

UCATT

Union of
Construction
Allied Trades and
Technicians

Building Worker



Spring 2010



Keep the Tories off our sites
Don't let the Conservatives in on polling day

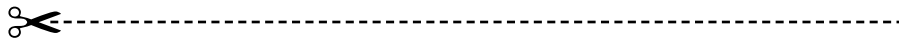
UNION OF CONSTRUCTION, ALLIED TRADES & TECHNICIANS
 FREEPOST, 177 Abbeville Road, Clapham, London SW4 9DR



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the union for all workers in the construction and building trades

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UCATT membership	<input type="checkbox"/>	Do you wish to pay your dues by direct debit?	<input type="checkbox"/>
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UCATT Building Worker

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**Bogus
self-employment**
Housebuilders defend their
'hidden subsidy'
pages 4-5

General election
Why we say vote Labour
pages 7-14

Blacklisting
Disappointment with new
regulations
page 16

Pleural plaques
Campaign goes on, insists union
pages 18-19

Plus
Legal brief: 15 **Adviceline:** 16
International: 20 **Your
money:** 21 **Obituaries:** 22



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Pete Jenkins



Helping hand from the union

UCATT Project Worker Steve Craig on his feet for the press conference and launch of UCATT's Vulnerable Workers' Unit. The unit is a new service designed to help construction workers who are especially vulnerable to exploitation. These include agency workers, youngsters and migrant workers. See full story on page 17.

Government unveils plans for compensation fund UCATT hails success for unprotected workers

Injured or sick workers unable to claim compensation because former employers cannot be traced will in future not be left penniless, thanks to intense UCATT campaigning.

The Department for Work and Pensions (DWP) launched a consultation in February on plans to create an Employers Liability Insurance Bureau (ELIB) scheme.

The union hailed the announcement, saying it represented a major success for the UCATT campaign to deliver justice for workers who cannot secure compensation for work-related illness or injury.

Under the scheme, all employer liability insurance policies would have to include a small premium that would be paid into an ELIB central fund. If a worker developed a serious industrial disease and no insurer could be identified, the individual would be paid compensation by the fund.

Individuals

Currently, individuals do not receive any compensation in such circumstances.

Reacting to the Government's announcement, UCATT General Secretary Alan Ritchie said: "This is excellent news and an important step forward. Far too often workers develop life-threatening illnesses

"This is excellent news and an important step forward... If a worker's health is ruined, then they deserve compensation."

because employers have failed to provide adequate protection from harmful substances. If a worker's health is ruined, then they deserve compensation. By establishing the ELIB, the Government will ensure this occurs."

UCATT has led the campaign for the establishment of the ELIB and has regularly lobbied the Government to take action on the matter. At the 2008 Labour Party conference, the union successfully called for the creation of the ELIB. Party leaders and ministers have since been investigating how such a body would function.

The DWP is also considering the creation of an Employers Liability Tracing Service, which would help people track down their employer's liability insurance policies and speed up compensation payments.

Operate

It is envisaged that ELIB would operate in a similar manner as the existing Motor Insurance Bureau, which provides compensation to car owners who are involved in accidents with uninsured drivers.

The TUC also welcomed the launch of the consultation on the ELIB. Its General Secretary, Brendan Barber, said: "The creation of an Employers Liability Insurance Bureau will be of real benefit for those who develop a disease as a result of exposure to asbestos or other hazardous substances.

"Because of the length of time between exposure to a chemical or asbestos and the development of diseases, it can be very difficult to trace who the insurer was at the time of exposure. This means that, in many cases, someone who contracts a work-related disease as a result of their employer's negligence is unable to get the compensation they are entitled to."

● "Union to fight on for pleural plaques justice": page 15.



● The EFBWW's campaign poster appears in seven other European languages.

Construction chiefs unite to oppose 'undeclared labour'

European construction trade unions and employer representatives have signed a joint declaration condemning bogus self-employment in the industry.

The EFBWW (European Federation of Building and Woodworkers) and the FIEC employers' association forged the pact at a two-day meeting in Prague in February.

UCATT hopes that the agreement will be used as a major lobbying tool to help eradicate bogus self-employment throughout construction, wherever it occurs in the European Union.

However, the union noted with disappointment that the British employers are not part of FIEC.

The document, titled "Joint Conclusions and Recommendations of the European Partners in the Construction Industry on Self-Employment and Bogus Self-Employment", states: "The EFBWW and FIEC agree that there are very harmful consequences to 'undeclared labour' in the construction sector. Undeclared labour practices, which include bogus self-employment, are illegal and have

serious social, economic and health and safety consequences for the entire sector, both at the macro level (for example fiscal and social security) and at the level of individual workers and their employers."

The signing of the document were the culmination of a joint two-year project between union and business representatives examining the issues of bogus self-employment.

Among those who took part in the proceedings in the Czech capital was UCATT General Secretary Alan Ritchie. Welcoming the outcome, he said: "The signing of the document is a significant victory for everyone who wants to stamp out bogus self-employment. It is now recognised by all sides throughout Europe that bogus self-employment cannot and will not be accepted."

UCATT will now use the document to press the British Government to redouble efforts to eliminate the endemic bogus self-employment that exists in the British construction industry.

UCATT joins European unions in campaign against bosses who dodge pay and tax

UCATT has joined other construction unions in Europe to launch a campaign against illicit employment in the construction industry.

The campaign was unveiled in March by the EFBWW (European Federation of Building and Woodworkers) at the European Parliament building in Brussels.

The EFBWW is asking European Union governments to ensure that all existing EU and national rules and regulations related to wages, working conditions and social protection are fully complied with and enforced.

Union leaders also want main contractors on a building project to be "liable for the compliance, by all subcontractors and outsourced workers, with the terms and conditions governing pay, employment and social security" on every site.

In a document submitted to EU leaders, the unions demand: "All member states shall ensure

that all labour providers must clearly demonstrate and prove that they are complying with the law, regulations and collective agreement of the country to which they provide labour. All "business-users" must play their part by using only those

“Main contractors on a building project must be ‘liable for the compliance, by all subcontractors and outsourced workers, with the terms and conditions governing pay, employment and social security’.”

labour providers that can demonstrate and prove that they are complying with the law, collective agreements, regulation and relevant practices of the sector.”

The extent of illicit employment has become worse, says the Brussels-based EFBWW, with the enlargement of the EU and with the increasing liberalisation of the EU's "internal market".

It is imperative therefore that the EU take action, as national governments alone cannot tackle the problem.

Illicit employment is defined as "any form of paid or remunerated activities intended to evade all, some or specific legal, regulatory, governmental or collective provisions or payments of a fiscal, social or administrative nature, in accordance with the provisions of the country of employment. Bogus self-employment is explicitly considered as illicit employment."



Major housebuilding companies are notorious for directly employing few workers.

Companies receive hidden taxpayer subsidy while workers lose out, says UCATT

Housebuilders in 'unethical' defence of their tax hand-outs

UCATT is dismissing the "Stop the Unfair Building Tax" campaign by housebuilding contractors as a blatant attempt to protect their hidden tax subsidies while continuing to deny workers the most basic of employment rights.

The Home Builders Federation and the Federation of Master Builders launched their campaign at the end of last year with support from companies such as Barratt and Persimmon. Their aim is to oppose the Government's current proposals to stamp out endemic bogus self-employment in the construction industry.

Union officials reckon it is unsurprising that housebuilding companies are at the forefront of the campaign to oppose the Government's moves as many of them directly employ few if any construction workers.

The principal advantage of using bogus self-employed workers is that employers do not pay employer's National Insurance contributions. This is currently a saving of 12.8 per cent per worker. The rate will increase by 0.5 per cent to 13.3 per cent from 2011.

Among other employers backing "Stop the Unfair Building Tax" is supermarket giant Asda, part of the notoriously anti-union Wal-Mart Stores group of the US. Last year Wal-Mart posted global profits of \$1.9 billion, of which Asda contributed £520.4 million.

In July 2009 the Government announced that it was consulting on proposals that would mean that all construction workers would be "deemed" to be employed for taxation purposes unless they met one or more of three criteria. These are: they

supply their own materials; they provide their own plant; and they employ other workers.

The consultation on the proposals closed in October and a response from the Government is still awaited.

UCATT welcomed the Government's move as being the first genuine attempt to end widespread bogus self-employment in construction. The union has argued that the measures should be extended to ensure that workers who are "deemed" to be employees for tax purposes are given full employment rights.

