

UCATT

Union of
Construction
Allied Trades and
Technicians

Building Worker



New Year 2010

Crane safety campaign success

**But union dismay
as Government
fails to stamp
out blacklisting**



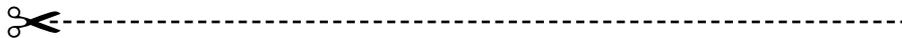
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UCATT duo in Downing Street

UCATT apprentices Tom Edge (right) and Holly Boulton (second from right) at a Downing Street reception in October to celebrate Britain's expanding ranks of apprentices. With them are Prime Minister Gordon Brown (centre), UCATT General Secretary Alan Ritchie (second from left) and UCATT Training Project Worker Steve Craig. See full story on page 8.

Government's proposals leave too many loopholes, warns UCATT

New law fails to put an end to blacklisting

UCATT fears that draft regulations to outlaw blacklisting contain so many loopholes that they will not put an end to the practice. Indeed, the union believes that the Government's proposed wording appears to give the green light for employers to blacklist in certain circumstances.

Under plans outlined by Employment Relations Minister Lord Young in December, it will be unlawful for trade union members to be denied employment through blacklists.

However, during the consultation on the wording of the regulations last summer, the union argued that they should not just make it illegal to blacklist for "trade union activities" but should prevent blacklisting for "activities associated with trade unions".

But the Government has chosen to ignore this key concern on the part of the union.

UCATT officials point out that the difference in wording is clearest in the event of workers stopping work due to serious safety concerns.

Though legal, such action would be considered to be unofficial industrial action and would therefore not be covered by the regulations. Bosses could continue to discriminate against workers who took part in the stoppage.

“The new law proposed by the Government will not stop blacklisting. Blacklisting perse will be neither criminal nor unlawful.”

● Read the damning verdict of Law Professor Keith Ewing: pages 12-13.

Ministers have told the union: "The Government believes such [unofficial] industrial action is especially disruptive and injurious to orderly industrial relations because, by definition, the trade union has not endorsed and controlled it."

UCATT General Secretary Alan Ritchie said he was disappointed with the Government: "Ministers have repeatedly promised to outlaw blacklisting. The proposed regulations fail to achieve this."

He added: "Not only are these regulations entirely inadequate, the Government's consultation response favours the continuation of blacklisting in certain circumstances."

The regulations also fail to address the routine blacklisting of safety reps and campaigners, which was a notable feature of the blacklisting practices unveiled last year.

Instead, the Government gives credit to the Heating and Ventilating Contractors Association call that "vetting of prospective employees was necessary to weed out trouble-makers, criminal elements or other undesirable people". Its consultation report adds: "Virtually all vetting activity which should normally have nothing to do with trade union matters, is left unaffected." And it "does not consider that a safety exemption should be created".

Before becoming law the new regulations have to be debated and approved by both Houses of Parliament. UCATT will be stepping up its campaign and working with sympathetic Labour MPs for the implementation of a comprehensive ban.

In March 2009 the Government's Information Commissioner reported that more than 40 firms had subscribed to a secret database of 3,200 construction workers compiled by a company known as the Consulting Association. It has now been closed under data protection law.

● More on the campaign: pages 10-11.

Thumbs up for housing boost

An announcement in October by Housing Minister John Healey that the Government would providing "Kickstart" funding to restart 54 stalled housing projects in England has been welcomed by UCATT.

The union said the move would help to ensure that some of the many skilled construction workers who were currently unemployed would be able to get back to work. "Further Government initiatives are essential in order to rejuvenate the construction industry in general and the housing sector in particular which has suffered greatly as a result of the recession," UCATT added.

The £400 million Kickstart Housing Delivery programme was announced in the 2009 Budget. It is targeted at currently stalled sites to support "high quality mixed tenure housing developments". Additional resources of £660 million for Kickstart were also announced in June last year as part of the "Building Britain's Future" programme.

Tories are 'playing politics with safety'

UCATT is accusing the Conservatives of playing politics with workers' safety.

The charge came after a speech in December by Tory leader David Cameron at the think tank Policy Exchange, where he suggested there was a "straitjacket" of health and safety rules and too great a level of safety regulations.

He also suggested that there was a misplaced assumption due to the "health and safety culture" that someone is always responsible for accidents.

UCATT immediately condemned the Conservative leader for trivialising the issue of safety. "Many workers, especially construction workers, are regularly placed in danger because there are simply too few inspections and too little enforcement activity on construction sites," said General Secretary Alan Ritchie.

He added: "The hard truth is that, in the overwhelming majority of construction fatalities, management failure caused or contributed to the worker's death. Yet only around 30 per cent of deaths result in a conviction."

Cameron's speech followed an attack on safety regulations made at his party's conference in October by shadow business spokesperson Ken Clarke when he launched a policy document titled "Regulation in the Post-Bureaucratic Age".

The paper proposed that, if companies purchased an independent safety audit showing their site was safe, Health and Safety Executive inspectors would be barred from entry except in an emergency. The paper also proposed an annual X Factor type of poll of both the general public and the business community to vote for the most hated regulations they wanted abolished.

Cameron's comments drew condemnation from other safety campaigners.

Linzi Herbertson, a founder member of Families Against Corporate Killing (FACK), said the Tory leader had clearly ignored the fact that 1,500 are killed and injured in workplace incidents each year and that 50,000 are made ill or die from work-related illnesses.

"The real issue," she said, "is of employers refusing to take responsibility for ensuring basic minimum standards of health and safety."

