a result, the choice of recruitment method could have the effect of favouring groups of particular origins and so be discriminatory. Advertising by word of mouth or exclusively in a foreign language may lead to unlawful discrimination if people with particular protected characteristics are effectively excluded from the recruitment process. A decision not to advertise may have the same effect resulting in unlawful discrimination where the decision cannot be objectively justified.

Advertising methods

Our review did not identify examples of employers and agencies publicly advertising solely for certain nationalities. However, there are examples of employers advertising in media or languages that are accessible to particular national-origin groups. For example, an employer responding to the MAC consultation noted:

‘We advertise directly rather than using recruitment agencies...there are specific roles however, where we will know from experience we will do better by focussing our effort in certain areas, i.e. when recruiting for a chef for a Thai restaurant it makes sense to additionally advertise in a Thai publication... In addition to this I would emphasise that migrant workers often recommend their friends to work with us and this “word of mouth” option is often extremely successful.’

Greenclose Hotel Ltd response to MAC call for evidence (MAC 2014, p 133)

Recruitment agencies

One of the most commonly cited recruitment practices in the context of attitudes to migrant workers is the use of recruitment agencies, particularly those that specialise in recruiting from overseas. Summarising the results of their consultation with employers, the MAC (2014) noted that in the agriculture and food processing

industries they had ‘encountered employers and recruiting agencies that actively targeted migrant workers on the basis that they would not meet their demand needs by trying to recruit locally’. The report continues:

‘For example, ADS Recruitment, which supplies temporary workers mainly in the food-processing sector in the Southampton area, told us that they started recruiting directly from Poland in 2004, although they ended this practice in 2010 when they found they could recruit sufficient migrants locally. Before the EU expansion, ADS Recruitment met their clients’ labour demand by also actively recruiting in Portugal. They told us that the kind of work they offer, temporary, with unsociable shifts and unpredictable hours, compounded with the relative generous welfare system, is very unattractive to UK workers.’

Migration Advisory Committee, 2014

Similarly, describing the results of case study interviews with employers, CIPD (2013) noted:

‘Some of these employers said that recruitment consultancies were actively targeting migrant workers and were recruiting from the host country. In almost all of these cases, employers did not see it as their responsibility to query where candidates were sourced from.’

CIPD, 2013

Specialist recruitment agencies providing workers from overseas have existed for some time, although there is limited evidence on the extent to which certain employers rely exclusively on this option. As noted earlier, regulations amended in 2014 now prohibit advertising vacancies solely abroad, in order to ensure that local workers have access to information about available jobs. It is not clear, however, whether these regulations have changed employers’ recruiting practices and/or whether employers who want to recruit from abroad can meet requirements on paper by advertising locally without a genuine intention to hire local candidates.

Social networks and word of mouth recruitment

Another commonly encountered practice of recruitment is using **social networks** and **word of mouth**. Although not directly aiming at recruiting people of specific origins, social network based strategies may be indirectly discriminatory in the sense that they encourage recruitment of the same nationalities as existing staff and reproduce existing workforce characteristics (Sporton, 2013).

Using social networks and word of mouth to attract new workers and bring them to the employer can be a less costly and time effective hiring method, and very commonly reported across most sectors and particularly those relying on low-wage or low-skilled workers (Pelizzari 2004; Giulietti et al 2013; Battu et al 2010; Battu et al 2011; McCollum and Findlay 2012; McCollum et al 2013; Ryan et al 2009; Bloch and McKay 2015).

With the word of mouth system, existing workers in effect become the intermediary agents and can use their social networks locally or abroad to attract new hires. Some employers suggest that employees become responsible for the productivity and behaviour of the people they introduce and at times offer to replace an unsuitable worker for a new and better one from their social circle (MAC 2014).

For some groups of migrants, freedom of movement and geographical proximity to the UK facilitates long-term settlement. This in turn can make the local recruitment of migrants self-sustaining over time and lead to a reduction in need for recruitment agencies and labour providers (Findlay and McCollum 2012; MAC 2014).

Pay and working conditions

The physically demanding nature of some jobs and market pressures for flexible and cheap production mean that in some occupations working conditions are challenging and rates of pay low. As with other practices discussed in this report, it can be difficult to determine whether offering jobs with these conditions indirectly excludes UK-born workers. Nonetheless, it appears that employers evaluate difficult working conditions as an important factor that creates a disincentive for British nationals to apply for or stay in those jobs long-term.

For example, employers told the Migration Advisory Committee:

‘... the demands of the various horticultural/agricultural businesses are in areas of relatively high employment and so the net result is that workers need to travel and/or stay on-farm in any event which is something that in our experience a large part of the domestic workforce is not prepared to do.’

50 Club response to MAC call for evidence (MAC 2014, p 122)

‘UK-born workers who are willing and physically able to work in the fields do not want seasonal work. They are hardworking people who have mortgages or long term rental agreements and aspirations that mean that they want permanent employment. UK-born workers who are claiming benefits are reluctant to accept work in our industry because it is seasonal. The reason

cited often relates to the bureaucracy and time required to re-enrol when the seasonal contract ends. Adapting the UK benefits system to allow those on benefits not to lose their entitlement while undertaking work on a daily call basis would reduce the financial disincentives to take on seasonal work. There is no difference between UK-born and migrant workers skill levels when completing “low skilled” work.’

GS Fresh response to MAC call for evidence (MAC 2014, p 142)

Most of the studies looking at employer perceptions do not validate these views against the perceptions of British workers, although Green et al (2013) included interviews with British job seekers and found that they were more likely to be constrained by caring responsibilities and less willing to travel longer distances for work. The study found that British job seekers’ job search was less proactive than that of migrants, and that British workers/job seekers who had worked alongside migrants generally shared the perception that migrants had a particularly good work ethic (Green et al, 2013, p24).

There is some anecdotal evidence of social or organisational divisions between workers within a company based on ethnicity and national origin, although existing studies have not explicitly focused on identifying such divisions (Caplan et al 2009). One response from the DWP to the MAC call for evidence argues:

‘The existing seasonal workforce consists of large cohorts of migrant workers; consequently native languages are typically spoken which can exclude UK nationals. The longer a migrant cohort dominates a farm increases the likelihood of progression to supervisory and managerial positions; this could lock-out newcomers.’

MAC 2014, p 204

As part of its evidence collection, the MAC also mentions discussions with trade unions who argued that some employers ‘*keep the different nationality groups separate in order to keep them isolated and reduce the information available to them*’(MAC 2014 p 169).

Research on immigrant integration has found that migrants are more likely to be overqualified for their positions, and are more likely to earn less, and hold temporary contracts (Khattab and Johnston 2013; Manacorda et al 2008; TUC Commission 2007; Vasta and Kandilige 2007; Markaki 2014). Other findings suggest that there are cases of both UK-born and foreign-born workers being paid below the national minimum wage, especially in some sectors that rely heavily on migrant workers,

such as domestic care or construction (Bessa et al 2013; LPC 2014). The Low Pay Commission (2014) estimated that 11.3 per cent of migrant workers were paid at or below the NMW in 2014, compared with 7.4 per cent of workers born in the UK (LPC 2014).

Research by Ipsos MORI (2012) found evidence that some employers paid NMW compliant wages to permanent staff but paid less for workers who were not seen as 'proper' staff, such as casual workers and students (MAC 2014). The same research by Ipsos MORI also reported occasions where 'some employers used only those workers who they know did not have a valid permit to work in the UK (or were not allowed to work the number of hours they were contracted for) or those who were also claiming benefits'. In the care and nursing sectors, Cangiano et al (2009) find evidence of migrant workers experiencing less favourable conditions than the UK-born in terms of pay, the allocation of hours and shifts, working conditions and tasks, and access to training opportunities and promotions. For example one migrant care worker told a researcher:

'For two years, every single Saturday and Sunday I was at work... I think it was most of the Polish people and Filipinos. It didn't happen with English carers. Apparently they explain to us that they don't have in their contract that they have to work every weekend, but I didn't have in my contract that I have to work every weekend. I had in my contract that I have to work 150 hours a month. It was hard and sometimes I felt that it's not fair because it never happened with English carers, not in my unit. It was always Polish people. If you would go every single weekend there you wouldn't find any English person, it's always Polish staff or Filipino staff during the weekend.'

(Female Polish nurse) (Cangiano et al 2009, p 136)

More generally, migrants may lack knowledge and language skills that would help them defend their employment rights. This may be more likely in the informal economy and/or in cases where workers are self-employed (Caplan et al 2009; Chan et al 2008; Chan et al 2010; Fitzgerald 2007). For example, the Employment Agencies Standards Inspectorate (EASI) reports:

‘EASI estimates that only 8 to 9 per cent of complaints are from foreign nationals. We were told that the reason for this is partly due to the fact that many migrant workers are unaware of the service, but also because some migrants prefer to deal with these issues within their own communities or use others services such as the Citizens Advice Bureau, local law centres, and the Advisory, Conciliation and Arbitration Service (Acas).’

MAC 2014, p 154

It is difficult to determine if differences in the treatment of UK- and foreign-born workers are the result of discrimination or of other observable and unobservable differences between the two groups. Our review did not identify direct evidence that legally resident migrants’ vulnerability to exploitation created an incentive for employers to hire them. However, some studies identify instances of employers ignoring checks for legal status and suggest that irregular migrants in particular may be considered desirable because they are less able to insist on employment rights (Bloch and McKay 2015; Dench et al 2006; Vasta and Kandilige 2007; TUC Commission 2007). Some studies have also suggested that non-EU countries may be viewed as a more compliant workforce since visas and immigration status can restrict access to certain jobs and make it more difficult to move to a job with better conditions (Anderson 2010; Pennycook et al 2013).

Evidence about working conditions that deter certain groups of workers also raises the question to what extent jobs could be made more attractive to UK workers, for example by introducing more flexible working practices or technologies that improve the physical conditions of work. These issues are described in the next section.

Underlying drivers of employer preferences and practices

There is a wide variety of underlying drivers cited for the practices of recruitment, employment, and retention of workers. Existing research suggests that direct and indirect discrimination are strongly shaped by the demand and supply of workers, skills, and services. **Demand** refers to what employers expect from their workforce, which is in turn shaped by the circumstances of the industry itself (this may include the level of competition between firms, consumers’ sensitivity to prices, or expectations about the quality of products – such as fresh products available on the spot). **Supply** of available workers can relate not only to numbers of people, but also their skills, employee turnover, willingness to work certain shifts, or their tendency to be flexible and/or have low expectations in terms of contracts, pay, hours, holidays,

overtime, workload, and many others. Each actor in the labour market plays a role in shaping demand and supply.

Underlying drivers of demand for migrant workers can generally be grouped under three broad categories: migrants' dual frame of reference that results in different work ethic and expectations; Industry demands and working conditions; and wider institutional and economic factors.

Migrants' dual frame of reference: mobility, flexibility, skills, and work ethic

The differences between migrant and UK-born workers' willingness to take on low-wage jobs is often attributed to migrants' dual frame of reference – the perception that the jobs on offer in the UK are comparatively better than the pay and working conditions in migrants' countries of origin (Findlay et al 2012; Anderson et al 2006; Anderson 2007). The literature suggests that migrants' dual frame of reference plays an important part in the group's distinctive set of personal circumstances.

Factors such as ineligibility for or difficulty accessing state support, the desire to send income back home, and the fact of being accustomed to a low-income lifestyle are often cited as drivers of migrants' motivation and lower attrition over time (CIPD 2013; CIPD 2014; Forde and MacKenzie 2010; Matthews and Ruhs 2007). These factors are also thought to affect their willingness to accept flexible, uncertain, or unsociable hours, commuting longer distances, doing the most demanding shifts, and living on-site or with the type of accommodation provided (McCollum and Findlay 2015; Pennycook et al 2013; Trevena et al 2013; Alakeson and D'Arcy 2014; Bessa 2013 Geddes and Scott 2010).

In contrast to the motivating need and expectations of migrant workers, the UK-born are often perceived as being accustomed to higher standards of living and having higher expectations from their employment. Some employers view UK workers as less willing to accept long commuting distances, or likely to refuse to work full-time or in a different region in fear of losing their housing or jobseekers benefits (Cangiano and Walsh 2014; Champion and Shuttleworth 2014; Chan et al 2010; McCollum and Findlay 2012). Some employer and provider testimonies state that flexible, mobile, or seasonal work makes it more difficult for UK workers to move on and off benefits and remuneration does not justify the costs and subsequent instability for UK-born workers (Dench et al 2006; Geddes 2008; Warwick IER 2013).

'A recently arrived migrant is likely to be more mobile because they are less likely to be established in the housing market than a UK-born worker. Many

migrants may also arrive in the UK without the economic and social attachments to a particular location that is usual to someone who is UK-born. Consequently they are more mobile and are likely to be attracted to areas with skill/labour shortages.’

GS Fresh response to MAC call for evidence (MAC 2014, p 125)

Other studies find that migrant workers are seen as raising standards in productivity, quality, and problem solving because they are better trained or multi-skilled and more likely to have university degrees whilst working in the low-skilled sectors (Allan 2007; Batnitzky and McDowell 2013; Chan et al 2010; Moriarty et al 2008). By contrast, the UK-born workforce is viewed as lacking in vocational training, soft skills, experience, and desire for work. They may also be put off by a lack of upward progression opportunities in certain jobs, which they consider not as careers but rather as summer jobs for students (MAC 2014). Note that some employers have argued that over time some migrants become normalised to the living and working conditions of the UK. When this happens, some employers confess that it can be advantageous to turn to a new stream of more recent migrants (Forde and MacKenzie 2009; May et al 2007).

Industry demands and working conditions

Although discussions about discrimination often focus on the role of prejudice, employers typically emphasise that they are solely motivated by the need to fill vacancies and that their recruitment of foreign-born workers reflects unwillingness or lack of skills among UK-born workers (McCollum et al 2013; UK Commission for Employment 2014). They also argue that patterns of recruitment are often the result of external pressures shaping the demands and conditions of the industry and the job itself.