Corrupts

UCATT General Secretary Alan Ritchie said: "Bogus self-employment corrupts the construction industry. This new campaign by housebuilders is purely an attempt to preserve unfair and unethical tax subsidies, only available to construction companies."

He added: "The Government's proposals will not only ensure that the Treasury receives proper revenues but will also start to tackle the rampant casualisation which bedevils the UK construction industry."

In 2008 Professor Mark Harvey, in his UCATT-commissioned report "The Evasion Economy", estimated that bogus self-employment affected 400,000 construction workers and cost the Exchequer £1.7 billion in lost National Insurance contributions and tax revenues.

However Treasury officials have recently conceded to UCATT that there are 850,000 workers currently registered as "self-employed" under the CIS construction industry tax scheme, which indicates an even higher level of lost revenue.

The 'loss calculator' that doesn't add up

The "Stop the Unfair Building Tax" has provoked UCATT anger and disbelief with its claim that they stand to forfeit 20 per cent of their take-home pay under the Government's plans.

The slick campaign is aimed at ordinary building workers and campaign is being organised by Brunswick, a multinational firm of public relations consultants.

The campaign website features a "loss calculator" which, says UCATT, seriously overestimates

how much workers would lose.

The loss calculator claims that a skilled construction worker earning the industry minimum rate of £10.30 and earning just under £21,000 a year would be £3,119.87 a year worse off.

But the union says that the true cost of paying slightly higher National Insurance contributions would be a decrease in pay of £364 a year (£7 a week).

And workers deemed to be employed for tax purposes are

better off by having a far stronger case for claiming holiday pay worth £2,307 a year and other benefits.

The campaign fails to mention that the real losers in the Government's plans are construction companies who have used bogus self-employment as a secret tax subsidy. A company paying a worker the minimum craft rate (just below £21,000) would have to pay employer's NI contributions of £1,941.56.



TRENCH HORROR: A Cambridgeshire groundwork contractor was fined £3,500 plus £2,000 costs at Cambridge Magistrates Court in March after a worker was buried alive in this excavation collapse. The Health and Safety Executive prosecuted Anthony John Melvyn Hill, 58, of Sawston, for breaching the Health and Safety at Work Act 1974 and the Construction (Design and Management) Regulations 2007. The accident took place in October 2007 at Penny Farm, near Brinkley in East Cambridgeshire. While one of Hill's employees was in the trench, the sides collapsed, burying him completely. He was rescued by other workers and the Suffolk emergency services. Luckily, he suffered only a broken leg and bruising.

Families slam fines as 'no deterrent'

Families Against Corporate Killers (FACK) has blasted the sentences proposed for organisations which negligently kill workers or others by corporate manslaughter or breaches of Health and Safety at Work Act.

FACK, which brings together families bereaved by workplace accidents, says the guidelines published by the Government's Sentencing Guidelines Council and effective from 15 February, are "inadequate to be effective deterrents".

In particular, the failure to link fines to company turnover is illogical, FACK adds, and will allow large companies and transnational corporations to continue to get away with criminal behaviour.

Echoing UCATT sentiments, a FACK spokesperson said: "There is a misapprehension that killing someone at work is not a real crime, that organisations that kill workers through their negligent mismanagement of work activities are somehow not 'real criminals' and so the penalties inflicted upon them need not be too severe."

Financial crimes such as fraud or anti-competitive acts can be punished by severe penalties, including imprisonment of individuals and fines of up to 10 per cent of corporate turnover, FACK points out.

The campaign group says the suggested maximum fines of £500,000 for corporate manslaughter or £100,000 for offences under the Health and Safety at Work Act fail to provide an effective deterrent.

The TUC also expressed regret that the guidelines had moved away from an earlier recommendation that they be based on a company's turnover. Health and safety officer Hugh Robertson said: "While the proposals mean that many fines will be higher than at present, many unions will still be disappointed that these fines will be a drop in the ocean for some big companies. In addition we are disappointed that the guidelines did not take the opportunity to remind courts that they should consider disqualification of directors in all cases where a death has occurred."

Transferred Quadron staff treated 'with contempt'

UCATT is preparing to take a series of employment tribunal cases in support of hundreds of workers in Wales and the South West of England who formerly worked for Quadron Property Services.

The company, based in Somerset, went into liquidation in November last year. It employed nearly 400 workers and undertook housing maintenance services for several councils, housing associations and other organisations.

Most of Quadron's contracts were then given to other companies or taken back in-house. However, in a number of cases the new companies ignored the TUPE – Transfer of Undertakings (Protection of Employment) – Regulations and forced the existing workforce to accept inferior terms and conditions of employment.

Refused

In other cases the new contractor has refused to take on all the former Quadron staff. Those workers have been left in a legal limbo, with even administrators Deloitte asserting that they should have been transferred under the TUPE Regulations to the new contractor.

Many of the workers are also owed money in unpaid wages from Quadron.

Quadron workers undertook housing repair and maintenance projects at, among others, the following organisations: Bournemouth Borough Council, Charter Housing Association (Newport), English Heritage, Monmouthshire County Council, North Somerset Housing, Salisbury City Council, Solon Housing Association (Bristol) and Stroud District Council.

Nick Blundell, Regional Secretary for UCATT's Wales and South West Region, said: "These workers have been treated with contempt. The rules are clear: companies which take on contracts should be obliged to employ the same number of workers on the same terms. Yet many of the new contractors have simply ignored the legislation. If the companies will not co-operate we will not hesitate in taking legal action in support of our members."

UCATT is also angry at the treatment of many of the workers after the administrators were called in. Some were locked in depots while the company organised the return of mobile phones and vehicles.

“ There is a misapprehension that organisations that kill workers are somehow not 'real criminals' and so the penalties inflicted upon them need not be too severe. **”**

Pay-out for 300 sacked Hull caravan workers

UCATT has won a major employment tribunal case worth £1.5 million on behalf of former employees at former Hull-based caravan company Atlas Holiday Homes. The case involved 333 workers who lost their jobs when the company went into administration.

They were forced to seek compensation via an employment tribunal because, when they were made redundant in December 2008, they were not given a 90-day redundancy consultation period – as the company was required to do so by law.

Commenting on the tribunal's decision delivered at the end of January, Dave Oglesby, the UCATT full-time official for Hull, said: "It's been a great victory for us in terms of getting justice for our members and demonstrates the benefit of being a trade union member."

The workers involved are entitled to a total of nearly £4,550 each. However, as the company is in administration, the workers will initially be able to claim a maximum of eight weeks' compensation worth £2,800 from a Government-funded scheme.

Keep the Tory wreckers out

By **ALAN RITCHIE**
UCATT General Secretary



I have no hesitation in urging UCATT members to vote for the return of a Labour Government at the general election. Under

Gordon Brown's leadership, Labour has done much to help construction workers and working people in general.

That doesn't mean that the Government is perfect. Far from it. Like much of the country I too want "change" – but not a return to the disastrous and destructive Conservative Governments of the past.

I want a Labour Government to change many of its policies, especially when it comes to privatisation and other measures that too often put the interests of business ahead of workers.

The only change we'd get from David Cameron's Conservatives would be savage attacks on the public sector and on workers' rights and more policies to favour the rich and privileged.

Look at the list of UCATT successes under Labour and ask yourself... How many of the measures would have been introduced by the Tories? The answer is none.

So let's return a Labour Government and allow Gordon Brown to finish the job of steering Britain out of the international economic recession.

UCATT will then be able to press Labour to continue taking action to benefit our members.

We have much work to do – but the task will be a lot easier under Labour than under the Conservatives. Please remember that when you go into the polling booths on election day.

Successes for UCATT under Gordon Brown's Labour Government

- ✓ Statutory paid leave increased from 20 to 28 days
- ✓ More help and compensation for asbestos victims
- ✓ Donaghy inquiry into construction deaths and injuries
- ✓ Nearly all the inquiry's recommendations accepted
- ✓ Clampdown on bogus self-employment
- ✓ More funds for council housebuilding
- ✓ 7,000 more construction apprenticeships
- ✓ Official recognition of Workers' Memorial Day
- ✓ Statutory crane register
- ✓ Government contracts now insist on apprenticeships
- ✓ New Corporate Manslaughter Act
- ✓ National minimum wage rises to £5.93 in October
- ✓ Scheme to compensate uninsured injured workers
- ✓ More investment in new schools and hospitals

UCATT's ongoing campaigns

- ▶ Extend Gangmasters Licensing Act to construction
- ▶ Compensation for pleural plaque sufferers
- ▶ Statutory duties on directors for workplace safety
- ▶ Tougher penalties for corporate killing
- ▶ Comprehensive ban on blacklisting

Reasonable prospects of success:
Under Labour ✓ *Under Conservatives* ✗

Lessons from the North West on Tory DIY safety plan

UCATT's North West Region is calling on the Conservatives to rethink their plans to privatise construction safety (see details below). This follows a blitz of sites in the Manchester area in March, which revealed that over one quarter of them were unsafe.