Dorothy Wright, another founder member of FACK, added: "As the mother of a young man whose life, like so many, was stolen by a greedy unscrupulous corporate killer, leaving his young children traumatised and in poverty, I would sincerely hope that David Cameron never gets into power as he has sold his very soul and every citizen's life for corporate backing."

Andrew W Ward



● Ritchie: Tory toffs look down on working people.

By **ALAN RITCHIE**,
UCATT General Secretary

This year will offer a clear choice for UCATT members. There will be a general election in the next few months. And for the first time in more than 12 years, the Conservatives have a realistic chance of forming the next Government.

That prospect fills me with dread. I hope most people reading this will feel the same way. Because, behind the photogenic smiles and smooth words of David Cameron lies a party which has not changed since it was rightly dubbed the "nasty party" during the Thatcher and

Major years. Cameron and the Tories still hate organised labour and want to make it harder for unions to do our job of looking after our members. A recent headline in the right-wing weekly *The Spectator* said it all when it boasted: "How David Cameron plans to tame the unions".

Tory toffs still look down on ordinary working people and favour the privileged few who can afford expensive homes, private hospital treatment and private schools for their children.

Deep down, they also still hate the public sector and can't wait to inflict massive cuts on the our social services, on the NHS, on our schools and on our local authorities.

Look at the way the Conservatives have opposed all the Government's emergency measures to counter the banking and credit crisis that has hit the global economy so hard in the past 18 months.

Without those measures the dole queues would be much, much longer and our prospects for recovery far bleaker.

Younger readers will not know what the Margaret Thatcher and John Major Governments of the 1980s and 1990s were like. Some older UCATT members might have forgotten by now.

They were times of massive unemployment, sky-high interest rates, a widening gulf between

“Cameron and the Tories still hate organised labour and want to make it harder for unions to do our job of looking after our members.”

Your vote this year can make a big difference

the wealthy and the poor. And they were times when workers and their unions – whether miners, dockers, seafarers, steelworkers or printers – were the object of vicious attacks on their jobs, their standard of living and their right to defend themselves collectively through their unions.

Let's not put the clock back to those bad old days.

I'll be the first to admit that the Labour Government we have now is far from perfect. Let's be honest about it: most UCATT members have at least one good reason to be disappointed with the current Government. Whether it's a specific grievance, such as the failure to restore compensation for pleural plaques sufferers, or a more general complaint, such as the way that ministers have carried on with much of the privatisation agenda inherited from the Tories, there are valid grounds for having a moan about the Government.

I share much of that frustration felt by members that this Government sometimes loses sight of who it's real friends are and forgets that the Labour Party was many years ago created by the unions in order to look after the interests of working people.

None of this, however, is a reason not to vote Labour when the general election is called early this year.

The simple fact is that, when there is a Labour Government, we have game on. As long as Labour are in power, we stand a chance of influencing what the Government does. We might not always get what we want, but at least we're in with a shout.

If the Tories had been in office, we wouldn't have had a big expansion in apprenticeships. We wouldn't have had massive increases in spending

Justin Tallis/reportdigital.co.uk



LABOUR IS WORKING: Construction workers on a break wait to buy food in London. Massive Tory cuts in spending on hospitals, schools and other public sector projects would throw more of them on the dole.

on building new schools and hospitals. We wouldn't have seen moves to boost housebuilding by local councils.

Under the Tories, there wouldn't be a clampdown on bogus self-employment. Nor would the recent hard-hitting inquiry on construction safety and deaths have taken place.

And the Conservatives would never have introduced a new law on corporate killing in a bid to curb the death toll on our building sites and other workplaces.

Not all these measures by the Labour Government are perfect or properly followed through. But they represent real progress – and we will continue to press for more.

But for that to happen, one thing is essential: the return of a Labour Government. The nightmare alternative of a Government led by David Cameron and the Conservatives would bring

advances on all these fronts to a halt. We wouldn't even be invited to sit round the table to discuss the needs of workers in construction. The Tories will only speak to the bosses, such is their loathing of unions.

If you agree that the Conservatives are bad, don't be fooled by the non-Labour alternatives. As the vast majority of construction workers know, the BNP are a closet Nazi party. Their policies breed hatred and pit worker against worker. The LibDems and nationalists are an irrelevance. This will be a two-horse race to form the next Government.

Let's make sure that Labour is the party that comes out ahead in 2010.

I wish all UCATT members a safe and prosperous New Year.

A. S. Ritchie

“I'll be the first to admit that the Labour Government we have now is far from perfect.”

“The Conservatives would never have introduced a new law on corporate killing in a bid to curb the death toll on our building sites and other workplaces.”

Brown pledges 'fairness' for pleural plaque victims

An assurance by Prime Minister Gordon Brown that there must be "fairness" when seeking a "resolution" to the problem of compensation for pleural plaque victims has been cautiously welcomed by UCATT.

The Prime Minister made his comments when Labour MP Stephen Hepburn pressed him on the issue at Prime Minister's Question Time on 28 October.

Hepburn, who is a member of the UCATT Parliamentary Group, said: "Will the Prime Minister ensure that any announcement by the Justice Secretary [Jack Straw] on pleural plaques will ensure a commitment that plaques victims past, present and future will be able to secure compensation."

The premier's response came on the day of a lobby of Parliament organised by UCATT and other unions to highlight the plight of people diagnosed with pleural plaques who have been denied compensation since a ruling by the Law Lords in 2007.

UCATT General Secretary Alan Ritchie commented: "The only fair resolution is to restore the right to compensation and the establishment of liability for pleural plaque victims who have had their health needlessly damaged by negligent employers."