For example, in the nursing, health, social, and domestic care sectors, several factors have been reported as driving demand for migrant workers by making the work less desirable or less well paid. These include the demands of shift work, budget pressures, the lack of time or resources to train employees, changes to commissioning systems which may encourage informal or poorly regulated practices, or temporary agency working (Alakeson and D’Arcy 2014; Allan 2014; Anderson 2007; Bach 2008; Batnitzky and McDowell 2013; Bessa et al 2013; Cangiano and Walsh 2014; EHRC 2014; Moriarty 2010; Warwick IER 2013; Warwick IER 2014).

Employers and recruiters in the agriculture and horticulture sectors argue that the weather, the seasonal nature of the work, commuting long distances, using

accommodation on the farm, and low pay is unattractive to UK-born workers, reducing the numbers of willing candidates and creating higher demand for migrant labour to continue production (EHRC 2010; Findlay and McCollum 2013; Potter and Hamilton 2014; Scott et al 2008).

In the construction sector, some analysts have argued that the high proportion of self-employment makes it difficult to enforce labour standards (Caplan et al 2009; Chan et al 2008; Chan et al 2010; Fitzgerald 2007). The hospitality, catering, and food processing sectors also report long shifts of intense manual labour for low pay and strictly demand-dependent zero-hours contracts (Batnitzky and McDowell 2013; Fitzgerald 2007; Geddes 2008; Geddes and Scott 2010; James and Lloyd 2008; Janta 2011; Janta and Ladkin 2013; Matthews and Ruhs 2007; McDowell et al 2007; Moriarty 2010; Moriarty et al 2008; Scott 2013a; Scott et al 2012; Thompson et al 2013).

‘Workers need to be prepared to work flexibly which is essential when harvesting in unpredictable conditions and where the demand for staff fluctuates in response to customer orders, which can vary throughout the day.’

GS Fresh response to MAC call for evidence (MAC 2014, p 111)

Employers’ preferences and practices may also be motivated by larger business players putting increasing pressure on production for cheaper and more flexible labour, the impacts of the recession on shrinking budgets, and inability to invest and expand (McGovern 2007; Sa 2011; Shubin and Dickey 2013; Anderson 2007; Anderson 2010; Dustmann et al 2009; Devlin et al 2014; Dobson et al 2009; Findlay and McCollum 2013; Hogarth et al 2014).

Wider institutional and economic factors

Alongside working conditions and industry demands, some studies have argued that broader structural, institutional, and economic factors further shape demand and supply for migrant labour as well as employers’ practices and preferences.

The localised and inflexible nature of the benefits system, for example for social housing, may encourage immobility (Cho and Whitehead 2013) and makes the UK-born less likely to seek certain jobs (Geddes and Scott 2010; McCollum and Findlay 2015; Scott et al 2008). Insufficient regulation and underinvestment in vocational education and training leading to skill gaps are also common complaints (BIS 2015;

UK Commission for Employment 2014; Bach 2008; BIS 2015; Chan et al 2008; Lucas and Mansfield 2010; TUC Commission 2014).

Lastly, some studies argue that different levels of unionisation across sectors, regions, or occupations can influence discriminatory practices. Migrants are less likely to join unions, more likely to work for occupations or companies where there are no unions, or face lack of information and language barriers, leaving them more vulnerable to exploitation and violations of employment rights (Cam 2013; Fitzgerald 2007; McGovern 2007; Schmidt et al 1994; TUC Commission 2007).

Conclusions and further research

The depth of the research evidence on employers' recruiting and employment practices for migrant workers varies considerably. Certain findings are now well established, such as the widespread perception among employers that migrant workers bring particularly high productivity and reliability in low-wage jobs. To what extent these perceptions translate into unlawful discrimination is less clear. There is some evidence that employers have chosen recruitment mechanisms that are more likely to yield migrant applicants (such as international recruitment agencies), although more systematic analysis of the choice of recruitment methods would be needed to provide a clearer picture about the prevalence of these practices and how they fit within employers' HR strategies.

A second area in which further research is needed is the structural determinants of demand for migrant labour. As noted earlier, employers often emphasise the ways in which industry conditions and the competitive environment in which they operate make it difficult to accommodate larger numbers of UK workers. A fuller analysis of these market dynamics would be useful, examining the circumstances under which work could be restructured to attract a wider pool of applicants. This would help inform the discussion about 'objective justification' for indirect discrimination. Similarly, more in-depth analysis of the competitive environment in which recruitment agencies function, and the implications of subcontracting chains within recruitment would be useful – particularly for examining their role in facilitating the employment of particular types of workers (e.g. men vs. women, younger vs. older workers) rather than just foreign-born workers as a whole.

Finally, local and regional variation in recruiting practices and attitudes towards migrants is relatively limited and could help provide more detailed insight into the

conditions and circumstances under which employers rely on workers from the UK and overseas.

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Annex II: Equality framework

The Equality Act 2010 provides protection from discrimination on the grounds of nine ‘protected characteristics’ such as sex, race and disability. This includes making it unlawful to discriminate against people seeking employment. Companies and their agents must treat applicants fairly and not discriminate in any arrangements for making appointments.

Placing advertisements for jobs

Publicising roles using different channels can encourage applications from diverse candidates with relevant expertise. Companies should avoid advertising strategies which may effectively exclude people with a particular protected characteristic who may have the necessary skills for the role from applying. Where these strategies cannot be objectively justified it could lead to indirect discrimination. For example, advertising for a job exclusively in foreign language websites or advertising for a British job exclusively abroad. Similarly, relying only on personal networks and not advertising vacancies will limit the talent pool you are drawing from and the diversity of potential candidates. These approaches are potentially unlawful if they exclude particular protected groups from the recruitment process.

Instructions to discrimination

It is almost always unlawful for an employer to ask for a recruitment agency to discriminate against a group, for example to only provide candidates who are British. This amounts to an instruction to discriminate. Both the employer and the recruitment agency will be liable if the agency complies with the request.

Occupational requirement

Advertising or selecting a candidate based on a particular characteristic, such as nationality, is almost always directly discriminatory and unlawful under the Equality Act 2010. Such requirements exclude suitably qualified individuals from applying for these roles because they do not have the required protected characteristic.

An employer can require a job applicant or employee to have a particular protected characteristic in very limited circumstances. This is where having that protected characteristic is necessary for the particular role (it is an 'occupational requirement'), or one of the specific exceptions in the Act applies. Where an occupational requirement applies, the employer must ensure that imposing the requirement is objectively justifiable.

Where a restriction is applied, the advert must clearly state the reason for the restriction. For example, an advert for a care assistant for female service users might state: 'due to the provision of intimate care, this vacancy is restricted to women only'.

Language skills

A requirement to be proficient in one or more particular languages will not be discriminatory where it is an occupational requirement for the job which can be objectively justified. In order for all potential applicants to understand that it is a genuine requirement, it is good practice to advertise in English, as well as the required language if preferred. For example, an advert for a salesperson who will have to deal with Dutch buyers may state there is a requirement for applicants to speak Dutch, but it is good practice for the job to be advertised in English or, if preferred, in both English and Dutch so that all potential applicants are aware of the requirement. However, advertising for fruit pickers in Polish only is likely to exclude non-Polish speakers from applying. The ability to speak Polish is unlikely to be an occupational requirement for the job so the advert would be unlawfully discriminatory.

Assessing suitability for the role

Using recruitment and selection processes that allow for objective assessment of candidates' skills, experience, knowledge and personal qualities ensures that the best candidates are appointed on merit.

The Equality Act 2010 prohibits discrimination in the recruitment process. This means that employers must assess applicants objectively against role requirements, and assessment criteria or questions should not disadvantage people because of protected characteristics. Employers must not base their selection decisions on stereotypical assumptions or prejudice. A recruitment process that excludes or disadvantages people with particular protected characteristics is likely to be unlawful.

Positive action

While it is lawful to encourage groups who share a particular protected characteristic to apply for vacancies in order to address disadvantage or under-representation, it is not lawful to use this to restrict a job opportunity to someone of a particular protected characteristic or result in an applicant being treated more favourably during the recruitment process because they have a particular protected characteristic.

Positive action can be used to encourage applicants and develop the talent pool. Two voluntary forms of positive action are permitted under the Equality Act 2010: general positive action to increase the talent pool, for example, reserving places for a protected group on training courses, targeting them for networking opportunities or providing mentoring and sponsor programmes aimed at increasing representation at a particular level or role; and specific measures such as a tie-breaker provision at the final stage of recruitment. Both are permitted where a company reasonably thinks that a protected group is under-represented or faces disadvantage

Annex III: Survey questionnaires

Survey of employers

Discriminatory Recruitment Practices in Employment

J5486

Date 7/10/16

Telephone

Quotas:

SIC CODE / Description	Employment Sizebands				
	10-24	25-49	50-99	100+	Total
10 – Manufacture of food products	38	38	42	122	240
55 – Accommodation	53	55	58	74	240
56 – Food and beverage service	83	64	47	46	240
62 – Computer programming	53	48	48	91	240
87 – Residential care activities and 88 – Non-residential care activities	68	71	56	45	240
Total	278	271	264	387	1,200

S Screener

ASK TELEPHONIST

- S1 **Good morning / afternoon. My name is NAME and I'm calling from IFF Research on behalf of the Equality and Human Rights Commission (EHRC). Please may I speak to the person at this site who has the most responsibility for recruitment issues?**

INTERVIEWER NOTE IF RESPONDENT ATTEMPTS TO TRANSFER TO SOMEONE AT ANOTHER SITE: **We need to speak to somebody at this workplace rather than somebody at another branch or office of your organisation. We are looking to discuss local views and experiences of recruitment and development issues rather than company policies. May I please speak to the person at this site who would have the best overview of recruitment and personnel issues?**

Transferred	1	CONTINUE
Hard appointment	2	MAKE APPOINTMENT
Soft Appointment	3	
Refusal	4	CLOSE
Refusal – company policy	5	
Refusal – Taken part in recent survey	6	
Nobody at site able to answer questions	7	
Not available in deadline	8	
Engaged	9	
Fax Line	10	
No reply / Answer phone	11	
Residential Number	12	
Dead line	13	
Company closed	14	

ASK RESPONDENT

- S2 **Good morning / afternoon, my name is NAME, calling from IFF Research, an independent market research company. We're conducting a survey on behalf of the Equality and Human Rights Commission (EHRC). This is part of a research project which seeks to understand employers' experiences of recruiting UK-born and foreign-born workers. Would you be willing to take part in an interview? It should take around 20 minutes and no responses will be reported in any way that would allow your organisation to be identified.**

(ADD IF NECESSARY: The Commission wants to better understand some issues from the employer point of view. We know that these can be sensitive issues but we are looking for answers that reflect honestly what you believe the culture of your workplace to be.)

INTERVIEWER NOTE: The Equality and Human rights commission (EHRC) is an independent, government-funded non-departmental public body which aims to challenge discrimination and to protect and promote human rights. Its role is to promote and enforce the laws that protect our rights to fairness, dignity and respect.

Continue	1	CONTINUE
Referred to someone else at establishment NAME _____ JOB TITLE _____	2	TRANSFER AND RE-INTRODUCE
Hard appointment	3	MAKE APPOINTMENT
Soft appointment	4	
Refusal	5	THANK AND CLOSE
Refusal – company policy	6	
Refusal – taken part in recent survey	7	
Not available in deadline	8	

INTERVIEWER NOTE IF RESPONDENT ATTEMPTS TO TRANSFER TO SOMEONE AT ANOTHER SITE: **We would like to speak to somebody at this workplace rather than someone at another branch or office. We'd like to discuss local views and experiences of recruitment and development issues rather than company policies. Are you the person at this site who would have the best overview or knowledge of these sorts of issues?**

REASSURANCES TO USE IF NECESSARY

The interview will take around 15 minutes to complete.

Please be reassured that all responses will be strictly confidential. All data will be reported in aggregate form and your answers will not be reported to our client in any way that would allow you to be identified.

If respondent wishes to confirm validity of survey or get more information about aims and objectives, they can call:

- **MRS: Market Research Society on 0500396999**
- **IFF: Marc Cranney, Sarah Dobie or Gill Stewart: 0207 250 3035**
- **EHRC: Gregory Couch: 0161 829 8275**

S3 This call may be recorded for quality and training purposes only.

A Workplace Information

May I first of all ask you a couple of general questions about this establishment or site. By establishment or site I mean this single location, even if it encompasses more than one building.

ASK ALL

- A1 **I have [SIC DESCRIPTION ON SAMPLE] as a general classification for your establishment. Does this sound about right?**

Yes	1	
No	2	

IF SAMPLE SECTOR DESCRIPTION NOT ACCURATE (A1=2):

- A2 **How would you describe the main business activity of this establishment?**

PROBE FULLY:

What would you type into a search engine to find an organisation like yours online?

What is the main product or service of this establishment?

What exactly is made or done at this establishment?

Who does it sell its product/services to?

WRITE IN. TO BE CODED TO 4-DIGIT SIC07.

PLEASE CODE RESPONSE AGAINST THE FOLLOWING SECTOR TYPES – DO NOT READ OUT AND SINGLE CODE

Manufacture of food products	1	CHECK AGAINST QUOTAS AND CONTINUE
Accommodation	2	
Food and beverage service activities	3	
Social care	4	
Computer programming	5	THANK AND CLOSE
None of these	6	

I'd now like to ask you some questions about the staff working at your establishment or site.