George Guy, UCATT's North West Regional Secretary, said: "The fact that so many construction sites

were deemed unsafe demonstrates just what a dangerous nonsense the Conservative plans are."

He went on: "If the Tories had their way, rather than being able to check that sites were safe or close them down if they were dangerous, the Health and Safety Executive (HSE) would be banned from setting foot on them unless

an accident occurred and a worker was maimed or killed."

The HSE issued a total of 56 enforcement notices on 42 construction sites in its Manchester blitz. Many of the sites were considered so dangerous that work had to be stopped immediately. In total the HSE visited 163 sites over two days in Manchester, Salford and Trafford.

Conservative cuts 'will cost lives of workers'

Conservative plans to privatise safety inspections will increase the number of deaths and serious injuries suffered by construction workers, says UCATT.

In the run-up to the election, Tory leaders have confirmed that they intend to press ahead with controversial plans to allow large firms to conduct private safety audits of their sites.

Amazingly, once a company obtains one of these private safety audits, Health and Safety Executive (HSE) inspectors would be barred from entering the site unless there was an emergency.

UCATT has responded with outrage. General Secretary Alan Ritchie said: "This proves that the Tories cannot be trusted with workers' safety. If implemented this will effectively end independent safety inspections and will lead to a greater number of workers being maimed and killed at work."

Under the proposals which were first unveiled during last year's Conservative conference in a document titled "Regulation in the Post Bureaucratic Age", companies judged to be "low risk" could commission a private safety audit which would bar all their sites from being visited by inspectors.

In March this year, in an interview in *Construction News*, Conservative

Emergency services attend an incident where a construction worker fell from scaffolding and was seriously injured. Tory policies on workplace safety risk more deaths and injuries on sites, UCATT is warning.



John Callan/reportdigital.co.uk

business spokesperson John Penrose made clear his party's determination to implement the plans.

Ritchie added: "The ignorance and the stupidity of the Conservatives is staggering. Safety on construction sites, where many different companies are working at any one time, can change rapidly. Under these plans, if workers had safety concerns, the HSE would be prevented from acting until an accident occurred. But the HSE's role should be primarily about preventing accidents before they occur."

He added: "Construction deaths are all too frequent and they occur on sites run by both large and small firms. To ban inspections on sites run by some

companies is not going to make the industry safer."

The Conservatives' proposals fly in the face of the Government-commissioned report by Rita Donaghy into construction safety. Published in July 2009, the report specifically opposed so called "self-regulation". Instead it urged an increase in HSE inspectors, especially in London.

Though the number of construction workers killed last year (to April 2009) was lower than in the previous year (54 compared with 72), this was primarily due to lower levels of construction activity caused by the economic downturn. Construction remains Britain's most dangerous major industry.



Let UCATT MPs carry on the good work

by **MICHAEL CLAPHAM MP**
Chair of the UCATT Parliamentary Group

I hope all UCATT members have no illusions about what a Conservative Government would be like. The Tories will look after their rich and powerful friends. Working people will have to go to the back of the queue for any favours and will be worse off as a result.

But if Labour is reelected, UCATT's MPs can continue the work of putting the case for construction workers with

Government ministers. We have had many successes over the past five years – though key battles still remain to be fought.

More achievements are only possible with a Government that listens to and understands the concerns of ordinary people. That means a Labour Government.

Although I will be standing down at the general election, I shall continue my work with the trade union movement. I know my colleagues in the UCATT Parliamentary Group will keep up the good work for the union and its members in the coming Parliament.

Make their task a lot easier by returning a Labour Government to office.

Left: Michael Clapham (holding "s") with other Labour MPs in the UCATT Parliamentary Group supporting UCATT's campaign for justice for pleural plaque sufferers.

Meet Cameron's 'Torytwits'

Verdict on the Conservatives' DIY safety inspection plan for 'low risk' sites

“ Apart from the question of who deems these sites “low risk,” the question arises as to whether any of the Tory twits who dreamed up the idea have ever been on a building site.

Because if they had, they would realise that the very nature of a building site means that the shape, size and variety of the risks is constantly changing with the progress of the work and even the weather.

A site at first low risk can change dramatically from day to day, making constant supervision a necessity rather than an indulgence. And, as for safety inspectors not having access except in case of an emergency, that amounts to using workers' lives as an alarm bell.

In what fantasy land is shutting the stable door after the horse has bolted a valid health and safety philosophy? And how many workers will have to be maimed or die to constitute an “emergency?” Construction is the



most dangerous industry in Britain. Last year, 54 workers died at work. We can ill afford there to be more simply to act as an warning bell in the Tory scheme of things.”

– Editorial in the Morning Star of 18 March 2010

Triple threat from Tories

Conservative success at the polls would hit building workers in three ways, warns UCATT General Secretary Alan Ritchie.

It would hurt them in their pockets, threaten their personal safety and damage their rights at work.

He explains: “The Tories want a low-wage economy – except for their rich and powerful chums of course.

“They also want to relax and repeal workplace safety legislation, thereby making it easier for unscrupulous bosses to cut corners without regard for the wellbeing of workers.

“Finally, the Tories make no secret of their wish to place more curbs on trade unions. This would make it harder for workers to defend their pay and rights.”

This General Election will be a real chance to change the way we work.

Working families are better off with Labour.

A fair deal at work

- ✓ introduced the minimum wage, and is committed to it rising year on year.
- ✓ is making work pay for over 2 million families benefiting from the Working Tax Credit.
- ✓ gave part-time workers equal rights at work, and will do the same for agency workers.
- ✓ made maternity leave longer and better-paid.
- ✓ has given everyone the right to at least 4 weeks' paid leave, in addition to Bank Holidays.



A fair deal for families

- ✓ is helping millions of families through the Child Tax Credit, worth up to £2235 a year.
- ✓ has guaranteed a free nursery place to all 3 and 4 year olds.
- ✓ has helped parents save for their children's future with the Child Trust Fund – over 3 million have been started.
- ✓ has now opened over 3000 Sure Start children's centres across the country.
- ✓ has transformed the British school system, spending twice as much money on every pupil as under the Tories.



A future fair for all with Labour

Choice for Britain

A fair deal for all

- will guarantee that anyone suspected of having cancer by their GP will get the tests they need, and the results, within a week.
- has benefited millions of pensioners with the Winter Fuel Allowance and free bus travel.
- has made it easier for working people to save for retirement, with compulsory contributions to pensions by employers by 2012.
- has tripled investment in the NHS since 1997, and will guarantee that nobody has to wait more than 18 weeks for an operation.
- is committed to making Britain greener – Britain is now the world leader in generating offshore wind energy.



What do the Tories really stand for?

The Tories...

- will let the minimum wage “wither on the vine”, with little or no increases.
- want to reduce the number of families who receive support from Tax Credits.
- have pledged to pull out of the Europe-wide guarantee to 4 weeks paid leave.
- will give an inheritance tax break to 3000 millionaires.
- will make it harder for trade unions to speak up for their members.
- are threatening around 1 in 5 sure start children's centres with closure.
- will scrap legal guarantees to speedy diagnosis and treatment for cancer patients.
- claim to be green, but Tory councils reject more planning applications for wind farms than they accept.

Securing the recovery – not putting it at risk

Labour has taken real action to minimise the impact of the recession on working people and their families. Programmes like the car scrappage scheme have kept people in work, and support for those struggling with mortgages has kept families in their homes. Under Labour, every young person who is unemployed for six months is guaranteed the offer of a job, training or work experience. That's why the rates of job losses, business failures and home repossessions have been a lot lower than in the Tory recession of the 1990s.

The Tories have opposed all the action Labour has taken to reduce the impact of the recession on families. They will put the fragile recovery at risk by making deep cuts straight away – threatening misery for millions.