He added: "It is essential that the Government brings forward proposals which reverse the Law Lords' decision so that pleural plaque victims can claim

compensation and the liability of negligent employers can be established. There is clearly a log-jam, which has massively delayed the Government's response; these problems must be resolved so that compensation can be restored. UCATT is entirely committed to working with the Government to resolve these issues."

The union has submitted proposals to Government ministers aimed at reducing the role of mercenary "claims farmers" and "scan vans" in initiating pleural plaques claims.

Progress

UCATT has meanwhile welcomed the progress being made by a backbench Labour MP, Andrew Dismore, in seeking a new law to re-establish the right to compensation for pleural plaques. His Private Member's Bill has cleared its main hurdles in the House of Commons and has now moved to the House of Lords.

However, unless the Government provides parliamentary time for the Damages (Asbestos-Related Conditions) Bill – which appears unlikely – it will run out of time and fall.

Asbestos-induced pleural plaques are scars on the lungs and are often a precursor to the deadly disease mesothelioma.

...but why is there no bail-out for us?

Reacting to the news in November that the Government was lavishing a further £33 billion as a bail-out for the banks, UCATT said it was disappointed that ministers had once again been able to find billions for bankers but seemed unable to find just a few million pounds to compensate pleural plaque victims.

The union is campaigning to have compensation restored for individuals diagnosed with pleural plaques after their entitlement was removed by the Law Lords in October 2007.

The swift action over the banks was also in stark contrast to the

Government's delay in announcing whether it would overturn the Law Lords' controversial decision.

£35 million

The union estimates that, if pleural plaque compensation were restored, the Government would have to pay compensation amounting to £35 million a year to workers who were negligently exposed to asbestos while in its employment.

Many of them worked in the formerly nationalised shipyards or at Ministry of Defence dockyards and other naval and MoD establishments.

AGENCIES WARNED: Eleven employment agencies were warned by the Employment Agency Standards inspectorate (EAS) in November after advertising for asbestos removal workers without properly checking the health and safety implications. The EAS, which is an agency answerable to the Department for Business, Innovation and Skills, says it acted swiftly after receiving intelligence that employment agencies were advertising vacancies for asbestos removal workers without having the proper Health and Safety Executive licenses. The inspectors found that, although no workers had been placed yet, the agencies were not taking the necessary steps to prevent risk to them. The inspectorate therefore issued warning letters. Failure of any agency to address the non-compliance could result in criminal proceedings or a possible ban from trading of up to 10 years.

'Hidden killer' still a threat

Britain's biggest workplace killer could blight another generation of building workers unless urgent action is taken to tackle asbestos risks. The Health and Safety Executive (HSE) says "around a quarter of the 4,000 or so people dying from asbestos-related diseases each year in Britain are tradesmen such as joiners, electricians and plumbers. About 20 lose their lives each week".

The HSE calculates that across Britain more than 35,000 people died from the asbestos-related cancer mesothelioma between 1977 and 2007 – and the numbers dying are increasing. Latest annual figures show that 2,156 people died from the disease in 2007 alone, up 5 per cent on the previous year.

The HSE's £1.2 million "Hidden killer" campaign launched last year sets out to warn Britain's million-plus building trade workers about the dangers they face.

Steve Coldrick, the HSE's Asbestos Programme Director, said: "With this campaign we can educate today's workforce about the risks and what action they need to take to protect themselves from this deadly dust. If tradesmen are not sure whether there is asbestos present where they are working they should stop and check."

TUC General Secretary Brendan Barber commented: "Asbestos has posed a long-running threat to generations of British workers, many of whom have faced an early death because they were not told about the hidden killer in their workplaces. Asbestos cannot be written off as a 20th century problem."

He added: "We owe it to the memory of those whose lives have been cut short to get the message through to today's workers, and that's why we are backing the HSE campaign."

Exeter UCATT member Tim Morris (right) was greeted by the city's Labour MP and Culture Secretary Ben Bradshaw when he organised a UCATT stall in November at the local Labour Party's Christmas festival. His theme for the stall was the union's campaign on pleural plaques. He also handed out news-sheets on workplace deaths, bogus self employment and the blacklisting of trade unionists. Said Tim afterwards: "The event was well attended and I got full support from Labour councillors and members for a motion that will be put before the Exeter constituency Labour Party on pleural plaques."



Cranes over the 2012 Olympics Stadium currently under construction in Stratford, east London.

Justin Tallis/reportdigital.co.uk

UCATT hails new regulations on cranes

UCATT and other safety campaigners have won the battle to persuade the Health and Safety Executive to enforce a statutory register of tower cranes.

HSE chiefs announced in November that, subject to Government approval, the new register will be introduced from April this year. It will cover all conventional tower cranes on construction sites.

Details that will have to be notified to HSE after April are:

- the site address where the tower crane is being used
- the name and address of the crane owners
- details needed to identify the crane
- the date of its thorough examination
- details of the employer for whom the examination was made
- whether any defects posing a risk of serious injury were detected.

The safety watchdog's decision to support a statutory tower crane register follows an extensive consultation exercise undertaken earlier last year in which UCATT argued that the register should also apply to tower cranes in docks and other non-construction locations.

In addition, the union said that the register should include all cranes, especially towed tower cranes that operate in a very similar manner to conventional tower cranes.

UCATT further suggested that cranes should be registered within three days of erection

rather than the 14 days deadline that the HSE has now opted for.

UCATT General Secretary Alan Ritchie welcomed the HSE move as "a major step forward for construction safety". There were many people in the industry who did not want to see a statutory register come into being, he said. "If it had not been for the campaigning of UCATT and the safety groups, the register would not have seen the light of day."