ASK ALL

- A3 **How many people are directly employed at your workplace? By that I mean both full-time and part-time employees on your payroll. Please include yourself and working proprietors but exclude, the self-employed, outside contractor/agency staff, temporary staff employed through recruitment consultants or any employees under 16.**

WRITE IN		
Don't know	1	

CODE INTEGER TO RANGE. IF DON'T KNOW EXACT NUMBER – PROMPT WITH RANGES

Fewer than ten	1	WE ARE ONLY LOOKING TO INTERVIEW ORGANISATIONS WITH 10 OR MORE WORKERS – THANK AND CLOSE
Between 10 and 24 people	2	CHECK AGAINST QUOTAS AND CONTINUE
Between 25 and 49 people	3	
Between 50 and 99 people	4	
Between 100 and 249 people	5	
250+ people	6	
Don't Know	7	THANK AND CLOSE

ASK ALL

- A4 **What is the total number of temporary staff from recruitment consultants, agency workers or self-employed staff, including those without a contract, currently working at this establishment?**

WRITE IN		
Don't know	1	

CODE INTEGER TO RANGE. IF DON'T KNOW EXACT NUMBER – PROMPT WITH RANGES

None	1
Between 1 and 4 people	2
Between 5 and 9 people	3
Between 10 and 24 people	4
Between 25 and 49 people	5
Between 50 and 99 people	6
Between 100 and 249 people	7
250+ people	8
DO NOT READ OUT: Don't Know	X

ASK ALL

A5 **Would you classify your organisation as ...?**
READ OUT. CODE ONE ONLY

A private sector organisation	1
A public sector organisation	2
A charity or voluntary sector organisation or a social enterprise	3
DO NOT READ OUT: None of the above, other (SPECIFY)	4

B Employment of foreign-born workers

ASK ALL

B1 Do you currently have anyone who was born outside of the UK working for you?

Yes	1	
No	2	
Don't know	3	

IF EMPLOY FOREIGN-BORN WORKERS (B1=1)

B2 Are the foreign-born workers employed at your workplace, employed on a direct or indirect basis, or do you have a mixture of both? By direct we mean that they are on your payroll, by indirect we mean that they are employed on a self-employed basis or through an agency.

READ OUT AND CODE ONE ONLY

All directly employed	1	
All indirectly employed	2	
A mixture of both directly employed and indirectly employed	3	
Don't know	4	

IF EMPLOY FOREIGN-BORN WORKERS (B1=1)

B5 What are the 3 main countries that your foreign-born workers come from? (Please list in order of those with the greatest number of staff).

RECORD UP TO 3 COUNTRIES – ALLOW TO GIVE FEWER THAN 3

1 st COUNTRY	WRITE IN
2 nd COUNTRY	WRITE IN
3 rd COUNTRY	WRITE IN

FOR EACH COUNTRY MENTIONED IN THE WORKPLACE (FROM B5)

B3 How many people working at your site were born in these countries?

IF EMPLOY FOREIGN-BORN WORKERS (B1=1)

B6 In which types of roles are your foreign-born workers employed in?

ADD IF NECESSARY: **Please give me the three occupations that account for the largest number of foreign-born workers.**

INTERVIEWER NOTE: **We are looking for job titles here – not broad job categories e.g. ‘care assistant’ not just ‘care workers’.**

RECORD UP TO 3 OCCUPATIONS – ALLOW TO GIVE FEWER THAN 3

OCCUPATION 1	WRITE IN
OCCUPATION 2	WRITE IN
OCCUPATION 3	WRITE IN

DS INSTRUCTION: FOR EACH OCCUPATION PLEASE ASK B6A THEN B6B AND THEN B7 AND THEN REPEAT THIS LOOP FOR THE FOLLOWING OCCUPATION

FOR EACH OCCUPATION MENTIONED AT B6

B6A Please think about the [OCCUPATION] role in your workplace. Does this role tend to....?
READ OUT AND CODE ONE ONLY

Require very little or no training	1
Require some training	2
Or require a lot of training	3
Don't know	4

FOR EACH OCCUPATION MENTIONED AT B6

B6B Still thinking about the [OCCUPATION] role in your workplace. Do workers in this role tend to....?
READ OUT AND CODE ONE ONLY

Earn less than £7 an hour	1
Earn between £7 and £12.70 an hour	2
Or earn over £12.70 an hour	3
Don't know	4

FOR EACH OCCUPATION MENTIONED AT B6

B7 And would you agree or disagree that the [OCCUPATION] role tends to....?

	AGREE	DISAGREE	It depends / varies	DK
_3 Involve shift work and/or working outside of normal office hours	1	2	3	3
_6 Involve physically demanding work	1	2	3	3
-X Involve repetitive work	1	2	3	3
_7 Involve working a guaranteed number of hours each week	1	2	3	3
_8 Have unpredictable hours from one week to the next	1	2	3	3

_9 Be seasonal/temporary	1	2	3	3
_10 Be full-time	1	2	3	3
_11 Offer career development opportunities	1	2	3	3
_12 Require specific qualifications	1	2	3	3

ASK ALL

B8 In which types of roles do you most commonly employ UK-born workers?

ADD IF NECESSARY: **Please give me the three occupations that account for the largest number of UK-born workers.**

RECORD UP TO 3 OCCUPATIONS – ALLOW TO GIVE FEWER THAN 3

[INSERT FOREIGN-BORN WORKER OCCUPATION 1 FROM B6]	1	
[INSERT FOREIGN-BORN WORKER OCCUPATION 2 FROM B6]	2	
[INSERT FOREIGN-BORN WORKER OCCUPATION 3 FROM B6]	3	
OCCUPATION 1	4	WRITE IN
OCCUPATION 2	5	WRITE IN
OCCUPATION 3	6	WRITE IN

DS INSTRUCTION: FOR EACH OCCUPATION PLEASE ASK B8A THEN B8B AND THEN B9 AND THEN REPEAT THIS LOOP FOR THE FOLLOWING OCCUPATION

FOR EACH OCCUPATION MENTIONED AT B8 – DO NOT NEED TO RE-ASK FOR OCCUPATIONS DISCUSSED AT B6A-B7

B8A Please think about the [OCCUPATION] role in your workplace. Does this role tend to....?
READ OUT AND CODE ONE ONLY

Require very little or no training	1
Require some training	2
Or require a lot of training	3
Don't know	4

FOR EACH OCCUPATION MENTIONED AT B8 – DO NOT NEED TO RE-ASK FOR OCCUPATIONS DISCUSSED AT B6A-B7

B8B Still thinking about the [OCCUPATION] role in your workplace. Do workers in this role tend to....?
READ OUT AND CODE ONE ONLY

Earn less than £7 an hour	1
---------------------------	---

Earn between £7 and £12.70 an hour	2
Or earn over £12.70 an hour	3
Don't know	4

FOR EACH OCCUPATION MENTIONED AT B8 – DO NOT NEED TO RE-ASK FOR OCCUPATIONS DISCUSSED AT B6A-B7

B9 And would you agree or disagree that the [OCCUPATION] role tends to....?

	AGREE	DISAGREE	It depends / varies	DK
_3 Involve shift work and/or working outside of normal office hours	1	2	3	3
_6 Involve physically demanding work	1	2	3	3
-X Involve repetitive work	1	2	3	3
_7 Involve working a guaranteed number of hours each week	1	2	3	3
_8 Have unpredictable hours from one week to the next	1	2	3	3
_9 Be seasonal/temporary	1	2	3	3
_10 Be full-time	1	2	3	3
_11 Offer career development opportunities	1	2	3	3
_12 Require specific qualifications	1	2	3	3

IF DO NOT EMPLOY FOREIGN-BORN WORKERS (B1=2)

B9A You said that you do not currently employ any foreign-born workers. Have you ever had any job applications from foreign-born workers?

READ OUT AND CODE ALL MENTIONED.

Yes	1	
No	2	
Don't know	3	

IF DO NOT EMPLOY FOREIGN-BORN WORKERS BUT HAVE HAD APPLICATIONS FROM
FOREIGN BORN WORKERS (B1=2 AND B9A=1)

B10 **Are any of the following reasons why you do not currently employ foreign-born workers?**
READ OUT AND CODE ALL MENTIONED.

[IF NOT CODE 1]Have had few applications from these workers	2	
These workers are unlikely to stay in the job for long	3	
These workers often lack sufficient English language skills	4	
These workers tend to lack the skills or experience you need	5	
These workers are generally over-qualified	6	
These workers' salary expectations may be too high	7	
These workers can be difficult to retain	8	
Another reason (WRITE IN)	9	
Don't know	10	

C Recruitment needs

Now we'd like to discuss your business's needs when it comes to recruitment.

ASK ALL

- C1 **Have you recruited any new staff to your workplace in the last 12 months?**

Yes	1	
No	2	
Don't know	3	

ASK ALL WHO HAVE NOT RECRUITED (C1/2 OR 3)

- C2 **Have you TRIED to recruit any new staff to your workplace in the last 12 months?**

Yes	1	
No	2	
Don't know	3	

ASK ALL WHO HAVE RECRUITED OR TRIED TO RECRUIT (C1/1 OR C2/1)

- C3 **How big a challenge has recruitment of the right staff been for your workplace over the last 12 months? Please answer on a scale of 1 to 10 where 1 is not a challenge at all and 10 is a significant challenge that has inhibited the development of the business.**
READ OUT. SINGLE CODE.

Not a challenge at all										Significant challenge that has inhibited development of business	Don't know
1	2	3	4	5	6	7	8	9	10	11	

ASK ALL WHO HAVE RECRUITED OR TRIED TO RECRUIT (C1/1 OR C2/1)

- C4 **Over the last 12 months, have you looked to recruit staff for any of the following reasons...?**
READ OUT. CODE ALL THAT APPLY.

To replace staff who had left	1	
Because you were looking to develop or expand the business	2	
To address a skills gap among your existing staff	3	
To meet seasonal or fluctuating demand	4	

For other reasons (specify)	5	
Don't know	6	

ASK THOSE HAVE RECRUITED STAFF (C1/1)

- C5 **And are the new recruits that you have taken on in the last 12 months UK or foreign-born, or a mixture of both?**

UK-born	1	
Foreign-born	2	
A mixture of both	3	
Don't know	4	

ASK ALL WHO HAVE RECRUITED OR TRIED TO RECRUIT (C1/1 OR C2/1)

- C6 **In the last 12 months have you had any vacancies that have proved hard to fill?**

Yes	1	
No	2	
Don't know	3	

ASK IF VACANCIES PROVING HARD TO FILL (C6=1)

- C7 **Would you say the reasons for the difficulties that you experienced were related to....?**
READ OUT. CODE ALL THAT APPLY.

Strong competition for staff among employers in your sector	1	
People being reluctant to accept the salaries that you are able to offer	2	
The terms and conditions of the occupations (e.g. working hours, nature of work) being unattractive to lots of people	3	
A shortage of people with the necessary skills or experience in the labour market	4	
The recruitment channels that you were using failing to supply you with the staff you needed	5	
Other reasons (SPECIFY)	6	

- ASK IF VACANCIES PROVING HARD TO FILL (C6=1)
- C8 **Have you done or are you doing any of the following things to overcome the difficulties that you have faced?**
READ OUT. CODE ALL THAT APPLY.

Increased the salaries you offer for these posts	1
Restructured your existing workforce to cover the vacancies e.g. by redefining job roles or training existing staff	2
Changed the terms and conditions of the jobs to make them more attractive to potential recruits	3
Increased the amount you spend on recruitment or improved the recruitment channels you use	4
Targeted foreign-born workers to a greater extent	5
Brought in contractors to do the work, or contracting it out	6
Been prepared to offer training to less well qualified recruits	7
Something else (WRITE IN)	8
Nothing (ALLOW SINGLE CODE ONLY)	9
Don't know (ALLOW SINGLE CODE ONLY)	X

D Recruitment channels

Now thinking about the recruitment processes at your establishment...

ASK ALL

- D1 How do you advertise or let people know about vacancies at your establishment? Please tell me about all routes that you use.**

DO NOT READ OUT AND CODE ALL MENTIONED

IF MORE THAN ONE ROUTE MENTIONED AT D1

- D2 Which is the route that you tend to secure the majority of your UK-born workers through?**

READ OUT AND SINGLE CODE.

IF MORE THAN ONE ROUTE MENTIONED AT D1 AND EMPLOY FOREIGN-BORN WORKERS (B1=1)

- D3 And which is the route that you tend to secure the majority of your foreign-born workers through?**

READ OUT AND SINGLE CODE.

	D1	D2	D3
Word of mouth	1	1	1
Local newspapers / magazines	2	2	2
National newspapers / magazines	3	3	3
Social media	4	4	4
Your own company website	5	5	5
UK-based recruitment agencies	6	6	6
International recruitment agencies	7	7	7
Recruitment websites such as Monster or Gumtree	8	8	8
Jobcentre Plus	9	9	9
Other (please specify)	10	10	10
DO NOT READ OUT: Don't Know	X	X	X

ASK ALL

- D4 Have you ever....**

	YES	NO	DK
_1 Advertised a job vacancy aimed at foreign-born workers specifically	1	2	3
_2 Used specialist international recruitment agencies which find workers abroad and bring them over to the UK	1	2	3

_3 Used recruitment agencies who specialise in foreign-born workers who have recently moved to the country	1	2	3
_4 Taken any other action to try to increase the number of applications from foreign-born workers	1	2	3

IF USED ANY SOURCES TO RECRUITMENT FOREIGN-BORN WORKERS SPECIFICALLY
(ANY OF D4=1)

D5 **Which nationalities did you try to attract in particular through these activities?**

WRITE IN		
Don't know	1	

IF USED A TARGETED ADVERT (D4_1=1)

D6 **You said that your organisation has advertised a job vacancy aimed at foreign-born workers specifically. Have you ever placed any adverts anywhere that were written *exclusively* in a foreign language (i.e. without an English translation)?**

Yes	1	
No	2	
Don't know	3	

IF USED AN ADVERT EXCLUSIVELY IN FOREIGN LANGUAGE (D6=1)

D7 **And was the advert that you aimed specifically at foreign-born workers....?**
READ OUT AND CODE ALL MENTIONED

Placed in a foreign-language newspaper, leaflet or website	1	
Placed in a community centre or local area in which foreign-born people live or socialise	2	
Placed in an English-language newspaper but using text in a foreign language	3	
Stating explicitly that foreign-born workers were encouraged to apply	4	
Targeted in another way (WRITE IN)	5	
Don't know	6	
Refused	7	

IF USED SPECIALIST INTERNATIONAL RECRUITMENT AGENCIES (D4_2=1 OR D4_3=1)

D8 **Why do you use specialist international recruitment agencies?**

WRITE IN		
Don't know	1	

ASK ALL

- D9 [IF DO NOT USE RECRUITMENT CONSULTANTS; D1#6 AND D1#7 ADD: **You mentioned that you do not use recruitment agencies but] have recruitment agencies ever recommended foreign-born workers in general as being particularly well suited to your needs?**

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
Don't know	X

IF RECRUITMENT AGENCIES HAVE RECOMMENDED FOREIGN-BORN WORKERS (D9 = 1)

- D10 **Why did they say foreign-born workers would be well suited to your workplace?**

DO NOT READ OUT – CODE ALL MENTIONED

Good work-ethic; reliable	1
Prepared to work for low wages	2
Likely to remain employed for a long time	3
Have the skills or experience you need	4
Have recognisable qualifications	5
Prepared to move around, re-locate or live on-site	6
Prepared to work unsociable or unpredictable hours	7
Good English language skills	8
Likely to fit in well with the workplace culture	9
Other (WRITE IN)	10
Don't know / didn't say	X

ASK ALL

- D11 [IF DO NOT USE RECRUITMENT CONSULTANTS; D1#6 AND D1#7 ADD: **Even though you are not currently using recruitment agencies] Have recruitment agencies ever advised against recruiting foreign-born workers?**

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
Don't know	X

IF RECRUITMENT AGENCIES HAVE ADVISED AGAINST FOREIGN-BORN WORKERS (D11 = 1)

D12 Why did they say these workers would not be well suited to your workplace?