UCATT
2010 election
campaign poster



Remember the Conservatives?



Dole queues

Record levels of joblessness – nearly 3½ million out of work under Margaret Thatcher.

Black Wednesday

£27 billion spent by Chancellor Norman Lamont in 1992 – when David Cameron was his adviser – in a vain attempt to prop up a sick pound.

Trade unions

We are “the enemy within” according to Margaret Thatcher, who supported attacks on the miners, dockers, steelworkers, seafarers and printers.

Poll tax

The unfair tax on every individual that brought riots to the streets of Britain in 1991.

Interest rates

They hit a record 15 per cent under John Major in the 1990s, resulting in hundreds of firms going bankrupt and thousands of families losing their homes.

Unemployment

“That price is worth paying” said Chancellor Norman Lamont as tens of thousands were thrown out of work during the 1991 recession.

...and much, much more

The Conservatives brought us the North-South Divide, massive privatisation, anti-union laws, contempt for Scottish and Welsh devolution and the credo that “there is no such thing as society”.

Let them back in at your peril!

They haven't changed

Vote Labour

Union of Construction,
Allied Trades & Technicians



This year's General Election will be a real choice about the future of Britain



"I want the Conservative party to learn from what local Conservative councils are doing right now... Conservative Whitehall will have much to learn from Conservative town halls."

George Osborne, Tory Shadow Chancellor, September 2009.

"If a Tory government wants to learn from the Tories in local government then we should all be very scared.

Here in Nottinghamshire, a Tory council has meant:

- *hundreds of jobs slashed*
- *recycling centres and a day centre closed*
- *in the midst of a recession, the Welfare Rights Service cut*
- *charges for vulnerable service users increased*

That's what the Tories are doing here in Nottinghamshire - just imagine the damage they'd do to Britain. Don't take a risk with the Tories."

Gary Ransford, public service worker, Nottingham



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You're better off with Labour

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When working with a contract is a 'sham'

by **GORDON BELL**, of UCATT's Scottish solicitors, Dallas McMillan

In the last issue I outlined some of the factors used to determine whether a member is self-employed (with no employment law rights) or a "worker" (with a number of employment law rights such as the right to paid annual leave from their employer).

There has, however, been a recent pair of Court of Appeal judgments which may well provide some assistance when arguing that a contract is a "sham" and does not reflect the true nature of the employment relationship. In the two cases (*Protectacoat Firthglow Limited –v– Szilagyi* and *Autoclenz Limited –v– Belcher & Others*) the Court of Appeal held that, for a contract to be seen as a "sham", there does not need to have been an intention of both parties to deceive others (a very tough test to satisfy). Instead the court or tribunal can consider whether the contract truly reflected the parties' intentions or expectations. If the written contract does not reflect the reality of the situation, the court or tribunal can find a party to have a different employment status than that which the written contract terms provide.

These court decisions recognise the unequal bargaining power in employment relationships and that workers often have little or no choice but to sign written contracts to obtain work. These decisions will be useful in the future. However, the advice still has to be that members should be very cautious before signing written work contracts and should if at all possible avoid signing up to a contract which states or strongly implies they are self-employed, if they are in fact an employee or worker instead.

Dallas McMillan provides UCATT members and families in Scotland with a wide range of legal services. Contact Gordon Bell or colleagues David McElroy and Matt Leckie on freephone 0800-652 7646. [www.dallasmcmillan.co.uk].

Unfairly picked for redundancy?

by **KEN BROUGH**, of UCATT's London-based solicitors, OH Parsons

It is a sad indicator of the economic times we live in that one of the most common types of claim we are asked to deal with by UCATT at the moment is redundancy. No-one of course wants to be made redundant, and it is natural that in such a situation there will be resentment and the feeling that it is unfair. What is unfair from a moral and ethical point of view does not always sit side by side with what the law – and specifically an employment tribunal – deems to be unfair.

For that reason it is perhaps worth a timely reminder of what the tribunal will look at to establish whether a redundancy is "unfair" and therefore unlawful.

Firstly, is there a genuine redundancy situation? This means that the need to employ people of a particular kind has ceased or diminished.

The fact that an employer decides to replace PAYE staff with subcontractors does not in itself mean there is not a redundancy situation, if the employer can prove there is an economically justifiable reason for switching from employed labour to CIS4. In any event, we would always urge members to speak to their local official if they find themselves in this position.

Consideration

The next consideration is whether the individual or individuals have been fairly selected for redundancy. There is no magic formula for this, but the law has developed sound principles which employers would normally be expected to follow: the employer ought to give as much notice as possible to the union (if it is recognised); it should consult with the union on the best means of

achieving the outcome with as little hardship as possible; it should seek to agree the selection criteria with the union; those criteria should be such that they do not rely solely on subjective opinion; it should ensure selection carried out under the criteria is made fairly and consider representations made by the union; and it should see if there is any possibility of redeployment.

The pool for selection ought to include all the employees carrying out work of the kind that has ceased or diminished.

Matrix

As for the criteria themselves (the "matrix" as popularly-known), the tribunal will be looking for inclusion of qualities and factors that can be objectively measured – for example, attendance record, timekeeping, disciplinary record etc.

It is worth pointing out that there is nothing inherently wrong with having at least some subjective judgement – for example "general attitude"; but, if the employer has relied solely or mainly on such factors, it will be much harder for them to show that the criteria – and by implication the entire process – was fair.

It is also worth pointing out that there is no set formula or matrix that every employer has to apply in cases of redundancy; the tribunal is looking in every case for objective fairness, but it will not expect every employer to use the same matrix, since each employer places particular importance on different factors, depending on the nature of the business.

As with most things, much depends on the facts and the evidence. If you are under threat of redundancy, you should speak to your UCATT rep as soon as possible.

See back cover advert and website: [www.ohparsons.co.uk].

Recent cases settled by UCATT's lawyers

- A Wirral member was working on scaffolding when one of the boards gave way. As a result of his fall he lost his job and was unable to find alternative work. Liability was admitted by the company's insurers but they argued about the amount of compensation. Court proceedings were commenced and the case settled out of court for £28,000.
- A Newcastle upon Tyne member was assisting in transporting a wing-bing cage when a colleague lost control of it and he injured his back. Company insurers admitted responsibility but would not put forward a reasonable offer. Court proceedings began and the claim was settled for just over £35,500 less social security benefits.
- An out-of-court settlement of £25,000 was negotiated for a Skelmersdale groundworker who was shovelling tarmac into a pile on the back of a truck when he lost his footing and fell from the


truck, injuring his foot and back. The truck should have had bars around it to prevent this. The employers accepted liability in full.

- A member from Stoke working as a gas engineer was asked to fit a combination boiler at a council property. On several occasions he had told his supervisor that he had not been supplied with a drill. He had to borrow one from a contractor who worked for his employer. As he was drilling through a wall, the drill suddenly "locked" and continued to spin due to a defect, causing him to break two fingers and suffer a spiral fracture to a finger. His employer admitted liability. The medical evidence suggested he would continue to have difficulties doing heavier work. After negotiation the matter was settled for the sum of £43,500.

- A bricklayer from Barnsley was told to cut some tin roof sheeting with a Stihl saw. As he did this the blade kept snagging and the tin roof flicked up and caused a laceration to his forearm. His

employer denied responsibility and argued that the member had 20 years of experience using such a saw. UCATT's solicitors argued that the member had never been trained in its use. Had he been trained he would have known to ask for assistance when the material was not cutting properly. They also argued that use of a Stihl saw extended to cutting concrete and brickwork and nothing like a tin roof, which was flexible and moving while he was cutting it. The case went to trial and the judge accepted the union's case and ordered the company to pay £3,250.

- In Scotland...
 - A Lanarkshire painter won £225,000 in compensation when he fell from a ladder and suffered multiple injuries when working at excessive height
 - A Fife plasterer obtained £20,000 when he suffered a partial amputation of a finger inflicted at work by contaminated work materials
 - A Glasgow ceiling fixer won £5,000 for hearing loss caused by years of working with noisy nail guns and other tools.

 *Topical tips on an issue that has been raised on UCATT's 0800-262 467 freephone adviceline for members.*

New 'fit note' scheme

From 6 April this year there will be changes made to the sick note, or medical statement that employees get from their doctor to certify sickness absence. As a member of UCATT you should be aware what these are and how they will impact on your workplace.