He went on: "The register means that workers and the public will be reassured that tower cranes are being properly installed. The register will mean that employers cannot

cut corners when it comes to crane safety."

The UK is home to 1,800 tower cranes and, at any one time, 1,300 are operational. Since 2000, eight people have been killed and several more seriously injured from incidents involving tower cranes.

Accidents

In recent years there have been a number of high profile accidents involving tower cranes, resulting in eight fatalities. Additionally, there have been several incidents involving cranes in docks, including serious accidents that occurred at Southampton in January 2008 and July 2009.

In April last year, the Government announced the creation of a statutory tower crane registration scheme – something the union had been campaigning for in recent years.

The Lifting Operations and Lifting Equipment Regulations 1998 require tower cranes to be thoroughly examined by a competent person before first use and on a periodic basis (six or 12 months depending if they are used to lift persons) or in accordance with a written scheme of examination.

There are two main types of tower cranes, known as conventional (or "assisted-erected") and "self erectors". Conventional cranes are transported in pieces and assembled on site. Self-erecting tower cranes are complete units that are brought to site and then unfolded.

“The register means that workers and the public will be reassured that tower cranes are being properly installed. It will mean that employers cannot cut corners when it comes to crane safety.”

Make minimum wage £6 an hour, urges TUC

The TUC is pressing the Low Pay Commission (LPC) to recommend raising the adult national minimum wage (NMW) by 20p to £6 an hour. The LPC advises the Government on the NMW and is currently considering the rates for the period from October 2010 to September 2011.

The TUC argues that this 3.5 per cent rise in the adult NMW is both sensible and affordable. Such an increase is also required to ensure that the earnings of low paid workers do not fall behind the rest of the country

and would benefit around one million workers.

TUC General Secretary Brendan Barber said: "It would not be fair to make the low paid suffer while city bankers get bonuses."

The adult hourly minimum wage is currently £5.80. Workers aged 18-20 get £4.83 and those aged 16-17 receive at least £3.57 an hour. The TUC recommends those rates are raised to £6, £5 and £3.69.

● *The Government's Pay and Work Rights helpline gives advice on the NMW and other employment rights. The number is 0800-917 2368.*

● *All apprentices deserve minimum wage: page 8.*

'Reluctant' council pay deal

UCATT and the other unions representing 40,000 local government craftworkers covered by the so-called "Red Book" agreement reluctantly accepted a pay offer from the employers for 2009/10 in order to ensure that workers received their backdated pay increase in time for Christmas.

Most grades received a 1 per cent increase, with the lowest grade (building labourer) having a 1.25 per cent rise.

However, although the unions have accepted the main pay element of the claim, they are still pursuing an additional 0.3 per cent increase paid to "Green Book" local government workers in 2008/9,

which craftworkers did not receive. The unions also remain committed to defending any further attacks by the employers on the Red Book.

UCATT General Secretary Alan Ritchie said: "Local government craftworkers are finding it difficult to make ends meet in these difficult economic times and simply can't afford a further delay in receiving a desperately needed pay increase. However, highly dedicated skilled craftworkers will not accept such low pay offers in the future."

He added: "The employers need to start treating craftworkers with greater respect and give them proper recognition for their contribution to society."

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

Returning to work after sickness absence

It is often a daunting prospect returning to work following illness. Regardless of the period of sickness absence your employer has a duty of care in enabling you to return to work as easily as possible.

The construction industry operates in both the public and private sectors. Therefore organisations will have different policies regarding returning to work after sickness. You should first check your contract and familiarise yourself with the procedures laid down within your own workplace.

The first thing that you should do when returning to work is approach your line manager/foreman letting them know that you have returned. He/she should then enquire as to your current health, inform you of any changes that have been made to the work practice while you have been off and let you know whether you are required to attend an informal back-to-work meeting. This is regarded as good practice and the meeting should be about welcoming you back and discussing any implications following your return.

For instance, if your absence was as a result of an injury, the employer should use this to look into any adjustments that they need

“Legislation exists that supports your right to return to work following illness without suffering any detriment in pay.”

to make to ensure that you can work safely. The Health and Safety Executive has produced guidelines about planning adjustments for musculoskeletal disorders, including lighter duties and manual handling reduction. The back-to-work meeting should be between you and your line manager. There is no statutory right for a rep to

attend though some local authorities and workplaces will have procedures that lend themselves to a shop steward's attendance.

The employer may suggest that you see the occupational nurse or doctor. This should be another way for the employer to look at ways in which they can support you on your return to work. All issues regarding your health should be kept confidential. Any UCATT member who believes that their employer has made this information available to others may have grounds for a case against the employer.

You should be aware that legislation exists that supports your right to return to work following illness without suffering any detriment in pay, any further health problems caused by work or the loss of your job. These include:

- The Health and Safety at Work Act 1974 – to ensure that the health and safety of everyone at work is protected.
- The Disability Discrimination Act (DDA) 1995 – where employers must make reasonable adjustments to accommodate employees who are or have become disabled, as defined by the DDA.
- The Employment Rights Act 1996 – that employers must adopt fair procedures before dismissing employees on grounds of sickness absence
- The Employment Act 2002 (Dispute Regulations 2004) – to adopt statutory minimum dismissal, disciplinary and grievance procedures.

Should you believe that your employer is treating you unfairly following a period of sickness absence, it is crucial that you contact your local UCATT office or rep immediately for advice.

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.

Jess Hurd/reportdigital.co.uk



● **Inside Number 10: UCATT's Holly Boulton and Tom Edge with TUC General Secretary Brendan Barber (left).**

Downing Street backs more apprenticeships

Two UCATT apprentices attended a Trades Union Congress (TUC) celebration with Prime Minister Gordon Brown at 10 Downing Street in October, when the Government reaffirmed and strengthened its support for apprenticeships.