DO NOT READ OUT – CODE ALL MENTIONED

Bad work-ethic; unreliable	1
Not prepared to work for lower wages	2
Likely to be employed for a short time only	3
Lack the skills or experience you need	4
Not prepared to move around / re-locate	5
Not prepared to work unsociable or unpredictable hours	6
Not prepared to live on-site	7
Unlikely to have recognisable qualifications	8
Poor English language skills	9
Unlikely to fit in well with the workplace culture	10
Too much bureaucracy and eligibility checks required	11
Other (WRITE IN)	12
Don't know	X

E Selection of Candidates

IF EMPLOY FOREIGN BORN WORKERS OR HAVE HAD APPLICATIONS FROM FOREIGN BORN WORKERS (B9A#2 OR 3)

- E1 **In terms of securing a job at your establishment, compared with UK-born workers, do you find that foreign-born workers are...?**

READ OUT. SINGLE CODE.

Considerably more likely to be successful	1	
Slightly more likely to be successful	2	
Just as likely to be successful	3	
Slightly less likely to be successful	4	
Considerably less likely to be successful	5	
Not had any applications from foreign-born workers	6	
Don't know	X	

IF EMPLOY FOREIGN BORN WORKERS OR HAVE HAD APPLICATIONS FROM FOREIGN BORN WORKERS (B9A#2 OR 3)

- E2 **Which of these are reasons why applications from foreign-born workers have been unsuccessful...?**

READ OUT. CODE ALL THAT APPLY.

Lack of relevant knowledge/experience	1
Poor communication skills in English	2
They are under-qualified for the job	3
They are over-qualified for the job	4
They do not demonstrate sufficient enthusiasm, motivation and energy	5
They are not prepared to work long, unsociable or unpredictable hours	6
They are not prepared to re-locate or commute long distances	7
They are not prepared to accept the pay and working conditions	8
They are not prepared to work full-time	9
They are not prepared to work part-time	10
Other (Write in)	11
Don't know	X

ASK ALL

E3 Which of these are reasons why applications from UK-born workers have been unsuccessful...?

READ OUT. CODE ALL THAT APPLY

Lack of relevant knowledge/experience	1
Poor communication skills in English	2
They are under-qualified for the job	3
They are over-qualified for the job	4
They do not demonstrate enthusiasm, motivation and energy	5
They are not prepared to work long, unsociable or unpredictable hours	6
They are not prepared to re-locate or commute long distances	7
They are not prepared to accept the pay and working conditions	8
They are not prepared to work full-time	9
They are not prepared to work part-time	10
Other (Write in)	11
Don't know	X

F Attitudes to foreign born and UK-born workers

IF EMPLOY FOREIGN BORN WORKERS (B1=1)

F1 **Would you generally describe foreign-born workers as...?**

READ OUT. SINGLE CODE PER STATEMENT

	Yes	No	DO NOT READ OUT: It varies	DO NOT READ OUT: DK
Productive	1	2	3	X
Flexible	1	2	3	X
Enthusiastic / motivated	1	2	3	X
Well qualified and experienced	1	2	3	X
Having a good work ethic	1	2	3	X
Having low pay expectations	1	2	3	X
Having high pay expectations	1	2	3	X
Being willing to work long, unsociable or unpredictable hours	1	2	3	X
Being willing to work in difficult conditions	1	2	3	X
Being willing to commute long distances to work	1	2	3	X
Being concerned about the impact of the amount they work on their welfare benefits	1	2	3	X

ASK ALL

F2 **And would you generally describe UK-born workers as...?**

READ OUT. SINGLE CODE PER STATEMENT

	Yes	No	DO NOT READ OUT: It varies	DO NOT READ OUT: DK
Productive	1	2	3	X
Flexible	1	2	3	X
Enthusiastic / motivated	1	2	3	X
Well qualified and experienced	1	2	3	X
Having a good work ethic	1	2	3	X
Having low pay expectations	1	2	3	X
Having high pay expectations	1	2	3	X
Being willing to work long, unsociable or unpredictable hours	1	2	3	X
Being willing to work in difficult conditions	1	2	3	X
Being willing to commute long distances to work	1	2	3	X
Being concerned about the impact of the amount they work on their welfare benefits	1	2	3	X

IF EMPLOY FOREIGN BORN WORKERS (B1=1)

F3 To what extent do you agree or disagree with the following statement....?

READ OUT. SINGLE CODE PER LINE.

	Strongly agree	Tend to agree	Tend to disagree	Strongly disagree	DO NOT READ OUT: Applies to some and not others	DO NOT READ OUT: Not Applicable to our workplace	DO NOT READ OUT: DK
If we are employing individuals whose first language is not English, then we would prefer to hire workers who speak the same languages as other existing staff	1	2	3	4	5	X	X

- IF EMPLOY FOREIGN BORN WORKERS (B1=1)
 F4 **What do you think are the main advantages of recruiting foreign-born workers?**

DO NOT READ OUT – CODE ALL MENTIONED

Improved contacts and better access to foreign markets	1
Foreign language skills	2
They tend to be well qualified and experienced	3
Creation of a more diverse workplace with a better range of perspectives, skills and experiences	4
They are generally hard-working and motivated	5
They do not tend to complain about wages or terms and conditions	6
Foreign-born workers are in greater supply	7
Other (Write in)	8
Don't know	X
N/A	X

- IF EMPLOY FOREIGN BORN WORKERS (B1=1)
 F5 **And what do you think are the disadvantages of recruiting foreign-born workers?**

DO NOT READ OUT – CODE ALL MENTIONED

Poor English language skills/literacy	1
Lack of qualifications and relevant experience	2
They do not tend to fit in very well with the workplace culture	3
They are not sufficiently hard working or motivated	4
They tend to complain about wages or terms and conditions	5
Other (Write in)	6
Don't know	X
N/A	X

- IF EMPLOY FOREIGN BORN WORKERS (B1=1)
 F6 **What do you think are the advantages of recruiting UK-born workers?**

DO NOT READ OUT – CODE ALL MENTIONED

Good English language skills/literacy	1
Likely to fit in easily with the workplace culture	2
They tend to be well qualified and have relevant experience	3

They are generally hard-working and motivated	4
They do not tend to complain about wages or terms and conditions	5
UK-born workers are in greater supply	6
Other (Write in)	7
Don't know	X
N/A	X

IF EMPLOY FOREIGN BORN WORKERS (B1=1)

F7 **And what do you think are the main disadvantages of recruiting UK-born workers?**

DO NOT READ OUT – CODE ALL MENTIONED

Poor English language skills/literacy	1
Lack of qualifications and relevant experience	2
They do not tend to fit in very well with the workplace culture	3
They are not sufficiently hard working or motivated	4
They tend to complain about wages or terms and conditions	5
Other (Write in)	6
It can create problems with their benefits if we are unable to offer regular hours	7
Don't know	X
N/A	X

G Employment policies and awareness of legislation

ASK ALL

G1 Please could you tell me whether you believe the following statements to be true or false based on your understanding of employment law:

ADD IF NECESSARY: This is not a test. We are just interested to know how comfortable employers feel with what they are and are not allowed to do in recruitment.

	TRUE	FALSE	DK
_1. Employers can offer different pay rates for the same job roles to people born outside of the UK compared with UK-born workers	1	2	3
_2. Employers can offer different types of employment contract for the same roles to people born outside of the UK and to UK-born workers in where this meets the needs of the business	1	2	3
_3 Employers are allowed to advertise for people with English as their first language.	1	2	3
_4 Employers cannot advertise jobs in Britain exclusively in a foreign language (i.e. without an English translation of the advert).	1	2	3
_5. Employers are allowed to advertise jobs in Britain exclusively abroad (i.e. the advertisement is publicised in foreign countries but not in Britain)	1	2	3
_6. It is legal to offer less than the minimum wage to foreign-born workers	1	2	3
_7. Foreign-born workers are protected by the same equality law as UK-born workers	1	2	3
_8. Employers can have a quota for the number of foreign-born workers they employ.	1	2	3
_9. Employers can ask an applicant's nationality on an application form	1	2	3
_10. The Working Time Regulations do not apply to foreign-born workers	1	2	3
11. Employers must check that all foreign-born job applicants have the right to work in the UK before employing them, but they don't need to do this with UK-born applicants	1	2	3

ASK ALL

G2 Do you have an equal opportunities policy that covers your approach to recruitment?

Yes	1	
No	2	

Don't know	3	
------------	---	--

ASK ALL

G3 **Do you keep a record of the profile of job applicants by ethnicity?**

Yes	1	
No	2	
Don't know	3	

ASK ALL

G4 **And do you keep a record of the profile of job applicants by country of birth?**

Yes	1	
No	2	
Don't know	3	

ASK ALL

G5 **Do you provide any equality and diversity training to your staff?**

Yes	1	
No	2	
Don't know	3	

R Re-contact

ASK ALL

R1b **Thank you very much for taking the time to speak to us today. May I finally just take your name and job title?**

DO NOT READ OUT. SINGLE CODE

Name	WRITE IN
Job Title	WRITE IN

R1c **Would you be willing for us to re-contact you regarding:**

Your responses to this study if we need to clarify any of the information	1	
A follow-up study that will be taking place in a few months' time. This would involve an interviewer visiting you to explore your views and experiences in more depth in face-to-face discussion lasting around 45 minutes.	2	
Neither of these	3	

IF CONSENT TO RE-CONTACT

R1d **And could I just check, is [NUMBER] the best number to call you on?**

Yes	1	
No - write in number	2	

Finally I would just like to confirm that this survey has been carried out under IFF instructions and within the rules of the MRS Code of Conduct.

INTERVIEWER – PLEASE OFFER

- MRS Freephone number to check the validity of the research
- IFF telephone number to speak to research team (Gill Stewart, Sarah Dobie or Marc Cranney) on 0207 250 3035

Thank you very much for your help today.

ASK ALL

THANK RESPONDENT AND CLOSE INTERVIEW

Survey of recruitment agencies

Discriminatory Recruitment Practices in Employment: Recruitment Agencies

J5486

Date

7/10/16

Telephone

SIC CODE / Description for interview	Employment Sizebands					Total
	<10	10-24	25-49	50-99	100+	
10 – Manufacture of food products	Ensure a mix (set-up monitoring quota)					20
55 – Accommodation	Ensure a mix (set-up monitoring quota)					20
56 – Food and beverage service	Ensure a mix (set-up monitoring quota)					20
62 – Computer programming	Ensure a mix (set-up monitoring quota)					20
87 – Residential care activities and 88 – Non-residential care activities	Ensure a mix (set-up monitoring quota)					20
Total						100

T Screener

ASK TELEPHONIST

- S1 **Good morning / afternoon. My name is NAME and I'm calling from IFF Research on behalf of the Equality and Human Rights Commission (EHRC). Please may I speak to the manager of this office?**

Transferred	1	CONTINUE
Hard appointment	2	MAKE APPOINTMENT
Soft Appointment	3	
Refusal	4	CLOSE
Refusal – company policy	5	
Refusal – Taken part in recent survey	6	
Nobody at site able to answer questions	7	
Not available in deadline	8	
Engaged	9	
Fax Line	10	
No reply / Answer phone	11	
Residential Number	12	
Dead line	13	
Company closed	14	

ASK ALL

- S2 **Good morning / afternoon, my name is NAME, calling from IFF Research, an independent market research company. We're conducting some research on behalf of the Equality and Human Rights Commission (EHRC) which looks into how employers recruit UK-born and foreign-born workers with the right to work in the UK. A key part of the research is to collect the views of recruitment agencies on this topic. Would you be willing to take part in an interview?**

It should take around 15 minutes, everything you say will be completely confidential and no responses will be reported in any way that would allow your organisation to be identified.

ADD IF NECESSARY: The Commission wants to better understand some issues from the recruitment agency point of view. We know that these can be sensitive issues but we are looking for answers that reflect honestly your opinions and experiences.

INTERVIEWER NOTE: The Equality and Human rights commission (EHRC) is an independent, government-funded non-departmental public body which aims to challenge discrimination and to protect and promote human rights. Its role is to promote and enforce the laws that protect our rights to fairness, dignity and respect.

Continue	1	CONTINUE
Referred to someone else at establishment NAME _____ JOB TITLE _____	2	TRANSFER AND RE-INTRODUCE
Hard appointment	3	MAKE APPOINTMENT
Soft appointment	4	
Refusal	5	THANK AND CLOSE
Refusal – company policy	6	
Refusal – taken part in recent survey	7	
Not available in deadline	8	

REASSURANCES TO USE IF NECESSARY

The interview will take around 15 minutes to complete.