For some time a sick note from your doctor simply stated whether a doctor believed that a person should or should not be at work. It was simple, with a person signed off as unfit for work with a sick note. The Government has decided, in the interests of helping people back to work and improving health in the workplace, to bring in a new medical statement that will indicate that a person is either not fit for work, or that they might be fit for work under certain circumstances.

There will not be an option for the doctor to state that the person is fit for work. In that case he/she will simply not issue a new medical certificate.

As there is no requirement for the doctor to write anything other than that the person is not fit work and for how long the person is likely to be off for, most cases will see no change in the information that is given in the statement. The basic purpose of the medical statement will still be the same and it will be used by employers as confirmation of illness in claiming sick pay.

UCATT has always argued that occupational health is about developing policies in the workplace to support good health among employees. We recognise that it is not always as simple as someone being fit or unfit for work. It can often be the case that a supported graduated return to work is the best option for those recovering from

“It is questionable whether a return to work on a construction site to take part in some light activities would have a positive impact upon the recovery of that person.”

long-term injury/illness. We therefore welcomed the principle behind the changes that there should be greater understanding and support for health issues.

UCATT does, however, have concerns about the implementation of the new medical statement as it makes assumptions about levels of knowledge among GPs on particular industries.

For example, there does not exist the same opportunity in construction to undertake light duties as in other industries and services, as many jobs require workers to have high levels of physical fitness to complete tasks. It is questionable whether a return to work on a construction site to take part in some light activities would have a positive impact upon the recovery of the person concerned from an illness or injury sustained.

UCATT is also deeply concerned that the majority of construction companies, especially in the private sector, are not in a position to offer graduated return to work or occupational health assessment and members could be forced back to work too soon without injuries being allowed to heal. This often leads to the development chronic injuries in later life, something that is already prevalent in building workers. If any member feels that this is happening then they should contact their UCATT official immediately.

It is critical that anyone having any problems with their employer as a consequence of the new medical statement contacts a UCATT steward, health and safety rep or regional organiser to ensure that they are given support and advice from UCATT officials.

This article is for your information but you should always seek the advice of an accredited UCATT official or legal advice before pursuing any course of action to ensure that your rights are fully enforced. See page 2 for contact details of your nearest regional office.

Regulations outlaw blacklisting for 'trade union activities'

New anti-blacklisting regulations, which came into force on 2 March, ban employers from blacklisting workers for "trade union activities".

But UCATT officials are disappointed that the Government did not widen the scope of activities protected from blacklisting to include actions that would not strictly be defined as "trade union".

These would include, for example, unofficial industrial action to stop work because of safety fears or a refusal to undertake voluntary overtime.

The union is concerned therefore that some employers might try to exploit this loophole in the law and keep details on individuals involved in any such activities.

Construction bosses, UCATT noted, lobbied the Government in favour of having the right to vet prospective employees "to weed out trouble-makers, criminal elements and other undesirable people".

The union is also disappointed that the regulations do not make blacklisting a specific criminal offence.

Fail

In addition, the Employment Relations Act 1999 (Blacklists) Regulations 2009 fail to grant an automatic right to compensation for any worker who finds out that they have been blacklisted. Nor, if a blacklist is discovered, will workers

be automatically told that their name and details appear on it.

UCATT General Secretary Alan Ritchie said: "Cynical construction employers will recognise the weakness of the regulations and could continue to blacklist workers."

He added: "But UCATT will carry on campaigning to have the regulations overhauled so that they can be truly effective in killing off this despicable practice once and for all."

Intended

The Government had originally intended to outlaw blacklisting in the 1999 Employment Relations Act. However, the necessary regulations were never introduced, as it was claimed that there was not any concrete evidence that blacklisting was still taking place.

In March 2009 it was revealed following an investigation by a newspaper and the Information Commissioners' Office that a company called the Consulting Association was operating a blacklist in the construction industry. Over 40 major construction companies were using the blacklist, which contained information on more than 3,000 construction workers.

In July 2009 Ian Kerr, who ran the Consulting Association with an annual turnover in excess of £100,000, was fined just £5,000 for data protection offences.

NEXT ISSUE: *In our next Building Worker there will be a full report from the UCATT national Delegate Conference to be held in Jersey from 17 to 21 May. The NDC is the union's "parliament", bringing together rank-and-file delegates from all the regions to debate and decide UCATT's policies and activities for the next two years.*





Neil Rayner and Melinda Roberts (second and third from left) of the UCATT Vulnerable Workers' Unit with Jeff Hopewell (left) of UCATT Training and (from right) UCATT Project Worker Steve Craig and Midlands Regional Secretary Steve Murphy.



New unit will help 'vulnerable' building workers

UCATT's new Vulnerable Workers' Unit aims to give help to construction workers facing exploitation or forced to work in dangerous circumstances.

The two-year project – which was launched in February – will be based in Derby, but its work will cover the whole of the country.

It is designed to help all vulnerable construction workers, not just UCATT members. The priorities are to help groups who are particularly vulnerable, including young workers and apprentices, agency workers, migrant workers and workers coming into contact with asbestos.

The unit currently has two members of staff, Neil

Rayner and Melinda Roberts. They will be providing advice to vulnerable workers and organising training and publicity for affected groups. Information will be distributed via UCATT officials, other partner organisations and third sector organisations which already have links with vulnerable workers.

While UCATT will be leading the initiative, a number of organisations on the steering committee have already pledged their support and will be offering active assistance. They include the Health and Safety Executive, Citizens Advice, Jobcentre Plus, Manchester University Business School, Community Links, HMRC, Wigan & Leigh College, Lewisham College and OH

Parsons solicitors. The project has been made possible due to joint funding by the Government's Department for Business, Innovation and Skills via the Union Modernisation Fund.

UCATT General Secretary Alan Ritchie commented: "Construction is a highly casualised industry and its very nature means that many workers are vulnerable either to poor employment conditions, low pay or injury. The new Vulnerable Workers Project will be a unique resource in providing help and assistance to workers when they most need it."

● Contact the UCATT Vulnerable Workers' Unit on 01332-294 189; email: [info.uvuw@ucatt.org.uk].

Workers' Memorial Day: now it's official

UCATT has welcomed the Government's decision to formally recognise Workers' Memorial Day. But the union insists that this is only one important step forward and that it will continue to campaign for the day – 28 April each year – to become a bank holiday.

Recent years have seen an increasing number of marches, rallies, commemorative ceremonies and workplace meetings to mark Workers' Memorial Day.

Responding to the Government's announcement in January, UCATT General Secretary Alan Ritchie said: "The decision represents real progress in our long campaign to establish Workers' Memorial Day as a bank holiday in order to ensure that all workers have an opportunity to remember their friends and colleagues who have been killed or injured at work."

Construction is Britain's most dangerous major industry. Last year there were 53 construction workers killed at work (out of a total of 180). Over 27,000 suffered major injury in all industries and around 8,000 each year die from occupational cancers and lung diseases.

In 2009 the Government issued a consultation on whether to formally

recognise Workers' Memorial Day. As well as calling for the day to become a public holiday, the union also urged the Government to encourage all workplaces to hold a minute's silence.

Announcing the Government's decision, Work and Pensions Secretary Yvette Cooper said: "The UK will join countries across the globe in remembrance of all those killed at work and for the families they have left behind and the many more who have been harmed. It is also a spur to greater efforts to improve health and safety for today's and tomorrow's working population."

Fatalities in Scotland

The Government's announcement came on the same day that two construction workers in Scotland were killed in separate incidents. Both men were undertaking painting/blasting duties on rail bridges – one of them the Tay Bridge – and involved falls from height.

Harry Frew, UCATT Scottish Regional Secretary, said: "These accidents demonstrate just how dangerous construction remains." There were 10 construction deaths in Scotland in 2008/9 – the second highest number of deaths after London's 11.



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Council housebuilding boost

UCATT has welcomed the Government's latest announcement in January that it is providing an additional £122.6 million to build more council housing. The new funding will be shared between 73 councils and will help build 4,000 affordable and energy-efficient homes and create 7,500 new jobs – including 100 apprenticeships. All councils receiving the funding will be expected to provide apprenticeships and local job recruitment schemes.

Crane register in force

The new law to establish a statutory registration scheme for tower cranes came into force on 6 April. The regulations were developed by the Health and Safety Executive (HSE) after a campaign by UCATT and safety groups amid increasing concern about crane safety, with eight people killed and more injured in incidents involving tower cranes since 2000.