Business management apprentice Holly Boulton and plumbing apprentice Tom Edge were invited to meet Gordon Brown and discuss with him how undertaking an apprenticeship is providing them with lifelong skills.

The UCATT duo, who are employed by Kier Stoke, were joined by some 40 other youngsters from around the country in London, where they also met Business Secretary Lord Mandelson and leading UCATT officials and TUC General Secretary Brendan Barber.

Holly said afterwards: "The TUC launch was a great way of raising awareness of apprentice schemes. It was a memorable experience."

Tom added: "The launch was informative for all the apprentices and I really enjoyed the day."

In recent months the Government has announced a major expansion of apprenticeships, par-

ticularly in construction. Currently an extra 7,000 apprenticeships are being created in the construction sector, with a total of 20,000 new places across all industries.

Kier Stoke has recruited 11 apprentices since September 2008.

A record 234,000 people started apprenticeships last year.

Martin Hurley, the UCATT convener for Kier Stoke, commented: "The event in London was a good way of showcasing that here at Kier Stoke the unions and management fully support apprenticeships and learning."

For the TUC, Brendan Barber said: "Apprentices are playing a vital role in our economy and unions are playing a big role with employers to increase their numbers."

Gordon Brown said: "We thank the apprentices for giving us faith in the future."

The Prime Minister added: "In 1997, there were less than 70,000 apprentices in the country. Today, there are expected to be a quarter of a million, so it's trebled as a result of the action we've taken to promote apprentices."

● *Prepare for end of recession page 17.*

All deserve minimum wage, says TUC

The national minimum wage (NMW) should be extended to all apprentices as more than half are currently exempt, the TUC is urging. Young apprentices under the age of 19 and older apprentices in the first year of their course are currently not entitled to the NMW.

The TUC proposed in October to the Low Pay Commission that apprentices should be protected by three new age-based hourly rates based on a discount of 10 to 15 per cent from the existing NMW rates:

- £3-£3.18 for 16 to 17-year-olds
- £4.05-£4.29 for 18 to 20-year-olds (19 and 20, first year of apprenticeship only)
- £4.87-£5.15 for those aged 21 and above (first year of apprenticeship only).

The TUC wants apprentices already entitled to the NMW (those aged 19 and over who have already completed the first year of their course) not to be included in the new NMW apprentice rates as this could make them worse off. According to the latest official statistics, the average pay for apprentices is £8.67 an hour.

In 2005 the Government set a minimum weekly pay rate for apprentices at £80, which has now increased to £95. Current NMW rates for younger workers are £4.83 an hour for 18 to 21-year-olds, £3.57 for 16 and 17-year-olds and, for workers aged 22 and over, £5.80.

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"Nationality doesn't matter – we must fight together," says this placard in Portuguese being carried by engineering construction workers protesting against the use of cheap migrant labour at Uskmouth power station.

Call for extra bank holiday in 2012

A new bank holiday should be introduced in 2012 to celebrate the London Olympics and Paralympics and volunteers across the UK, says the TUC and a coalition of organisations backing a "Community Day" public holiday.

The Olympics and Paralympics will depend on some 70,000 volunteers, says the TUC. A new holiday in late October would be the perfect opportunity to recognise the nation's volunteering efforts.

It would also break the four-month gap between the August and Christmas bank holidays. The UK currently has eight such holidays a year, compared with a European Union average of 10.9 days.

'Not true' that cost of gangmaster law would be prohibitive

Claims by employers that an extension of the 2004 Gangmasters (Licensing) Act to construction would add "a lot of cost for contractors" are not true, according to research by UCATT.

A widening of the scope of the Act – which would help tackle the exploitation of migrant and some British-based workers – is a key UCATT policy and was a recommendation of "One Death Is Too Many", the Government-commissioned report into the high number of construction deaths published last summer.

UCATT has found that the current costs of applying for a license to operate in those sectors regulated by the Gangmasters Licensing Authority (agriculture, food processing and shellfish collection) and an initial inspection are £5,500 for companies with a turnover of over £10 million. A company with a turnover of below £1 million has to pay £2,250. Annual licence renewal fees range from £2,600 for the largest companies to just £400 for the smallest.

For a company with a turnover

of £10 million, these fees represent just 0.055 per cent of turnover, while a smaller agency with a turnover of £200,000 would have to pay 1.1 per cent of turnover in fees.

However, Stephen Ratcliffe, Director of the UK Contractors' Group, which represents most of the large construction companies, told *Construction News* in October that, when the Government further discusses how to implement "One Death Is Too Many", the UKCG would argue against GLA extension on cost grounds.

He explained: "There were some things that would add a lot of cost for contractors, like the extension of the Gangmasters Act. We would be very keen to engage with the Department for Work and Pensions on these issues."

Reacting to this claim, UCATT General Secretary Alan Ritchie said that any increased costs to contractors for using licensed gangmasters would be "miniscule".

He added: "But extending the Act to construction would force rogue operators who exploit vulnerable workers out of business."

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Global support for UCATT campaign

Construction unions around the world have endorsed proposals to stamp out blacklisting wherever it occurs.

The decision was taken in December by the Building and Wood Workers' International (BWI), the worldwide federation of construction unions, at its conference in Lille, France.

Delegates supported an emergency motion on the topic tabled by UCATT.

The union's motion mandates the BWI to "monitor any developments on blacklisting discovered in BWI affiliate countries" and "assist unions in taking action where there are suspicions of a blacklist or where blacklisting practices have been confirmed".