Please be reassured that all responses will be strictly confidential. All data will be reported in aggregate form and your answers will not be reported to our client in any way that would allow you to be identified.

If respondent wishes to confirm validity of survey or get more information about aims and objectives, they can call:

- **MRS: Market Research Society on 0500396999**
- **IFF: Marc Cranney or Sarah Dobie: 0207 250 3035**
- **EHRC: Gregory Crouch: 0161 829 8275**

S3 This call may be recorded for quality and training purposes only.

S Agency Details

I'd like to start by asking you a few details about your office and the types of roles that you recruit for.

ASK ALL

S1 Over the last 12 months, has your site recruited staff for roles in any of the following sectors?

READ OUT AND CODE ALL THAT APPLY.

Manufacture of food products	1	
Accommodation	2	
Food and beverage service activities	3	
Social care	4	
Computer programming	5	
None of these	6	THANK AND CLOSE

ASK ALL

S2 Do you source candidates in [IF ONE CODE MENTIONED AT A1: this sector] [IF MORE THAN ONE CODE MENTIONED AT A1: these sectors] yourselves or do you do so via subcontractors?

DO NOT READ OUT. CODE ALL MENTIONED.

We source candidates ourselves	1
Our subcontractors source candidates	2

	A mixture of both	3
	DO NOT READ OUT: Don't know	4
	ASK ALL	
S3	And does your company act as a subcontractor (i.e. you do not work directly with employers but give candidates to other recruitment agencies)?	
	DO NOT READ OUT. CODE ALL MENTIONED.	
	Yes	1
	No	2
	DO NOT READ OUT: Don't know	4
	ASK ALL	
S4	Is your site....?	
	The only site in the organisation	1
	Part of a larger chain	2
	None of these	3
	IF PART OF A LARGER CHAIN (A4=2)	
S5	Approximately how many different sites or offices are there in the chain (including yours)?	
	WRITE IN	
	Don't know	1
	IF DON'T KNOW EXACT NUMBER – PROMPT WITH RANGES	
	2-5	1
	6-10	2
	11-25	4
	26 or more	5
	Don't Know	5
	ASK ALL	
S6	How many people are <u>directly</u> employed at your workplace or branch? By that I mean both full-time and part-time employees on your payroll. Please include yourself and working proprietors but exclude, the self-employed, outside contractor/agency staff, temporary staff employed through recruitment consultants or any employees under 16.	

WRITE IN		
Don't know	1	

CODE INTEGER TO RANGE. IF DON'T KNOW EXACT NUMBER – PROMPT WITH RANGES

Fewer than ten	1	CHECK AGAINST QUOTAS AND CONTINUE
Between 10 and 24 people	2	
Between 25 and 49 people	3	
Between 50 and 99 people	4	
Between 100 and 249 people	5	
250+ people	6	
Don't Know	7	

T Foreign-born workers

T1 Over the last 12 months, have any of the individuals that you have placed with employers been...?

READ OUT. CODE ALL MENTIONED.

Foreign-born workers living in the UK who were looking for their first job in this country	1	
Foreign-born workers who had prior experience of working in the UK	2	
Individuals who were living abroad at the time when you placed them with an employer in the UK	3	
DO NOT READ OUT: None of these	4	Thank and
DO NOT READ OUT: Don't know	5	close

ASK ALL WORKING IN 2 OR MORE SECTORS OF INTEREST (FROM A1) AND HAVE PLACED FOREIGN-BORN WORKERS (B1/1-3)

T2 You mentioned before that you operate in a number of the sectors that we are interested in. I'd like to focus the rest of the interview on one of these – which of these accounts for the greatest proportion of the foreign-born workers that you have placed in the last 12 months.

READ OUT. AND SINGLE CODE.

Manufacture of food products	1	
Accommodation	2	
Food and beverage service activities	3	
Social care	4	
Computer programming	5	
DO NOT READ OUT: Have not placed foreign-born workers in any of these sectors	6	Thank and close
DO NOT READ OUT: None of these	7	

[DS INSTRUCTION: IF RESPONDENT SELECTS A QUOTA AT B2 WHICH HAS BEEN HIT WOULD IT BE POSSIBLE TO ASK THE RESPONDENT TO DISCUSS A DIFFERENT ONE (I.E. THE ONE THAT ACCOUNTS FOR THE SECOND / THIRD PROPORTION OF FOREIGN BORN WORKERS PLACED)]

B2A We have already conducted reached our target number of interviews discussing this sector – which of these sectors that you operate in accounts for the next greatest proportion of foreign-born applicants faced?

- ASK ALL WHO HAVE PLACED FOREIGN-BORN WORKERS (B1/1-3)
- T3 **And thinking specifically of the [TEXT SUB SECTOR (TAKEN FROM A1 IF A1 IS SINGLE-CODED, OTHERWISE TAKEN FROM B2)] sector, have any of the workers that you have placed in the last 12 months been....?**

READ OUT. CODE ALL MENTIONED.

NOTE TO PROGRAMMER: SHOW ONLY CODES MENTIONED AT B1

- | | |
|--|---|
| Foreign-born workers who were already living in the UK and were looking for their first job in this country | 1 |
| Foreign-born workers who had already been working in this country | 2 |
| Individuals who were living abroad at the time when you placed them with an employer | 3 |
| DO NOT READ OUT: None of these | 4 |
| DO NOT READ OUT: Don't know | 5 |

- IF HAVE PLACED FOREIGN-BORN WORKERS (B1/1-3)
- T4 **Please think about the foreign-born workers that you have placed in the [TEXT SUB SECTOR (TAKEN FROM A1 IF A1 IS SINGLE-CODED, OTHERWISE TAKEN FROM B2)] over the past 12 months. From which countries do these workers originate? (Please name the top three countries in order of those with the greatest number of staff).**

RECORD UP TO 3 COUNTRIES – ALLOW TO GIVE FEWER THAN 3

- FOR EACH COUNTRY MENTIONED AT B4
- T5 **How many of the individuals that you have placed in the last year are from these countries?**

1 st COUNTRY	WRITE IN
2 nd COUNTRY	WRITE IN
3 rd COUNTRY	WRITE IN

U Recruitment approaches

For the next few questions, please continue to think specifically of your clients in the [TEXT SUB SECTOR (TAKEN FROM A1 IF A1 IS SINGLE-CODED, OTHERWISE TAKEN FROM B2)] sector

ASK ALL

- U1 In the last 12 months, when looking to fill vacancies for your clients in this sector, have you...?**

	YES	NO	DK
_1 Advertised job vacancies aimed at foreign-born workers already in the UK	1	2	3
_2 Advertised job vacancies aimed at foreign-born workers living abroad	1	2	3
_3 Done anything else to try to increase the number of applications from foreign-born workers	1	2	3

IF USED ANY SOURCES TO RECRUITMENT FOREIGN-BORN WORKERS SPECIFICALLY (ANY OF B4=1)

- U2 Were these efforts aimed at attracting workers of any specific nationality? If so, which ones?**

WRITE IN		
Had no particular nationality in mind	1	
Don't know	2	

IF USED A TARGETED ADVERT (C1_1=1)

- U3 You said that your organisation has advertised a job vacancy aimed at foreign-born workers specifically. Have you ever placed any adverts anywhere that were written *exclusively* in a foreign language (i.e. without an English translation)?**

Yes	1	
No	2	
Don't know	3	

IF USED AN ADVERT EXCLUSIVELY IN FOREIGN LANGUAGE (C3=1)

U4 **And was the advert that you aimed specifically at foreign-born workers....?**

READ OUT AND CODE ALL MENTIONED

Placed in a foreign-language newspaper, leaflet or website	1	
Placed in a community centre or local area in which foreign-born people live or socialise	2	
Placed in an English-language newspaper but using text in a foreign language	3	
Stating explicitly that foreign-born workers were encouraged to apply	4	
Targeted in another way (WRITE IN)	5	
DO NOT READ OUT: Don't know	6	
DO NOT READ OUT: Refused	7	

IF USED AN ADVERT EXCLUSIVELY IN FOREIGN LANGUAGE (C3=1)

U5 **You said that your organisation has advertised a job vacancy aimed at foreign-born workers specifically. Have you ever placed any adverts in foreign countries without also advertising that opportunity in the UK at the same time?**

Yes	1	
No	2	
Don't know	3	

ASK ALL

U6 **Have you ever recommended certain groups of foreign-born workers to employers as being particularly well suited to a vacancy that they were looking to fill?**

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
Don't know	X

IF HAVE RECOMMENDED FOREIGN-BORN WORKERS (C6=1)

U7 **Why did you say that foreign-born workers would be well suited to the position?**

DO NOT READ OUT – CODE ALL THAT MENTIONED

Good work-ethic; reliable	1
Prepared to work for low wages	2
Likely to remain employed for a long time	3
Have the skills or experience needed	4
Have recognisable qualifications	5

Prepared to move around, re-locate or live on-site	6
Prepared to work unsociable or unpredictable hours	7
Good English language skills	8
Likely to fit in well with the workplace culture	9
Other (WRITE IN)	10
Don't know / didn't say	X

IF HAVE RECOMMENDED FOREIGN-BORN WORKERS (C6=1)

- U8 **For which types of vacancy have you recommended foreign-born workers as being particularly suitable? Please give me the three most common occupations**

INTERVIEWER NOTE: **We are looking for job titles here – not broad job categories e.g. ‘care assistant’ not just ‘care workers’.**

RECORD UP TO 3 OCCUPATIONS – ALLOW TO GIVE FEWER THAN 3

OCCUPATION 1	WRITE IN
OCCUPATION 2	WRITE IN
OCCUPATION 3	WRITE IN

ASK ALL

- U9 **Have you ever advised an employer against recruiting foreign-born workers for a particular vacancy?**

DO NOT READ OUT. SINGLE CODE.

Yes	1
No	2
Don't know	X

IF RECRUITMENT AGENCIES HAVE ADVISED AGAINST FOREIGN-BORN WORKERS (C9 = 1)

- U10 **Why did you say these workers would not be well suited to the vacancies that your client had?**

DO NOT READ OUT – CODE ALL MENTIONED

Bad work-ethic; unreliable	1
Not prepared to work for lower wages	2
Likely to be employed for a short time only	3
Lack the skills or experience you need	4
Not prepared to move around / re-locate	5
Not prepared to work unsociable or unpredictable hours	6

Not prepared to live on-site	7
Unlikely to have recognisable qualifications	8
Poor English language skills	9
Unlikely to fit in well with the workplace culture	10
Too much bureaucracy and eligibility checks required	11
Other (WRITE IN)	12
Don't know	X

IF RECRUITMENT AGENCIES HAVE ADVISED AGAINST FOREIGN-BORN WORKERS (C9 = 1)

- U11 **For which types of vacancy have you advised against recruiting foreign-born workers? Please give me the three most common occupations.**

INTERVIEWER NOTE: **We are looking for job titles here – not broad job categories e.g. ‘care assistant’ not just ‘care workers’.**

RECORD UP TO 3 OCCUPATIONS – ALLOW TO GIVE FEWER THAN 3

OCCUPATION 1	WRITE IN
OCCUPATION 2	WRITE IN
OCCUPATION 3	WRITE IN

ASK ALL

- U12 **Have the employers that you worked with ever told you that they are looking specifically for foreign-born workers to fill a particular vacancy?**

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
Don't know	X

IF RECRUITMENT AGENCIES HAVE HAD EMPLOYERS REQUEST FOREIGN-BORN WORKERS SPECIFICALLY (C12 = 1)

- U13 **Why did they say that they required foreign-born workers specifically? DO NOT READ OUT – CODE ALL MENTIONED**

Good work-ethic; reliable	1
Prepared to work for low wages	2
Likely to remain employed for a long time	3

Have the skills or experience you need	4
Have recognisable qualifications	5
Prepared to move around, re-locate or live on-site	6
Prepared to work unsociable or unpredictable hours	7
Good English language skills	8
Likely to fit in well with the workplace culture	9
They did not believe that UK-born workers would be willing to do the job	10
Other (WRITE IN)	11
Don't know / didn't say	X

IF RECRUITMENT AGENCIES HAVE HAD EMPLOYERS REQUEST FOREIGN-BORN WORKERS SPECIFICALLY (C12 = 1)

U14 For which types of vacancy have employers told you they required foreign-born workers? Please give me the three most common occupations

INTERVIEWER NOTE: **We are looking for job titles here – not broad job categories e.g. ‘care assistant’ not just ‘care workers’.**

RECORD UP TO 3 OCCUPATIONS – ALLOW TO GIVE FEWER THAN 3

OCCUPATION 1	WRITE IN
OCCUPATION 2	WRITE IN
OCCUPATION 3	WRITE IN

ASK ALL

U15 Have the employers that you worked for ever told you that they are looking specifically for UK-born workers to fill a particular vacancy?

DO NOT READ OUT. SINGLE CODE

Yes	1
No	2
Don't know	X

IF RECRUITMENT AGENCIES HAVE HAD EMPLOYERS REQUEST UK-BORN WORKERS SPECIFICALLY (C15 = 1)

U16 Why did they say that they required UK-born workers specifically?