The new regulations place a "duty to notify" the HSE on crane operators, who will have to supply the site address and the name and address of the crane owners. A thorough examination of the crane must also be carried out following installation or re-installation on a site before it can put into service.

Flintshire sell-off opposed

UCATT and other local government unions are mounting a campaign to oppose plans by Flintshire County Council to sell off its housing stock. Council chiefs intend to ballot tenants on the issue later this year. The council currently has 8,000 housing units and there are over 3,200 applicants on its housing waiting list.

Unions are opposed to the move

as similar sell-offs elsewhere have resulted in increased rents, cuts in tenants rights and decreases in repairs and improvements. Ren Davies, UCATT regional official for North Wales, said: "The sell-off will be bad news for existing tenants and will be disastrous for families needing a home in the future."

UCATT has also written to Welsh First Minister Carwyn Jones to make its views known.

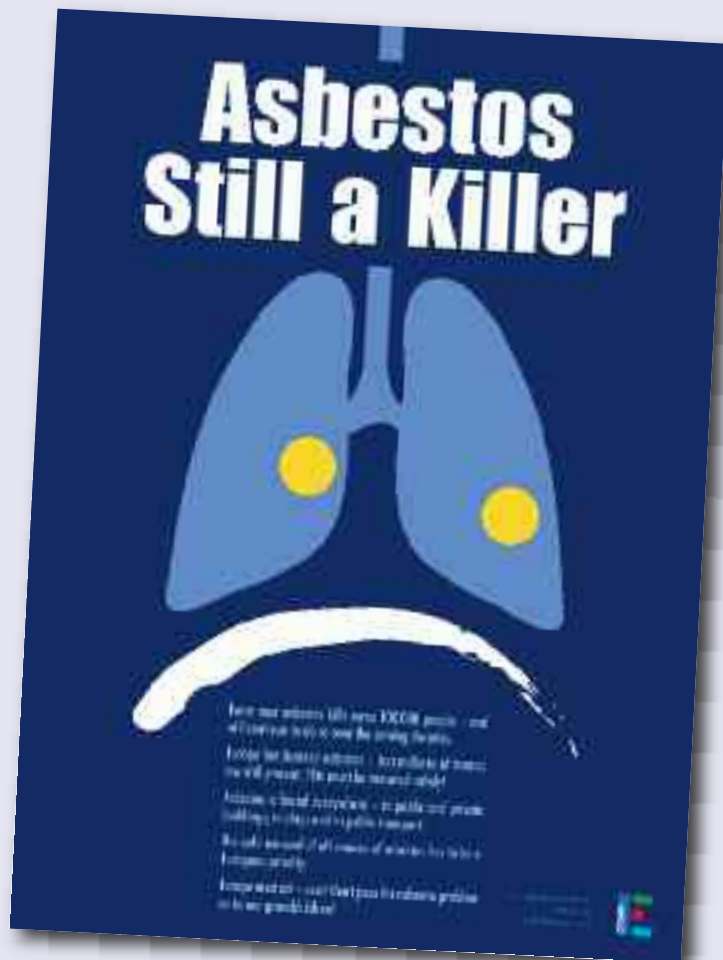
Minimum wage rises to £5.93

The hourly adult national minimum wage will rise from £5.80 to £5.93 in October this year, the Government announced in March. For 18-20-year-olds the hourly rate will be £4.92 (currently £4.83) and for 16-17-year-olds it will be £3.64 (currently £3.57). Unions are especially pleased that the age of eligibility for the adult rate will fall from 22 to 21 from October. This is a 20 per cent increase in the rate for 21-year-olds and will benefit some 40,000 in minimum wage jobs.

Concern over Scottish cutbacks

The Scottish government's budget for the coming year will not address the challenges facing the construction industry, UCATT is warning. The union has been especially disappointed by the cancellation of the Glasgow airport rail link project and by the £253 million cut in the affordable housing budget.

Harry Frew, UCATT's Scottish Regional Secretary, said: "The knock-on effect from the economic slump in construction is being seen across skills and training. The intake of construction apprentices has dropped markedly, with some 900 apprentices laid off despite welcome government incentive schemes for employers to keep apprentices."



EUROPEAN CAMPAIGN: *The European Federation of Building and Woodworkers (EFBWW) has produced this poster in all major European languages as part of its campaign, which was launched in March, for the eradication of all asbestos. "Even though Europe has a general ban of asbestos and asbestos-containing products, this deadly substance is still present in our daily lives, in public and private buildings, in public transportation systems and in products of our daily life," says the Brussels-based EFBWW.*

The aim is to make Europe asbestos-free by 2023. Campaigning will focus on the need for a comprehensive registration, safe working conditions, the training of workers and on the recognition of asbestos-related diseases and compensation of asbestos victims. The EFBWW – to which UCATT is affiliated – has prepared an action plan to back up the campaign.

Union anger at legal challenge in Scotland

Insurers in Scotland are appealing against a decision to allow legislation giving victims of asbestos-related pleural plaques the right to claim damages.

In January a Scottish judge rejected a bid to invalidate the Damages (Asbestos-related Conditions) (Scotland) Act, which came into force last year and permits individuals north of the border who are diagnosed with pleural plaques to make compensation claims.

Giants

Insurance giants Aviva, AXA, RSA and Zurich, who brought the legal challenge, say the Scottish law is "flawed".

UCATT said that it was "disgusted" at the appeal. Union General Secretary Alan Ritchie

said: "These actions prove that the insurance industry has no shame. This is a cynical action designed to try to block compensation. It is not about principle – it is all about money."

UCATT's Glasgow-based solicitor Gordon Bell told *Building Worker* that the appeal was now expected to be heard in July. A written judgment would be issued later in the year.

Bell added that in the meantime pleural plaque claims were on hold. However, claims must still be presented within a strictly-calculated three-year time limit, as laid down by law. "Members diagnosed as suffering from pleural plaques should therefore continue to submit legal aid schedules in order that the claims can be assessed."

HELP FOR KIDS: UCATT

Convener Jonathan Davies (right) at the Athletes Village on the 2012 Olympics site in east London presents a cheque for £1,610 to the Time and Shine children's charity. The money was raised by a prize raffle on site. Pictured, from left, are Dave Garbutt (Bovis Lend Lease Logistics Manager) and Kevin Bowsher (Equality Manager of the Olympic Delivery Authority). Time to Shine takes disadvantaged and disabled children from the five Olympic host boroughs into the community for sports days and other events. There were 11 prizes on offer, including tickets to Chelsea and Arsenal matches, Playstation 3, Wii, cutlery set, digital camera, drill set and canteen vouchers.





“ *The Government's decision is disappointing, as most pleural plaque victims are being abandoned. But UCATT will not abandon them. Our campaign will carry on.* **”**

Alan Ritchie, UCATT General Secretary

Union to fight on for pleural plaques justice

Jack Straw says no to compensation

UCATT has expressed disappointment that the Government has refused to reinstate in law the right to claim compensation for being diagnosed with pleural plaques – scarring of the lungs induced by exposure to asbestos.

Since October 2007, when the Law Lords scrapped the entitlement to compensation, the union has been campaigning to have the right to be compensated restored.

But Justice Secretary Jack Straw confirmed at the end of February that the Government would only compensate – through an ex-gratia payment of £5,000 – those pleural plaques victims who had lodged a legal case prior to a Law Lords' controversial ruling.

This means that the majority of pleural plaque sufferers in England and Wales will not receive compensation. People with the condition are at a far higher risk of developing asbestos-related cancers.

The Government's decision is in stark contrast to the situation in Scotland, where the Scottish Parliament has already legislated to overturn the Law Lords decision. Ministers in the Northern Ireland Assembly have also pledged to overturn the ban on compensation.

UCATT General Secretary Alan Ritchie said that the union would continue the quest for justice. “The Government's decision is disappointing, as most pleural plaque victims are being abandoned. But UCATT will not abandon them. Our campaign will carry on.”

He said: “It is simply wrong that an accident of geography will mean that pleural plaques victims in England and Wales will be barred from receiving compensation but those in Scotland will be free to claim full compensation.”

However, to soften the blow over pleural plaques, the Government has simultaneously unveiled several welcome separate initiatives on matters concerning asbestos.

Straw announced that the Government would:

- co-fund a National Centre for Asbestos-Related Disease,

- establish a register for workers exposed to asbestos,
- speed up compensation claims and increase up-front payments for victims of mesothelioma – the lung cancer caused by exposure to asbestos.