UCATT General Secretary Alan Ritchie said: "I am delighted that the BWI is committed to opposing blacklisting. Blacklisting is a disgraceful, deceitful practice which ruins the lives of workers."

Some of the companies involved in blacklisting in Britain are multinationals. It has emerged that many of them implement exemplary industrial relations policies in some countries, while undertaking entirely unethical practices in others. UCATT has been working with other construction unions around the world to highlight abuses and press companies globally to amend their policies.

High Court success

Blacklist campaigners hailed a High Court decision in October to reject an injunction against a building worker brought under terrorism legislation.

Scottish & Southern Energy (SSE) had sought the injunction against electrician Steve Acheson, who had been protesting against his dismissal from the Fiddlers Ferry power station building project in Warrington.

Rejecting the injunction, the judge described the SSE's case that Acheson's actions were a threat to the National Grid and national security as "fanciful bordering on paranoid".

Acheson's details were on the Consulting Association's blacklist that was shut down last year.

Proposed regulations to be considered by Parliament MPs agree to work with UCATT for a comprehensive ban

A group of Labour MPs has agreed to work with UCATT to press the Government to introduce regulations that will outlaw blacklisting and make it a criminal offence to maintain a blacklist.

The MPs agreed to take this action at the parliamentary launch in October of "Ruined Lives", the UCATT-commissioned report on the Government's blacklisting proposals.

Keith Ewing, author of the report, told MPs that the draft regulations were "hopeless and inadequate". They did not provide a right not to be blacklisted. And, if a worker was blacklisted, there was no automatic right to compensation. Nor would it be illegal to supply information to a blacklist.

Because Government ministers were not proposing to make blacklisting a criminal offence, the burden of proof remained on the worker, MPs were told by Ewing, who is professor of public law at London University.

He also argued that the draft regulations were too narrowly defined, as they only referred to trade union activity. This could mean that the blacklisting of "political" activists would remain legal.

At the same meeting, UCATT General Secretary Alan Ritchie said that union safety reps were often targeted by firms, with many being swiftly laid off after assuming their duties and then unable to find work.

Speaking about the need for the draft regulations to be overhauled, he added: "The regulations don't just have to be watertight, they have to be airtight so the employers can't wriggle out of them."

John Winstanley, a UCATT activist from Merseyside who was blacklisted throughout his working life, told the meeting how between 1964-1987 he had had 54 different employers due to being blacklisted. This had placed a huge strain on his personal life.

Despite having been in the construction industry for 50 years, Winstanley said that he felt he could not provide a reference for any of his family because of the "fear that, as I was blacklisted, it would affect the work of my relations".

Ministers pledged to use powers under the 1999 Employment Relations Act to implement legislation to outlaw employers from blacklisting workers for trade union activities following revelations early in 2009 that the construction industry's major contractors were involved in the systematic blacklisting of workers through a company called the Consulting Association.

With files on some 3,200 individuals and with 44 companies as clients, the company was shut down in March

“The regulations don't just have to be watertight, they have to be airtight so the employers can't wriggle out of them.”

by the Information Commissioner's Office – the Government's personal information watchdog.

Because of the absence of an explicit blacklisting law, Ian Kerr, boss of the company, was last year therefore only charged with data protection offences.

The former Special Branch officer pleaded guilty and was fined £5,000, a penalty described by the Information Commissioner, Christopher Graham, "as simply inappropriate". He added: "Here's a blatant example of a business making a lot of money by trading in people's data, which I believe parliament could stop if we activated a custodial sentence for the worst offenders."

How Government changed its mind after 1999

UCATT has discovered that Government claims that the 1999 Employment Relations Act (ERA) did not intend to make blacklisting a criminal offence are at odds with what it said when the Act was passed. Last year it said: "The enabling power in Section 3 of the ERA is drawn wide enough to enable criminal offences to be created... However, that wording was merely a contingency... and there was no presumption during the Act's parliamentary passage that this option would be pursued."

This is directly at odds with what the then Secretary of State for Trade and Industry, Stephen Byers, told the House of Commons on 30 March 1999 when replying to two Tory wrecking amendments. He said: "Amendments numbers 11 and 12 would ensure that it would no longer be a criminal offence to compile a list of people relating to their trade union activities. We believe that that should be a criminal offence. We also believe that it should be a criminal offence to use such a list for the purpose of blacklisting individuals."

takingoutthetrash.typepad.co.uk



Construction workers demonstrated outside Macclesfield Magistrates' Court last July when blacklistee Ian Kerr appeared on data protection charges. His case was referred to a crown court where he was subsequently fined the "inappropriate" sum of £5,000.



Demo outside Manchester tribunal

UCATT members (above) demonstrated in support of victims of blacklisting outside the Manchester employment tribunal office on 24 November when the tribunal was hearing the initial cases brought by the union on behalf of blacklisted construction workers. Individuals who can prove that they were blacklisted are seeking compensation from employers for being unlawfully dismissed or denied employment.

UCATT North West Regional Secretary George Guy commented: "A large number of UCATT's activists in the North West were blacklisted and these workers deserve justice. Everyone involved in blacklisting must be brought to book."

Below: Blacklisted UCATT member John Winstanley in Manchester with Carolyn Jones of the Institute of Employment Rights, both holding copies of the union's investigation into blacklisting that was published last year.



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No just

Professor KEITH EWING explains why trade unionists feel let down by the Government's proposed regulations to ban blacklisting.