DO NOT READ OUT – CODE ALL MENTIONED

Good work-ethic; reliable	1
Prepared to work for low wages	2

Likely to remain employed for a long time	3
Have the skills or experience you need	4
Have recognisable qualifications	5
Prepared to move around, re-locate or live on-site	6
Prepared to work unsociable or unpredictable hours	7
Good English language skills	8
Likely to fit in well with the workplace culture	9
Other (WRITE IN)	10
Don't know / didn't say	X

IF RECRUITMENT AGENCIES HAVE HAD EMPLOYERS REQUEST UK-BORN WORKERS SPECIFICALLY (C15 = 1)

- U17 **For which types of vacancy have employers told you they required UK-born workers? Please give me the three most common occupations**

INTERVIEWER NOTE: **We are looking for job titles here – not broad job categories e.g. ‘care assistant’ not just ‘care workers’.**

RECORD UP TO 3 OCCUPATIONS – ALLOW TO GIVE FEWER THAN 3

OCCUPATION 1	WRITE IN
OCCUPATION 2	WRITE IN
OCCUPATION 3	WRITE IN

ASK IF FIND WORKERS ABROAD (B3=3)

- U18 **What are the advantages of recruiting workers directly from foreign countries? DO NOT READ OUT AND CODE ALL MENTIONED.**

They have skills that are in demand in the UK	1	
They have a good work ethic	2	
They bring diversity and cultural richness to employers in the UK	3	
They can introduce new ways of working and new contacts	4	
They speak languages other than English	5	
They enable us to fill positions that UK-based workers do not want to do	6	
Other (WRITE IN)	7	
Don't know	8	
Refused	9	

ASK IF FIND WORKERS ABROAD (B3=3)

- U19 **What are the disadvantages of recruiting workers directly from foreign countries? DO NOT READ OUT AND CODE ALL MENTIONED.**

The time it takes to complete the process	1	
The costs involved	2	
Has a negative impact on the motivation of local workers	3	
Poor English language skills	4	
Other (WRITE IN)	5	
Don't know	6	
Refused	7	

V Success of foreign-born candidates in securing jobs

Again still thinking specifically of your clients in the [TEXT SUB SECTOR (TAKEN FROM A1 IF A1 IS SINGLE-CODED, OTHERWISE TAKEN FROM B2)] sector

ASK ALL

- V1 In terms of securing employment, compared with UK-born applicants, do you find that foreign-born applicants are...?

READ OUT. SINGLE CODE.

Considerably more likely to be successful	1	
Slightly more likely to be successful	2	
Just as likely to be successful	3	
Slightly less likely to be successful	4	
Considerably less likely to be successful	5	
DO NOT READ OUT: Not had any applications from foreign-born workers	6	
DO NOT READ OUT: Don't know	X	

ASK ALL

- V2 Which of these are reasons why applications from foreign-born candidates have been unsuccessful...?

READ OUT. CODE ALL THAT APPLY.

IF MENTION MORE THAN 3 REASONS AT D2

- V3 And of those you mentioned, which 3 would you say are the most common reasons...?

READ OUT. CODE ALL THAT APPLY

	D2	D3
Lack of relevant knowledge/experience	1	1
Poor communication skills in English	2	2
They are under-qualified for the job	3	3
They are over-qualified for the job	4	4
They do not demonstrate sufficient enthusiasm, motivation and energy	5	5
They are not prepared to work long, unsociable or unpredictable hours	6	6
They are not prepared to re-locate or commute long distances	7	7
They are not prepared to accept the pay and working conditions	8	8
They are not prepared to work full-time	9	9
They are not prepared to work part-time	10	10
Prejudice on the part of employers	11	11

DO NOT READ OUT: Other (Write in)	12	12
DO NOT READ OUT: Don't know	X	X

ASK ALL

V4 **Which of these are reasons why applications from UK-born candidates have been unsuccessful...?**

READ OUT. CODE ALL THAT APPLY

IF MENTION MORE THAN 3 REASONS AT D2

V5 **And of those you mentioned, which 3 would you say are the most common reasons...?**

READ OUT. CODE ALL THAT APPLY

	D4	D5
Lack of relevant knowledge/experience	1	1
Poor communication skills in English	2	2
They are under-qualified for the job	3	3
They are over-qualified for the job	4	4
They do not demonstrate enthusiasm, motivation and energy	5	5
They are not prepared to work long, unsociable or unpredictable hours	6	6
They are not prepared to re-locate or commute long distances	7	7
They are not prepared to accept the pay and working conditions	8	8
They are not prepared to work full-time	9	9
They are not prepared to work part-time	10	10
<i>Prejudice on the part of employers</i>	11	11
DO NOT READ OUT: Other (Write in)	12	12
DO NOT READ OUT: Don't know	X	X

W Attitudes to foreign born and UK-born workers

ASK ALL

- W1 In your experience of recruiting candidates for jobs for the [TEXT SUB SECTOR (TAKEN FROM A1 IF A1 IS SINGLE-CODED, OTHERWISE TAKEN FROM B2)] sector, would you generally describe foreign-born applicants as...?
READ OUT. SINGLE CODE PER STATEMENT.

	Yes	No	DO NOT READ OUT: It varies	DO NOT READ OUT: DK
Productive	1	2	3	X
Flexible	1	2	3	X
Enthusiastic / motivated	1	2	3	X
Well qualified and experienced	1	2	3	X
Having a good work ethic	1	2	3	X
Having low pay expectations	1	2	3	X
Having high pay expectations	1	2	3	X
Being willing to work long, unsociable or unpredictable hours	1	2	3	X
Being willing to work in difficult conditions	1	2	3	X
Being willing to commute long distances to work	1	2	3	X
Being concerned about the impact of the amount they work on their welfare benefits	1	2	3	X

ASK ALL

W2 **And would you generally describe UK-born applicants as...?***READ OUT. SINGLE CODE PER STATEMENT.*

	Yes	No	DO NOT READ OUT: It varies	DO NOT READ OUT: DK
Productive	1	2	3	X
Flexible	1	2	3	X
Enthusiastic / motivated	1	2	3	X
Well qualified and experienced	1	2	3	X
Having a good work ethic	1	2	3	X
Having low pay expectations	1	2	3	X
Having high pay expectations	1	2	3	X
Being willing to work long, unsociable or unpredictable hours	1	2	3	X
Being willing to work in difficult conditions	1	2	3	X
Being willing to commute long distances to work	1	2	3	X
Being concerned about the impact of the amount they work on their welfare benefits	1	2	3	X

ASK ALL

W3 **What do you think are the main advantages that foreign-born workers bring for employers in this sector?***DO NOT READ OUT – CODE ALL MENTIONED*

Improved contacts and better access to foreign markets	1
Foreign language skills	2
They tend to be well qualified and experienced	3
Creation of a more diverse workplace with a better range of perspectives, skills and experiences	4
They are generally hard-working and motivated	5
They do not tend to complain about wages or terms and conditions	6
Foreign-born workers are in greater supply	7

Other (Write in)	8
Don't know	X
N/A	X

ASK ALL

W4 **And what do you think are the disadvantages for employers of recruiting foreign-born workers?**

DO NOT READ OUT – CODE ALL MENTIONED

Poor English language skills/literacy	1
Lack of qualifications and relevant experience	2
They do not tend to fit in very well with the workplace culture	3
They are not sufficiently hard working or motivated	4
They tend to complain about wages or terms and conditions	5
Other (Write in)	6
Don't know	X
N/A	X

ASK ALL

W5 **What do you think are the main advantages that recruiting UK-born workers brings for employers in this sector?**

DO NOT READ OUT – CODE ALL MENTIONED

Good English language skills/literacy	1
Likely to fit in easily with the workplace culture	2
They tend to be well qualified and have relevant experience	3
They are generally hard-working and motivated	4
They do not tend to complain about wages or terms and conditions	5
UK-born workers are in greater supply	6
Other (Write in)	7
Don't know	X
N/A	X

ASK ALL

W6 **And what do you think are the main disadvantages of recruiting UK-born workers?**

DO NOT READ OUT – CODE ALL MENTIONED

Poor English language skills/literacy	1
Lack of qualifications and relevant experience	2
They do not tend to fit in very well with the workplace culture	3
They are not sufficiently hard working or motivated	4
They tend to complain about wages or terms and conditions	5
Other (Write in)	6
It can create problems with their benefits if we are unable to offer regular hours	7
Don't know	X
N/A	X

X Employment policies and awareness of legislation

ASK ALL

- X1 **Please could you tell me whether you believe the following statements to be true or false based on your understanding of employment law:**

ADD IF NECESSARY: **This is not a test. We are just interested to know how comfortable you feel with what employers are and are not allowed to do in recruitment.**

	TRUE	FALSE	DK
_1. Employers can offer different pay rates for the same job roles to people born outside of the UK compared with UK-born workers	1	2	3
_2. Employers can offer different types of employment contract for the same roles to people born outside of the UK and to UK-born workers in where this meets the needs of the business	1	2	3
_3 Employers are allowed to advertise for people with English as their first language.	1	2	3
_4 Employers cannot advertise jobs in Britain exclusively in a foreign language (i.e. without an English translation of the advert).	1	2	3
_5. Employers are allowed to advertise jobs in Britain exclusively abroad (i.e. the advertisement is publicised in foreign countries but not in Britain)	1	2	3
_6. It is legal to offer less than the minimum wage to foreign-born workers	1	2	3
_7. Foreign-born workers are protected by the same equality law as UK-born workers	1	2	3
_8. Employers can have a quota for the number of foreign-born workers they employ.	1	2	3
_9. Employers can ask an applicant's nationality on an application form	1	2	3
_10. The Working Time Regulations do not apply to foreign-born workers	1	2	3
11. Employers must check that all foreign-born job applicants have the right to work in the UK before employing them, but they don't need to do this with UK-born applicants	1	2	3

ASK ALL

- X2 **Do you have an equal opportunities policy that covers your approach to recruitment policies?**

Yes	1	
-----	---	--

No	2	
Don't know	3	

ASK ALL

X3 **Do you keep a record of the profile of job applicants by ethnicity?**

Yes	1	
No	2	
Don't know	3	

ASK ALL

X4 **And do you keep a record of the profile of job applicants by country of birth?**

Yes	1	
No	2	
Don't know	3	

ASK ALL

X5 **Do you provide any equality and diversity training to your staff?**

Yes	1	
No	2	
Don't know	3	

Y Re-contact

ASK ALL

Y1e **Thank you very much for taking the time to speak to us today. May I finally just take your name and job title?**

DO NOT READ OUT. SINGLE CODE

Name	WRITE IN
Job Title	WRITE IN

Y1f **Would you be willing for us to re-contact you regarding:**

Your responses to this study if we need to clarify any of the information	1	
A follow-up study that we will be conducting soon. This would involve an interviewer visiting you to explore your views and experiences in more depth in face-to-face discussion lasting around 45 minutes.	2	
Neither of these	3	

IF CONSENT TO RE-CONTACT

Y1g **And could I just check, is [NUMBER] the best number to call you on?**

Yes	1	
No - write in number	2	

Finally I would just like to confirm that this survey has been carried out under IFF instructions and within the rules of the MRS Code of Conduct.

INTERVIEWER – PLEASE OFFER

- MRS Freephone number to check the validity of the research
- IFF telephone number to speak to research team (Gill Stewart, Sarah Dobie or Marc Cranney) on 0207 250 3035

Thank you very much for your help today.

ASK ALL

THANK RESPONDENT AND CLOSE INTERVIEW

Annex IV: Survey response tables

Quantitative surveys of employers and recruitment consultants

The quantitative part of the project involved:

- 1,200 interviews with employers
- 100 interviews with recruitment agencies / recruitment consultants

Survey of employers

The employer survey was sampled at the level of workplaces (rather than organisations) as this the level at which recruitment decisions are most commonly made.

Rather than covering the whole economy, the survey focused on 5 sectors which have a relatively high proportion of foreign-born workers (as evidenced through the Labour Force Survey/Annual Population Survey).

The sectors covered by the survey were:

- Food Manufacturing (SIC Code 10)
- Accommodation (SIC Code 55)
- Food service (SIC Code 56)
- Computer Programming (SIC Code 62)
- Social Care (SIC Codes 87 and 88)

These sectors were selected to include a mix of those traditionally viewed as requiring lower-skilled and higher-skilled workers.

The survey covered only workplaces with at least 10 staff in order to focus on those that are recruiting on a more regular basis and that account for the majority of employment. Although the smallest employers are quite numerous, they account for a relatively small share of employment.

Across the 5 sectors covered by the survey:

- There are 289,915 workplaces in the UK (of which 103,819 have at least 10 staff)
- Which employ 5,067,674 employees (of which 3,190,541 work for employers with at least 10 staff)

Targets for the number of interviews to be achieved were set by sector, size (number of employees) and country. The overall target was split evenly between the 5 sectors (to give 240 interviews per sector) and a target of around 200 interviews in Scotland and around 100 in Wales was set. Within each sector, the distribution of interviews by sizeband was agreed to strike a balance between the number of workplaces within each sizeband and the proportion of the workforce employed by employers in each sizeband. The final profile of interviews achieved is shown in the table below.

Table AIV.1 Achieved interviews by size and sector

England

SIC Code: Sector Description	Sizeband				Total
	10-24	25-49	50-99	100+	
10 – Manufacture of food products	44	41	48	107	240
55 – Accommodation	53	55	58	74	240
56 – Food and beverage service	83	64	47	46	240
62 – Computer programming	74	61	51	54	240
87 – Residential care activities and 88 – Non-residential care activities	68	71	56	45	240
Total	322	292	260	326	1,200

Scotland

SIC Code: Sector Description	Sizeband				Total
	10-24	25-49	50-99	100+	
10 – Manufacture of food products	6	3	2	4	15
55 – Accommodation	12	12	4	14	42
56 – Food and beverage service	13	11	13	12	49
62 – Computer programming	17	9	4	4	34
87 – Residential care activities and 88 – Non-residential care activities	11	13	9	8	41
Total	59	48	32	42	181

Wales

SIC Code: Sector Description	Sizeband				Total
	10-24	25-49	50-99	100+	
10 – Manufacture of food products	4	6	4	10	24
55 – Accommodation	2	4	8	5	19
56 – Food and beverage service	5	7	6	1	19
62 – Computer programming	4	0	2	2	8
87 – Residential care activities and 88 – Non-residential care activities	5	8	5	2	20
Total	20	25	25	20	90

The sample for the survey was drawn from the Experian business database which has a very good coverage of the UK business population.

Interviews were conducted by telephone and lasted around 20 minutes on average.

On introducing the survey, interviewers asked to interview ‘the person at the site with the best overview of recruitment and personnel issues. This tended to be an HR Manager/Director in larger workplaces and an Owner/General Manager in smaller ones.