The Justice Secretary went on to renew the Government's commitment to establish an Employment Liability Insurance Bureau and a tracing service to assist asbestos victims track down their employer's insurance liability policies.

In addition, the Government said it would expand research on asbestos diseases, adding its support to £3 million funding to be provided by insurance companies. It is estimated that the insurance industry – which lobbied strongly for the ban on compensation to remain in place – will pocket some £1.4 billion as a result of the ending of compensation.

The Government itself currently stands to save about £35 million a year by not having to pay compensation to its employees and former employees – for example at Ministry of Defence establishments where asbestos was commonly used.

Rejected

UCATT commented: “The union has championed and campaigned for greater assistance for people with asbestos conditions for decades. While the Government's announcements in these areas are extremely welcome, they are separate from the issue of pleural plaques.”

The union strongly disagrees with the Justice Secretary's reliance on medical evidence provided by the Chief Medical Officer and the Industrial Injuries Advisory Council (IIAC). The Chief Medical Officer's Report was produced by Professor Robert Maynard, an expert in air pollution, who has admitted he did not meet any pleural plaque victims.

The report produced by the IIAC was solely about whether pleural plaques should become part of the Government's Industrial Injuries Compensation Scheme and specifically stated that it should not be “construed” as forming an opinion on the future of civil litigation in pleural plaque cases.

THE BAD NEWS

- The ban on compensation for being diagnosed with pleural plaques will remain. Only those who lodged a claim before October 2007 will receive a lump sum payment of £5,000.

THE GOOD NEWS

The Government has announced:

- Work towards the creation of an Employers Liability Tracing Office to help people who develop an asbestos-related disease to trace the relevant insurer and obtain full compensation.
- A consultation on the creation of an Employers' Liability Insurance Bureau, which will act as a fund of last resort for sufferers of asbestos-related and other diseases who cannot trace the insurance records needed to gain compensation.
- Increased up-front payments for mesothelioma sufferers and their dependents. Lump sum payments from the 2008 Mesothelioma Scheme will increase by around 40 per cent from April. Sufferers currently receive a minimum payment of £8,197 from the scheme. This will rise to £11,678 in April. The maximum payment will rise from £52,772 to £75,176.
- Payments to the family of someone who dies of mesothelioma and other dust-related diseases will also receive an increase of up to £5,000.
- The setting-up of a National Centre for Asbestos-Related Disease to research asbestos-induced illnesses.
- Action to examine and streamline litigation practices and procedures to speed up claims relating to mesothelioma.

Swedish union fined over Laval cheap labour dispute

The Swedish Labour Court has delivered its final judgment in the Laval case, sentencing the Swedish construction union Byggnads to pay damages and legal costs of €250,000.

The European Federation of Building and Woodworkers (EFBWW) calls the ruling “remarkable”, since the same court five years ago pronounced the Laval dispute as lawful according to Swedish legislation.

The EFBWW adds that the judgment of the court – which was delivered in December – has to be seen in the context of proposals recently put forward by the Swedish government for new legislation following the Laval judgment by the European Court of Justice in December 2007.

The draft new law would restrict the right of unions to take industrial action about the working conditions of “posted” workers (workers from other European Union countries) – other than national minimum conditions.

The Laval case centred on a group of Latvian workers employed on contracts with inferior terms and conditions than those applying to Swedish construction workers. The Swedish unions therefore picketed and boycotted the Laval site, demanding that the Latvians be paid the same as Swedes.

The dispute flared in November 2004 in Vaxholm, a town just outside Stockholm, where the Latvian firm Laval Un Partneri won a contract to renovate a school. Byggnads tried in vain to negotiate an agreement on pay and conditions for the Latvians.

In December 2007 the European Court of Justice said the dispute breached EU rules.

The Swedish union is now demanding that the bill currently before parliament should go to the Swedish constitutional court to see whether it is compatible with the Swedish constitution. The union also suspects it might breach the European Convention of Human Rights, along with the EU Charter of Fundamental Rights and International Labour Organisation conventions.

The EFBWW fears that the judgment of the Swedish court may also have potentially serious consequences on the right to strike at EU level. This is because collective action that is lawful according to national legislation in a member

state may now be pronounced unlawful according to EU law and thus liable to damages.

European construction unions therefore want changed European legislation, respecting fundamental union rights, restoring the right to strike for posted workers and allowing unions and member states to demand equal treatment for posted workers.

Euro unions defend safety laws

The European Federation of Building and Woodworkers (EFBWW) has denounced European Commission (EC) proposals for health and safety deregulation.

The EC's October 2009 action programme, which forms part of a European Union “Better Regulation” push, calls for certain firms to be exempted from core health and safety requirements.

In a position paper agreed in January, the EFBWW states: “Exemptions to certain occupational health and safety obligations... would lead to a higher incidence of accidents and higher risk of diseases, not only adding to human suffering but also increasing the resulting costs.”

The trade union federation is particularly concerned about the Commission's proposal to exempt small firms in certain sectors from a requirement to draw up a risk assessment document. The EFBWW says 39 per cent of fatal accidents due to falls occur in firms with fewer than 10 workers.

The Commission's Better Regulation group, chaired by German Conservative Edmund Stoiber, has taken a resolutely pro-business line and claims that nearly 90 per cent of the time spent by employers collecting and processing health and safety information constitutes an “administrative burden”.

According to the European trade union safety research body HESA, which believes the business lobby is dominating the EC policy-making process: “This opinion incorporates as such calculations made by a consortium of private consultants steered by Deloitte. This consortium was paid €17 million from the Commission for its work, as acknowledged by Industry Commissioner, Günther Verheugen.”

Melanoma widow's campaign

A record six-figure payout has been given to an Australian widow after her construction worker husband died at 43 from skin cancer. The family of Rohan Crotty – his 39 year-old wife Jo-Anne and four sons aged five and under – have been left in mourning following his death in July last year within two years of being diagnosed with melanoma.

Rohan was a carpenter and plasterer by trade, but in the last years of his life became a CFMEU union organiser, helping to campaign for sun awareness programmes on building sites.

While he was receiving treatment in Melbourne towards the end of his life, fellow CFMEU officials and workmates came to his home fixing walls, fences, painting and building the boys a fort in the backyard.

His widow said: “I don't think enough is being



HOMICIDE CHARGE: A New York court has charged crane owner James Lomma and his New York Crane and Equipment Corporation with criminally negligent homicide, assault and manslaughter as a result of a tower crane collapse in Manhattan (above) in May 2008 that killed two workers. The court hearing in March set Lomma's bail at \$100,000.

done for sun awareness. I would like to carry on his legacy by organising a campaign bus that goes around to work sites and spreads the message about UV protection.”

CFMEU workplace health and safety manager Andrew Ramsay said the WorkCover payout was a landmark decision because there had been few settlements of this magnitude for melanoma in Queensland.

“There is a real difference in the approaches between the civil construction and the building construction industries,” Ramsay added. “The guys who work on the roads wear long sleeves and heaps of protection but that is not happening so much on the building sites. We are trying to change this and what befell Rohan highlights the urgency with which this needs to happen.”

US union's shock tactics

A New York union branch has found a novel way of highlighting the dangers of asbestos as well as the importance of unionisation in protecting the safety both of workers and the public against the deadly substance.

The union has deposited a shiny brown coffin outside the Broadway offices of a company that is using non-unionised workers to remove asbestos.

David Vila of the local branch of the Asbestos, Lead & Hazardous Waste Labourers' Union said the coffin should remind onlookers of the workers' need to feed their families.

The union says that it has three such coffins and that they have been used in protests in New York, New Jersey and Long Island over the past few years.

The union's New York director of organisation, Eli Kent, said that the casket makes an important statement that non-union workers often lack the benefits and protections that organised workers get, but that it also made an important point about safety.

He told a local newspaper “The point of this is to draw attention to the fact that asbestos kills. If some people get uncomfortable, but we can save people's lives, we think that's worth it.”

Demonstration in 2004 in favour of the Swedish construction workers' union dispute with Latvian contractor Laval.



Refunds are for council workers too

by JAN POST

Philip Qualie is a joiner working for The Gentoo Group (the building services department of Sunderland City Council). His job involves travelling around properties owned by the council carrying out repairs and renovations. As Philip has always been paid on PAYE he had never considered whether he might be qualified to claim any refund on the tax that he paid: as far as he was aware he was not entitled to anything. However, he then discovered that, because he used his own vehicle to travel around from one job to another, he could claim a tax refund on his mileage expenses.