Last year the Government lifted the spirits of many people when it appeared willing to do the decent thing, announcing that it would introduce laws to put an end to the blacklisting of trade unionists. The highly publicised prosecution of Ian Kerr – whose Consulting Association provided blacklisting services to dozens of construction companies – exposed a practice that many thought had died out.

Far from having died out, the Consulting Association's files revealed blacklisting as a flourishing industry. Records going back to the 1970s stored an extensive amount of data about hundreds of people, including their trade union and political activities. Kerr was fined the princely sum of £5,000 for breaking the Data Protection Act, while the big boys who bought his information got off scot-free.

But having created great expectations, the mood of trade unionists soon changed when the small print of the Government's proposals was carefully studied. What should have been a good news story simply reinforced the alienation from the Government of the very people whose support it desperately needs at the next election. When the penny dropped, it became all too clear that behind the promise to stamp out a vile and nasty practice, nothing was going to change.

No doubt driven by a desire not to offend big

“ When the small print of the Government's proposals was carefully studied... it became all too clear that behind the promise to stamp out a vile and nasty practice, nothing was going to change. **”**

Justice for building workers



KEITH EWING is Professor of Public Law, King's College London, President of the Institute of Employment Rights and author of "Ruined Lives" – the UCATT submission to the Government's consultation on blacklisting.

business, the Government's original proposals failed even to provide a right not to be blacklisted. Workers were expected to be pleased that there would be a right to recover compensation if they could prove that they had suffered loss as a result of having been blacklisted. There would be no automatic compensation for being blacklisted, and no criminal penalties.

Needless to say this was not good enough. Blacklisting should be a criminal offence. Full stop. Nor was it good enough to say that protection from blacklisting would apply only to "trade union activities" and not "trade union related activities". This would leave it to the courts to decide whether unofficial action was in or out, and how far in or out.

Nor was it good enough to fudge the question of participation in industrial action. The Government's strategy seems to be based on the hope that the judges would say official industrial action was protected, thereby permitting blacklisting to continue for those engaged in unofficial action, as well as those who had unwittingly got on the wrong side of the police on a picket line.

The treatment of Kerr's victims also left much to be desired. In the 1980s the Tories introduced a retroactive compensation scheme for people sacked for non-membership of a union where a closed shop had operated. If a Tory Government could compensate those sacked for not being union members, surely a Labour (a Labour) Government could do the same for people sacked because they were trade unionists.

A scheme of this kind would provide a guaranteed minimum amount of compensation for people who appeared on Kerr's database, with the compensation to be increased for those who had suffered loss as a result. For good measure, some unions proposed that any compensation scheme should be paid for

by the construction companies who had trafficked in human misery and violated human rights.

These and other points were put to the Government forcefully by no fewer than 26 trade unions in good faith and in the belief that the Government had engaged in a genuine consultation. But the Government's response to these concerns published in December reveals that the Government has no interest in stamping out blacklisting. No significant change will be made to the original proposals, the Government now bending both knees in servile fealty to the construction companies.

So the new law proposed by the Government will not stop blacklisting. Blacklisting per se will be neither criminal nor unlawful, the Government being told by the Heating and Ventilating Contractors' Association that the "vetting of prospective employees was necessary to weed out troublemakers, criminal elements or other undesirable people". So right on cue the Government has concluded that "it does not wish to deter employers from vetting prospective employees".

Even more alarming, the narrow focus of the proposed legislation will ensure that "virtually all vetting activity, which should normally have nothing to do with trade union matters, is left unaffected". What is this other than an open invitation to employers to continue to engage in blacklisting (even of trade unionists)? Given the narrow definitions in the proposed legislation much "normal" trade union activity will fall on the wrong of the line.

But just to make sure that no one ever succeeds in a blacklisting complaint, the burden of proof will remain with the complainant to show that he or she

has suffered loss as a result; the Government will have no role in conducting investigations into improper blacklisting; and trade unions will be denied an enhanced role in the process by giving

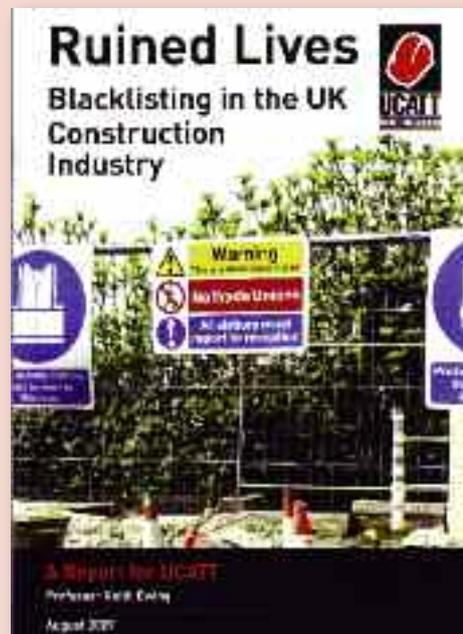
“ If a Tory Government could compensate those sacked for not being union members, surely a Labour (a Labour) Government could do the same for people sacked because they were trade unionists.”

them the right to take legal actions on behalf of members, who must reveal their trade union activities to all and sundry.

Nor will there be any retroactive compensation scheme for the past victims of blacklisting. Their only remedy now will be by way of the European Court of Human Rights complaining that there has been a breach of their Convention rights (article 8 (privacy) along with article 11 (freedom of association) which the Government has disgracefully failed to address, despite the much vaunted human rights culture it claims to have introduced.

While in Strasbourg, there are a number of other questions which the victims of blacklisting will no doubt wish the European Court of Human Rights to investigate. Thus, why was the Government department responsible for promoting the interests of business given access to the unredacted files of blacklisted workers, without the consent of the workers in question (an oversight which might have been excused if state access to files had helped to produce good law)?