The questionnaire covered the following broad areas:

- Workplace structure
- Numbers of foreign-born workers and roles in which they and UK-born workers are most likely to be employed
- Recruitment needs
- Recruitment channels
- Selection of candidates
- Attitudes towards foreign-born and UK-born workers
- Employment policies and awareness of legislation

At the analysis stage, the data from the survey of employers was weighted to the profile of employers across the 5 sectors by size, sector and country. The population figures used for weighting were taken from the Inter-Departmental Business Register (IDBR) maintained by the Office of National Statistics (ONS). The numbers of workplaces in each of the 5 sectors varies quite considerably (from around 40,000 in the social care and food services sectors to around 3,000 in the food manufacture

sector). This means that, when weighted, the total level findings are quite heavily influenced by the findings from these two largest sectors. For this reason, results are normally shown both at overall level and for each sector individually.

Survey of recruitment agents

The survey of recruitment agents was also sampled from the Experian business database (supplemented through some manual desk research).

The 100 interviews with recruitment agents were structured so that 20 of the interviews focussed on a discussion about each sector covered by the employer survey. At the beginning of the interview, recruitment agents were asked which of the 5 sectors their business covered and then asked to focus on one of those covered for the remainder of the interview.

A slightly different questionnaire was used for recruitment consultants but it covered very similar issues as the employer questionnaire. Again the interviews lasted around 20 minutes on average and were conducted by telephone.

Because of the small sample size for this survey, the results from the survey of recruitment agents have not been weighted.

Annex V: Additional sector-specific survey findings

This section contains additional survey analysis on the areas below. The authors felt that the findings went to a level of detail that was not necessary in the main report but which nevertheless may be of interest to some readers, particularly those with an interest in a specific sector:

- Reasons why applications from UK-born and foreign-born workers have been unsuccessful, by sector (Table A4.1)
- Levels of training required in job roles most commonly undertaken by UK-born and foreign-born workers, by sector (Table A4.2)
- The types of job roles most commonly undertaken by UK-born and foreign-born workers, by sector (Table A4.3)
- Employer attitudes towards UK-born and foreign-born workers, by sector (Table A4.4)
- Advantages of employing foreign-born workers, by sector (Table A4.5)
- Advantages of employing UK-born workers, by sector (Table A4.6)
- Disadvantages of employing foreign-born workers, by sector (Table A4.7)
- Disadvantages of employing UK-born workers, by sector (Table A4.8)
- The proportion of workplaces that agreed or disagreed with specific statements about relevant employment legislation (Table A4.9).

Table AV.1 Reasons why applications from UK-born and foreign-born workers have been unsuccessful, by sector






	Food manufacturing		Accommodation		Food service		Computer Programming		Social Care	
	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born
<i>Unweighted Bases</i>	240	226	240	221	240	210	240	222	240	201
Insufficient enthusiasm, motivation and energy	66%	30%	67%	35%	73%	37%	47%	20%	57%	23%
Lack of relevant knowledge/experience	57%	47%	57%	45%	57%	42%	79%	62%	69%	50%
They were under-qualified	40%	29%	42%	33%	33%	23%	65%	47%	47%	33%
They were not prepared to work long, unsociable or unpredictable hours	43%	13%	59%	19%	47%	17%	9%	3%	31%	7%
Poor communication skills in English	32%	57%	29%	57%	37%	60%	36%	47%	41%	47%
They were not prepared to accept the pay and working conditions	27%	7%	37%	11%	30%	12%	21%	9%	24%	9%
They were not prepared	23%	8%	37%	13%	28%	19%	23%	11%	24%	11%

to re-locate or commute long distances										
They were not prepared to work part-time	13%	8%	25%	10%	21%	6%	6%	1%	17%	4%
They were over-qualified	19%	13%	17%	19%	15%	17%	24%	3%	15%	7%
They were not prepared to work full-time	17%	6%	30%	6%	17%	4%	9%	3%	11%	3%
The recruitment process is complicated	-	*%	-	2%	-	*%	-	6%	-	1%
Other	3%	8%	5%	12%	2%	15%	2%	9%	2%	14%
Don't know	10%	13%	9%	12%	9%	11%	9%	11%	8%	16%

Workplaces across all five sectors were more likely to say that applications from UK-born workers had been unsuccessful due to factors relating to their attitude to work.

For example, in each of the five sectors the proportion of workplaces that said that applications from UK-born applicants had been unsuccessful due to insufficient enthusiasm, motivation and energy was far higher than the proportion of workplaces who said that applications from foreign-born workers had been unsuccessful for the same reason. Similarly, workplaces in each sector were less likely to say that applications from foreign-born workers had been unsuccessful as they were unprepared to accept the terms and conditions of the job (in terms of pay, hours of work, location and type of position – whether part-time or full-time).

Table AV.2 Levels of training required in job roles most commonly undertaken by UK-born and foreign-born workers, by sector

	 Food manufacturing		 Accommodation		 Food service		 Computer Programming		 Social Care	
	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born
<i>Unweighted Bases: (Occupations in which workers are most commonly employed)</i>	454	389	520	442	444	337	448	330	432	272
Little	6%	11%	7%	10%	9%	7%	6%	7%	6%	2%
Some	49%	51%	43%	46%	43%	42%	36%	32%	31%	30%
A lot	44%	37%	49%	44%	46%	51%	57%	59%	62%	67%
Don't know	1%	1%	1%	*	2%	%	1%	1%	1%	1%

The overall similarity in the nature of the jobs most commonly undertaken by UK-born workers and foreign-born workers is also evident within each of the individual sectors (Table A4.3).

The increased likelihood for roles most commonly filled by foreign-born workers to be full-time is evident in all sectors apart from computer programming (where nearly all the top three roles for both UK-born and foreign-born workers tended to be full-time).

Table AV.3 Proportion of employers that agreed that job roles most commonly undertaken by UK-born and foreign-born workers tended to... (by sector)



	Food manufacturing		Accommodation		Food service		Computer Programming		Social Care	
	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born
<i>Unweighted Bases:</i>										
<i>(Occupations in which workers are most commonly employed)</i>	454	389	520	442	444	337	448	330	432	272
Offer career development opportunities	80%	84%	84%	86%	81%	87%	93%	95%	88%	89%
Be full-time	84%	92%	75%	82%	74%	88%	98%	97%	71%	81%
Involve working guaranteed hours	87%	87%	76%	80%	66%	74%	95%	93%	90%	95%
Involve working outside normal office hours/shift work	57%	60%	81%	82%	90%	94%	16%	16%	62%	78%
Involve repetitive work	72%	79%	81%	84%	82%	81%	41%	33%	62%	67%
Involve physically demanding work	55%	52%	60%	67%	60%	61%	8%	8%	49%	57%
Require specific qualifications	36%	31%	35%	27%	26%	28%	61%	69%	69%	69%

Have unpredictable hours	22%	22%	44%	45%	48%	45%	11%	13%	18%	18%
Be seasonal/temporary	13%	15%	23%	24%	24%	18%	3%	3%	10%	6%

The other small differences in the nature of the top three roles for UK-born and foreign-born workers within sectors were that:

- Within the food service sector, the top three roles undertaken by foreign-born workers were slightly more likely to have guaranteed hours and slightly less likely to be seasonal/temporary.
- Within the social care sector, the top three roles undertaken by foreign-born workers were slightly more likely to involve working outside normal office hours or shift work and also slightly more likely to involve work that was physically demanding.
- In the computer programming sector, roles requiring specific qualifications were slightly more likely to appear among the top three roles for foreign-born workers than among those for UK-born workers. They were slightly less likely to do so in the accommodation sector.

Table AV.4 Proportion of employers who would generally describe UK-born and foreign-born workers as... (by sector)



	Food manufacturing		Accommodation		Food service		Computer Programming		Social Care	
	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born	UK-born	Foreign-born
<i>Unweighted Bases</i>	240	203	240	201	240	177	240	197	240	167
Productive	84%	97%	82%	93%	81%	93%	89%	92%	84%	91%
Flexible	78%	98%	79%	94%	77%	93%	89%	91%	74%	89%

Enthusiastic/motivated	69%	92%	73%	90%	71%	90%	88%	90%	79%	86%
Having a good work ethic	70%	95%	71%	94%	72%	92%	87%	90%	74%	91%
Well qualified and experienced	69%	63%	71%	63%	67%	69%	85%	83%	71%	70%
Willing to work long, unsociable or unpredictable hours	46%	68%	54%	80%	65%	75%	41%	45%	51%	60%
Willing to work in difficult conditions	45%	55%	45%	59%	56%	63%	32%	25%	44%	54%
Concerned about how the amount they work impacts on their welfare benefits	43%	22%	51%	23%	47%	19%	19%	8%	41%	15%
Having high pay expectations	48%	18%	50%	17%	40%	21%	45%	19%	37%	16%
Willing to commute long distances to work	40%	44%	37%	46%	40%	52%	58%	50%	35%	40%
Having low pay expectations	10%	18%	20%	22%	19%	13%	9%	10%	15%	19%

Table AV.5 Advantages of employing foreign-born workers, by sector






															
	Food manufacturing			Accommodation			Food and beverage service activities			Computer Programming			Social Care		
	T	F	DK	T	F	DK	T	F	DK	T	F	DK	T	F	DK
<i>Unweighted Bases</i>	240			240			240			240			240		
<i>Advantages</i>															
No advantage/no difference	36%			31%			36%			36%			29%		
They are generally hard-working or motivated	39%			34%			34%			9%			30%		
Creation of a more diverse workplace with a better range of perspectives, skills and experiences	6%			12%			13%			16%			25%		
They tend to be well qualified and experienced	8%			5%			3%			28%			7%		
Foreign language skills	3%			5%			4%			7%			7%		
They tend to be flexible	10%			6%			5%			2%			4%		
They do not tend to complain about wages or working conditions	4%			4%			2%			2%			8%		
Foreign-born workers are in greater supply	6%			5%			4%			4%			1%		
Have better contacts and access to foreign-markets	*%			*%			1%			4%			1%		
They are loyal/want long-term employment	1%			1%			2%			-			1%		
Other	3%			2%			1%			4%			3%		
Don't know	3%			13%			9%			7%			11%		

Table AV.6 Advantages of employing UK-born workers, by sector






															
	Food manufacturing			Accommodation			Food and beverage service activities			Computer Programming			Social Care		
	T	F	DK	T	F	DK	T	F	DK	T	F	DK	T	F	DK
Unweighted Bases	240			240			240			240			240		
Advantages															
Good English language skills/literacy	41%			42%			49%			23%			29%		
No advantage/no difference	38%			23%			27%			38%			34%		
Likely to fit in easily with the workplace culture	9%			15%			16%			10%			13%		
They tend to be well qualified and have relevant experience	8%			5%			7%			15%			16%		
Understand local area/local knowledge	11%			12%			6%			5%			4%		
They are generally hard-working and motivated	4%			4%			6%			1%			3%		
Recruitment process is easier	3%			3%			4%			10%			3%		
They do not tend to complain about wages or terms and conditions	*%			2%			2%			1%			2%		
UK-born workers are in greater supply	3%			*%			2%			6%			1%		
Stay in job a long time	2%			3%			*%			*%			1%		
Other	4%			2%			5%			*%			3%		
Don't know	4%			11%			2%			5%			11%		

Table AV.7 Disadvantages of employing foreign-born workers, by sector






															
	Food manufacturing			Accommodation			Food and beverage service activities			Computer Programming			Social Care		
	T	F	DK	T	F	DK	T	F	DK	T	F	DK	T	F	DK
<i>Unweighted Bases</i>	240			240			240			240			240		
Disadvantages															
Poor English language skills/literacy	49%			49%			50%			29%			40%		
No disadvantage/no difference	39%			31%			37%			39%			38%		
They do not tend to fit in very well with the workplace culture/cultural differences	6%			11%			7%			10%			10%		
Process of employment is more difficult	4%			3%			4%			21%			7%		
Take longer holiday periods	3%			1%			2%			*%			4%		
Unlikely to stay in the job for long	2%			5%			1%			5%			1%		
Lack of qualifications and relevant experience	3%			1%			-			2%			4%		
They tend to complain about wages or terms and conditions	-			*%			-			-			1%		
They are not sufficiently hard working or motivated	1%			-			*%			-			1%		
Other	3%			5%			1%			3%			5%		
Don't know	3%			6%			3%			4%			5%		

Table AV.8 Disadvantages of employing UK-born workers, by sector











															
	Food manufacturing			Accommodation			Food and beverage service activities			Computer Programming			Social Care		
	T	F	DK	T	F	DK	T	F	DK	T	F	DK	T	F	DK
<i>Unweighted Bases</i>	240			240			240			240			240		
Disadvantages															
No disadvantage/no difference	59%			43%			56%			60%			48%		
They are not sufficiently hard working or motivated	20%			26%			13%			5%			17%		
They tend to complain about wages or terms and conditions	11%			17%			10%			9%			11%		
Lack of flexibility	5%			5%			3%			3%			5%		
It can create problems with their benefits if we are unable to offer regular hours	2%			2%			5%			-			4%		
Lack of qualifications and relevant experience	1%			*%			*%			7%			4%		
Don't stay in role very long	4%			2%			1%			1%			2%		
They do not tend to fit in very well with the workplace culture	2%			0%			1%			2%			1%		
Poor English language skills/literacy	1%			0%			2%			1%			*%		
Other	2%			2%			4%			2%			1%		
Don't know	5%			13%			9%			11%			14%		

Table AV.9 Proportion of workplaces that reported each statement was true or false, by sector¹⁵

															
	Food manufacturing			Accommodation			Food and beverage service activities			Computer Programming			Social Care		
	T	F	DK	T	F	DK	T	F	DK	T	F	DK	T	F	DK
<i>Unweighted Bases</i>	240			240			240			240			240		
Average number of correct answers	8.0			7.6			7.7			7.3			7.5		
Employers can offer different pay rates for the same job roles to people born outside of the UK compared with UK-born workers	7%	91%	2%	5%	92%	2%	10%	86%	4%	15%	77%	8%	7%	88%	5%
Employers can offer different types of employment contract for the same roles to people born outside of the UK and to UK-born workers where this meets the needs of the business	9%	86%	5%	11%	85%	5%	14%	79%	7%	19%	71%	10%	10%	86%	4%
Employers are allowed to advertise for people with English as their first language	23%	68%	10%	36%	57%	8%	41%	51%	8%	49%	41%	11%	30%	56%	15%
Employers cannot advertise jobs in Britain exclusively in a foreign language (i.e. without an English translation of the advert)	41%	41%	18%	31%	49%	20%	40%	44%	16%	45%	35%	21%	38%	40%	22%
Employers are allowed to advertise jobs in Britain exclusively abroad (i.e. the advertisement is publicised in foreign countries but not in Britain)	28%	48%	23%	25%	53%	22%	30%	53%	17%	27%	51%	22%	24%	49%	27%
It is legal to offer less than the minimum wage to foreign-born workers	2%	97%	1%	8%	91%	1%	6%	93%	1%	4%	94%	2%	6%	92%	2%
Foreign-born workers are protected by the same equality law as UK-born workers	95%	4%	1%	94%	2%	4%	95%	2%	2%	93%	4%	3%	94%	2%	4%
Employers can have a quota for the number of foreign-born workers they employ	12%	72%	16%	13%	67%	21%	14%	67%	19%	19%	57%	24%	10%	58%	32%
Employers can ask an applicant's nationality on an application form	57%	34%	9%	58%	36%	7%	65%	28%	7%	57%	36%	7%	55%	36%	9%

¹⁵ The correct responses are highlighted green.