Unfortunately the paperwork he received from HM Revenue & Customs was so complicated that he simply didn't have a clue how to begin making a claim. Luckily for

him this was when Rift stepped in to help. As a UCATT member Philip has access to our expertise, and we have helped thousands of workers just like him to claim back money that they are entitled to. It was really easy for him to claim using Rift; he only had a little bit of paperwork to fill in and we did all the rest. As he had never made a claim before we were able to negotiate with the Revenue for the maximum time period of six years and he was delighted to receive a refund of £1,133.20. Needless to say he has now recommended Rift to all his workmates.

Of course not everyone can make a claim for the full time period allowed, and the amount of the refund will vary depending on distance travelled as well as other factors. But in these times of economic gloom a few hundred pounds can make a big difference.

Graham Stewart is also a UCATT

member and he is a painter and decorator working for Darlington Borough Council. He too uses his own vehicle to travel around his area and, like Philip, he had no idea that council workers could claim tax refunds. When someone told him about Rift, he contacted us to see if he was eligible. We were able

“ Because he used his own vehicle to travel around from one job to another, he could claim a tax refund on his mileage expenses.”

to make a claim on his behalf – and he received a refund of £399.96.

These are just two examples of the many council workers that we have acted for recently as more of them discover that it is not only their colleagues in the private sector who are entitled to claim tax refunds on their travelling expenses. Anybody who uses their own vehicle to travel from one temporary workplace to another and is paid on PAYE could qualify. It doesn't matter if they are spending several months on one building site or two hours in a single property.

There is also another group of people who could be eligible to claim tax refunds. These are workers who have been made redundant or laid off during the recession. Just because you do not have a job at the moment does not mean that you cannot claim for the years when you did work.

If you think you might qualify for a tax refund why not give us a call on 01233-628 648, or just text "Rift" to 80010 and we will contact you.



Equality

Union backs moves to attract more women into construction

By BRIAN RYE, UCATT Eastern Regional Secretary

Over 500 young women attended a "Women into Construction" event in Bedford in February and many of them visited the UCATT Eastern Region stand where they questioned the UCATT officers about the role of a trade union in construction.

Over 300 took part in the UCATT competition to win a free pair of safety glasses. A typical question was: "What would you use a spirit level for? a) seeing a ghost; b) mak-

ing sure something is level; c) checking for alcohol.

They also tried picking up a golf ball with an excavator at the National Construction College stand and carrying out surveying with a speed camera with Barnfield College. They tried thatching and stone masonry and worked with Pink Ladders, a decoration business.

But most importantly, they were made aware that UCATT is working to ensure that women have employment rights and equal opportunities to progress in the workplace.

The purpose of the event was to encourage women into the construction industry by demonstrating that no barriers should prevent

women from doing so. Prejudice is the only barrier that allows the situation where only 0.6 per cent of all carpenters in London are women.

ConstructionSkills has an annual target of providing 3 per cent new entrant training in craft positions for women. This figure is not often achieved. Whilst there has been a significant increase in the number of women working in the industry, the actual proportion of them in the craft and manual trades is still shamefully low.

The event in Bedford was a serious attempt at addressing this imbalance for which ConstructionSkills, who organised it, should be congratulated.

And when it was over, quite a few women went away with the coloured safety glasses they had won in the UCATT competition.

In attendance with me were UCATT Eastern Regional Development Officer Sandra Wilson, Kier Harlow convener Jim Gamble, Kier Harlow apprentice Michaela Campbell and Karen King of the UCATT Women's Project.

● In London just 0.6 per cent of carpenters are women.



Obituaries

BILL JONES



Bill Jones is pictured above and top (on right, in white raincoat) at a Shrewsbury Pickets protest in the 1970s with Des Warren and Ricky Tomlinson.

Bill Jones, who died in January, aged 80, was a leading UCATT member and rank-and-file activist in the North West. He was the Kirkby Branch Chairman until his death, having joined the union as an apprentice joiner at the age of 16.

He served as a union shop steward on several major sites and was for 15 years the UCATT convener in the Liverpool direct works department.

In 1977 he served on the union's General Council and was the Chairman of the

North West Region for 12 years.

He was also the chairman of Knowsley Trades Council for many years.

Bill was a founder member of the Building Workers' Charter rank-and-file campaign group and a member of its editorial board. In the 1972 national building workers' strike he headed the Merseyside strike committee.

In 2007 he received the Robert Tressell Memorial Award, named after the author of the classic socialist novel "The Ragged Trousered Philanthropists" depicting the plight of a group of exploited building workers at the start of the 20th century.

Among the many people who paid tribute to Bill following his death was TV comedy star Ricky Tomlinson, one of the jailed Shrewsbury Pickets following the 1972 strike. "He [Bill] was very active in the campaign when we were on trial and was very active for years and years," recalled Tomlinson. "He was a good man, a good socialist, a very strong but quiet man. Bill had a wicked sense of humour and will be greatly missed."

LOU LEWIS

Lou Lewis (pictured below), who died on 11 January at the age of 71, was a leading figure in the rank-and-file building workers' movement in the 1960s and 1970s who later rose to become a highly effective and respected UCATT Regional Secretary for the London & South East Region.

He joined the union as soon as he began his carpentry apprenticeship after leaving school. This was the mid 1950s, when union hierarchies were often remote from their members and the "shop stewards' revolution" of the following decade had yet to begin. So it was natural that Lou, with his militant and left-leaning instincts, should become a key player in the unofficial committees and groupings that would soon begin to emerge in construction.



Lou and the other activists sought both to unite workers from different trades and unions and to push union leaderships into a more confrontational approach to industrial relations.

As the union convener at the Barbican site in central London, he put his credo into action and led several so-called wildcat disputes, including a lengthy strike in 1967.

Being a joiner, Lewis was a member of the Amalgamated Society of Woodworkers, one of the unions that in 1971 joined forces to create UCATT. The merger was backed by the rank-and-file movement, as was the militant stance which the new union took towards the employers in the following year. UCATT called a national strike in support of its demand for a £30 a week basic and Lou was one of those who ensured that the strike was particularly effective in the London region.

Lou was a founder member of the Building Workers' Charter and a leading figure in the Liai-

son Committee for the Defence of Trade Unions. Both were strongly influenced by the Communist Party, of which he was an active member. The Charter pressed for action on many issues, such as "the lump" and the increasingly casualised nature of building worker employment, that were also to be taken up by the union.

Following the 1972 strike, many of the key figures in the dispute joined the mainstream union movement. Lou was one of these and he became a full-time official in the London region and as such was able to deploy the considerable negotiating and oratory skills that he had acquired as a high-profile shop steward in the service of the union. He eventually retired in 2003, having stepped down at the end of 2002 as the Regional Secretary.

ALSO REMEMBERED...

David Hurst died on 25 December 2009 at the age of 63. A bricklayer, he joined the union in 1969 and served as St Helens Branch Treasurer for the past 20 years. He also served as the branch's unofficial photographer and built up a large collection of photos depicting presentations and works outings.

Charlie Jones, who served for many years as Shotton Branch Secretary and was active in the wider labour movement for more than 50 years, died on 31 January at the age of 87.

Horace Swindell was a union member for 60 years plus and a Branch Secretary of Alfreton Branch for more than 16 years. He was also a UCATT free card member. Born on 27 January 1919, he left school at the age of 14 and began his apprenticeship as a joiner.

Gerry Woolven, who was a full-time regional official for the ASW (Amalgamated Society of Woodworkers) and UCATT, based in Southampton, until 1974, died in January at the age of 78. He was made an MBE for his services to the trade union movement.

Presentations



● **Everton Branch Treasurer Ted Sherman (centre) receives his 40-year certificate from North West Regional Organiser Jim Woods (third from left).** Among those present were Branch Secretary John Winstanley and Branch Chairman Terry Egan (first and second from left) and General Council member Ken Routledge (second from right). Another member, Eddie Thomas, received his 50-year award privately.



● **Sid Woods (second from left) with colleagues from Glasgow No.3 Branch receives his 40-year membership certificate.**



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A photograph of a family of four sitting together on a couch. A woman on the left is holding a baby wrapped in a white blanket. A man sits in the center, smiling. A young girl on the right is leaning towards the man. They are all smiling and looking towards the camera.

OHP

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