	Food manufacturing			Accommodation			Food and beverage service activities			Computer Programming			Social Care		
	T	F	DK	T	F	DK	T	F	DK	T	F	DK	T	F	DK
<i>Unweighted Bases</i>	240			240			240			240			240		
Average number of correct answers	8.0			7.6			7.7			7.3			7.5		
Working Time Regulations do not apply to foreign-born workers	6%	90%	4%	4%	93%	3%	3%	94%	4%	3%	94%	3%	5%	91%	4%
Employers must check that all foreign-born job applicants have the right to work in the UK before employing them, but they don't need to do this with UK-born applicants	44%	52%	4%	54%	42%	4%	54%	42%	4%	49%	50%	1%	52%	44%	4%

Annex VI: Details of the qualitative sample

Worker interviews

The qualitative interviews of workers were carried out between October 2015 and February 2016, using a discussion guide contained in Annex VI. The interviews took between 20 and 40 minutes.

Overall, 21 interviews were carried out with foreign-born workers and five with UK-born workers, as shown in Table A5.1.

Table AVI.1 Sample by country

Country of origin of worker/Number of interviews	
Lithuania	6
UK	5
Poland	3
Hungary	2
Latvia	2
Estonia	2
Czech Republic	1
Bulgaria	1
Romania	1
Morocco	1
Kenya	1
Brazil	1

The interviews covered the five sectors in a relatively even spread as shown in Table A5.2.

Table AVI.2 Sample by sector

Foreign-born workers	
Sector	Number of interviews
Computer programming	5
Manufacture of food products	3
Accommodation	4
Food and beverage service activities	4
Social care	5
UK-born workers	
Sector	Number of interviews
Computer programming	1
Manufacture of food products	1
Accommodation	1
Food and beverage service activities	1
Social care	1

The geographical spread of the interviews is shown in Table A5.3.

Table AVI.3 Sample by geographical area

Area	Number of interviews
London	13
Scotland	8
South East	4
Midlands	1

The spread of telephone and face-to-face interviews is shown in Table A5.4.

Table AVI.4 Sample by mode of interview

Mode of interview /Number of interviews	
Telephone	16
Face-to-face	10

Employer interviews

The qualitative interviews of employers were carried out in October 2015, using a discussion guide contained in Annex VI. The interviews took between 20 and 40

minutes. A total of five were carried out, all on a telephone basis. Two were in social care, two in manufacture of food products and one in food and beverage services. In terms of size two were in the 25-49 employee category, one in the 50-99 category and two in the 100-249 category.

Annex VII: Qualitative questionnaires

Foreign-born worker

Background

Could you tell me a little about yourself – where you are from, what sort of work you do in general, why you came to the UK and how long you have been here?

Have you had or applied for a number of jobs here in the UK? Interviewer to explain that we will talk in some detail about up to three recruitment experiences.

Job seeking experiences (interviewer to ask these questions for up to three experiences)

Tell me about recruitment experience X. Interviewee to talk about it in their own words, but interviewer to use prompts if necessary:

- How did you hear about the vacancy? What attracted you to the job and what made you decide to apply?
- Did you have to make a formal application? Please tell me about the process.
- Was there a formal interview?
- If not, what was the process? Did you think that the process was fair?
- If yes, tell me about the interview:
 - how many people interviewed you?
 - What were the questions like, both in terms of content and tone?
 - How did you feel that your interview was handled overall – did you feel comfortable?
 - Did the recruiters say or do anything to make you think that you were a preferred candidate, or that you would be good at certain tasks? If so, what did they say or do? *Prompt if necessary by mentioning their status as a foreign-born worker*

-
- Did the recruiters say or do anything to make you think that you were not a preferred candidate, or that you were not suitable for certain tasks? If so, what did they say or do? *Prompt if necessary by mentioning their status as a foreign-born worker*
 - Did the employer mention any other candidates for the job, such as those from other countries or those that were UK-born? If so, were you compared with these other candidates? How?
 - Did the employer make any reference to your nationality or status as a foreign-born worker? If so, what did they say, and how did it make you feel? Were you subject to any checks, such as ID, passport etc?
 - Did you get the job?
 - If you did not get the job, why do you think that was? Did the employer tell you the reason? Do you feel that this was the real reason? Do you know who the job went to? Do you feel that the outcome was connected in any way with your status as a foreign-born worker?
 - If you did get the job, why do you think that was? Did the employer give you reasons for their decision? Do you think there were any other factors that were relevant? Do you feel that the outcome was connected in any way with your status as a foreign-born worker?
 - Do you feel, or have you ever felt, that your status as a foreign-born worker has helped you to find work in the UK? If yes, why do you think this is? Have employers ever said anything specific to you (eg work ethic, skills and ability, economic expectations, expectations of working conditions).
 - Do you feel, or have you ever felt, that your status as a foreign-born worker has hindered you from finding employment in the UK? If yes, why do you think this is? Have employers ever said anything specific to you?

Employment experiences

Have you ever worked alongside UK-born workers?

If yes, what is your general experience of this? Do foreign-born and UK-born workers mix well at the workplace? *Interviewer to encourage the interviewee to talk about the social and cultural dynamics at the workplace.*

Have you ever felt that you have been treated differently by your employer in comparison to UK-born workers? If yes, in what way? *Interviewer to probe for positive and negative experiences.*

Why do you think this has been the case? (Eg differences in work ethic, skills and ability, economic expectations, expectations of working conditions, cultural fit).

General questions

Is there anything else that you would like to mention?

Do you know anyone else who may be interested in talking to us?

Thank and close. Give the shopping vouchers and get the interviewee to sign the receipt.

UK-born worker

Background

Could you tell me a little about yourself – what sort of work you do in general, and how long you have worked at this organisation.

Have you had or applied for a number of jobs during your career? Interviewer to explain that we will talk in some detail about up to three recruitment experiences.

Job seeking experiences (interviewer to ask these questions for up to three experiences)

Tell me about recruitment experience X. Interviewee to talk about it in their own words, but interviewer to use prompts if necessary:

- How did you hear about the vacancy?
- Did you have to make a formal application? Please tell me about the process.
- Was there a formal interview?
- If not, what was the process? Did you think that you were treated fairly?
- If yes, tell me about the interview:
 - how many people interviewed you?
 - What were the questions like, both in terms of content and tone?
 - How did you feel that your interview was handled overall – did you feel comfortable?
 - Did the recruiters say or do anything to make you think that you were a preferred candidate, or that you would be good at certain tasks? If so, what

did they say or do? *Prompt if necessary by mentioning their status as a UK-born worker*

- Did the recruiters say or do anything to make you think that you were not a preferred candidate, or that you were not suitable for certain tasks? If so, what did they say or do? *Prompt if necessary by mentioning their status as a UK-born worker*
- Did the employer mention any other candidates for the job? If so, were you compared with these other candidates? How?
- Did you get the job?
- If you did not get the job, why do you think that was? Did the employer tell you the reason? Do you feel that this was the real reason? Do you know who the job went to?
- If you did get the job, why do you think that was? Did the employer give you reasons for their decision? Do you think there were any other factors that were relevant?
- Overall, how easy or hard has it been for you to find work? What are the major challenges you have faced in looking for work?
- Have you ever felt that being British, as opposed to foreign-born, has helped or hindered you to find work in the UK? *(This question will need careful handling)*

Employment experiences

Have you ever worked alongside foreign-born workers?

If yes, what is your general experience of this? Do foreign-born and UK-born workers mix well at the workplace? *Interviewer to encourage the interviewee to talk about the social and cultural dynamics at the workplace.*

Have you ever felt that you have been treated differently by your employer in comparison to foreign-born workers? If yes, in what way? *Interviewer to probe for positive and negative experiences.*

Why do you think this has been the case? *(Eg differences in work ethic, skills and ability, economic expectations, expectations of working conditions, cultural fit).*

General questions

Is there anything else that you would like to mention?

Do you know anyone else who may be interested in talking to us?

Thank and close.

Employer

Background

Can you tell me a little about your organisation in terms of sector, size and workforce?

What is the general skills profile of your workforce?

Do you employ foreign-born workers in general? If so:

- What proportion, roughly, of your workforce is made up of foreign-born workers and what proportion is UK-born?
- Which countries do foreign-born workers tend to come from? Do you know roughly when they arrived in the UK? If so, when?
- Are there any specific types of role that foreign-born workers tend to fill in your organisation, compared to UK-born workers? If so, what are these roles and why do you think there are differences?

Recruiting workers

What main channels do you use to recruit staff? (Eg agency, word of mouth, newspaper adverts, adverts in specialist publications, online - which websites). Are there any differences in how you recruit UK-born and foreign-born staff? Do you ever advertise overseas? (probe to find out if also advertised in the UK)

In your view are foreign-born workers particularly suited/preferred for posts? if so why is this the case and do you express this preference in advertising?

Please think about the successful applications for employment that you have received. What were the main reasons for them being successful, and were there any differences between UK-born and foreign-born applicants? Interviewer to probe on issues such under/over-qualification, skills, language capabilities, work ethic, flexibility, cultural fit, attitude to pay and conditions, benefits eligibility.

Now please think about the unsuccessful applications for employment that you have received. Again, what were the main reasons for them being unsuccessful, and were there any differences between UK-born and foreign-born applicants? Interviewer to

probe on issues such under/over-qualification, skills, language capabilities, work ethic, flexibility, cultural fit, attitude to pay and conditions, benefits eligibility.

Your experience of foreign-born and UK-born workers

Tell me a little about your overall experience of employing foreign-born workers, in terms of how they fit in with the rest of the workforce, what their work ethic is like and what their expectations are in relation to pay and working conditions. Does any of this differ in comparison with UK-born workers in your workforce?

Are there sometimes differences in the pay and conditions provided to UK-born and foreign-born staff? (e.g. foreign-born staff may require accommodation, transport)

Overall, would you assess your general experience of employing foreign-born workers as positive or negative, or a mixture of both? How does this compare to UK-born workers?

What, in your view and for your organisation, are the main advantages and disadvantages of employing foreign-born workers? Can you give specific examples?

What, in your view and for your organisation, are the main advantages and disadvantages of employing UK-born workers? Can you give specific examples?

Final questions

In the future, do you expect to employ fewer/more or around the same number of foreign-born workers? How about UK workers?

What are the reasons for your answer?

Is there anything else you'd like to talk about?

Thank and close.

Recruitment agency

Background

Can you tell me a little about your agency and the types of client companies that it works with? Do you specialise in particular sectors or industries?

What types of workers do you generally supply to your clients? What are their main skills, experiences and aspirations?

Supplying workers

- Please tell me about how you source workers and the advertising methods you use. Do these methods vary from UK-born to foreign-born people? Have you targeted foreign-born people using particular methods and/or advertising in specific places? If so, how?
- What sorts of criteria do you use to match workers with placements and is there any difference between the type and length of placements taken on by foreign-born workers compared to UK-born ones?
- What proportion, roughly, of the workers you supply are foreign-born compared to UK-born? Which countries do these workers tend to come from? Do you generally deal with new arrivals or people that have been in the country for some time? Do client organisations ever ask you specifically for foreign-born workers? How about UK-born ones?
- If requesting workers of a particular nationality, which nationalities are preferred, if any? Do you generally comply with this request?
- Are there any specific types of role that organisations want foreign-born workers to fill? How does this compare to UK-born workers?

Where organisations request foreign-born workers instead of UK-born workers specifically, what reasons do they tend to give for this preference? *Interviewer to probe for skills requirements, including language skills, but also issues such as preferences for work ethic, attitudes to pay and terms and conditions, cultural fit.*

Do you ever actively recommend foreign-born workers to organisations? What about advising against UK-born workers? If so, why is that?

Do you ever warn organisations against employing foreign-born workers, and advise them to take on UK-born ones instead? If so, on what grounds?

Experiences of employing workers

Have you had feedback about organisations' experiences of the workers that you have supplied to them? Have there been any differences in the feedback about foreign-born workers compared to UK-born ones? If so, could you give us a flavour of that feedback, both positive and negative? *Interviewer to encourage interviewee to relate specific examples.*

Overall, would you assess the general experience that client companies have had of employing foreign-born workers as positive or negative, or a mixture of both?

Likewise, how would you assess the experience that clients have had of employing UK-born workers?

What, in your view, are the main advantages and disadvantages of employing foreign-born workers? Can you give specific examples?

What, in your view, are the main advantages and disadvantages of employing UK-born workers? Can you give specific examples?

Final questions

In the future, do you expect to supply fewer/more or around the same number of foreign-born workers?

What are the reasons for your answer?

Is there anything else you'd like to talk about?

Thank and close.

Contacts

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For advice, information or guidance on equality, discrimination or human rights issues, please contact the Equality Advisory and Support Service, a free and independent service.

Website www.equalityadvisoryservice.com

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