Just as pertinent, what – if any – are the links between those who operate blacklists on behalf of construction companies and the state? Does (or has) Special Branch and/or the security and intelligence services receive information from private sector blacklisters, and do these agencies provide information to private sector blacklisters? Is intelligence work of this kind out-sourced to the private sector, and if so does this amount to covert or directed surveillance under the Regulation of Investigatory Powers Act (the snoopers' charter)?



● Download UCATT's report on blacklisting, "Ruined Lives", from: [\[www.ucatt.info/content/view/full/753/30/\]](http://www.ucatt.info/content/view/full/753/30/).

A version of this article appeared in the Morning Star on 10 December 2009.

Call for ban on lead

Activists at the Construction Safety Campaign's annual general meeting in London in November voted unanimously for the use of lead to be outlawed. They demanded zero exposure to the substance at work and urged a ban on all lead imports.

This decision was taken following a recent report indicating that exposure to lead at levels way below the UK's current "safe" limits can cause kidney and heart disease, brain damage, cancer and other serious disorders. The report by Professor Andrew Watterson of Stirling University, that the true extent of those at risk by exposure to lead at work is probably 100,000 each year. This is 20 times higher than the Government's current estimates.

Construction workers are at risk in old buildings from lead in pipes, paint, windows, roofing materials and elsewhere. Demolition and salvage workers recovering the metal are also at risk.

Alarm over Norwich contract

Council tenants in Norwich face huge cuts in the repairs and other services following the council's decision to give its main housing contract to private provider Connaught, UCATT is warning.

In November it was announced that Connaught had won the bulk of Norwich's CityCare contract from 2010/11 for £27 million. However, the current contract for 2009/10 is understood to be valued at £41 million.

UCATT Eastern Regional Secretary Brian Rye is seeking an urgent meeting with council officials about the low cost of the bid and its implications for the quality of the service. UCATT also fears that Connaught will attempt to cut costs by reducing the number of employees and cutting their pay and pensions.

Formaldehyde dangers

Risks posed by formaldehyde, a common workplace chemical, are greater than previously thought, a global cancer agency has warned.

At a meeting in October of the International Agency for Research on Cancer, experts determined that sufficient evidence exists to link formaldehyde with leukaemia, a cancer of the blood or bone marrow. They also reiterated that the chemical can cause cancer of the nose and throat. Formaldehyde is already classified as a cancer risk but not as a "group 1" carcinogen like asbestos and tobacco smoke.

Formaldehyde is used in products

from glues to plywood, furniture, carpets and particle board.

Less overtime being worked

The number of people working paid overtime in the UK has fallen by nearly half a million in the past year to just under four million, a TUC analysis reveals.

Official data shows that in the summer of 2009, 15.8 per cent of employees in the UK earned paid overtime, a fall of 1.5 percentage points since summer 2008. Research indicates that 55 per cent of the decline in paid overtime is due to job losses, with the other 45 per cent due to employees having fewer opportunities for overtime.

In construction, the TUC found that 292,000 workers were being paid for overtime last summer, 41,000 fewer than in 2008.

CSCS launches smartcard

The Construction Skills Certification Scheme (CSCS) is launching a smartcard in January, which includes a small computer chip storing the cardholder's personal data. At the same time, the cost of the card increases to £30, a rise of £5.

The CSCS says the new card will improve security. Its introduction follows at least one high-profile criminal case in which forged cards were issued to migrant workers.

The CSCS has meanwhile announced that it has issued its 1.5 millionth card. It went to a contracts manager with Chap Construction in Aberdeenshire.

Introduced in 1995, UCATT has been a strong supporter of the card registration scheme as a means of boosting skills and helping raise safety standards in construction.

Safety enforcement crisis

Britain's safety enforcement regime is in decline, two new reports suggest. The inspection trend, with fewer Health and Safety Executive (HSE) inspectors in recent years, has fallen dramatically.

It is a situation described by criminal law experts Steve Tombs and Dave Whyte as the "collapse of enforcement" in a paper in the *British Journal of Criminology*.

In addition, figures obtained by *Hazards* magazine show that in 2007/08, just 7.3 per cent of the 32,810 fatal and major injuries – or fewer than one in every 13 – reported to the HSE resulted in an investigation by the watchdog.

The HSE claims it now spends more time on "frontline activity".

UCATT presses for action on death probe

UCATT is urging ministers to fully implement the findings of the Donaghy Report, which it commissioned to find solutions to the continuing poor safety record of the construction industry.

Employers have rejected the report's key recommendations, including the extension of the Gangmasters Licensing Authority to cover construction and the placing of a legal responsibility for safety on company directors.

In addition, to UCATT's consternation the Government has not responded to the report's findings. Nor has it found time yet to meet the union to discuss its contents.

Published

In July last year Rita Donaghy, the former head of the conciliation service Acas, published "One Death is Too Many". The comprehensive report made 28 recommendations to improve construction safety.

Speaking at a British Safety

Council conference on health and safety in the construction industry in November, UCATT General Secretary Alan Ritchie said the Donaghy report should be used as the blueprint for restructuring the industry and making it "fit for purpose".

He added that the union was concerned that the delay in the Government's formal response to the report could mean that those recommendations that required primary legislation, such as the introduction of statutory safety duties on directors, would not be included in the Labour Government's final programme for legislation before this year's general election.

Ritchie said: "The Government has an excellent opportunity to change how the construction industry operates and dramatically reduce deaths on construction sites. It is imperative that the Donaghy report is fully implemented and not left to gather dust on a shelf."

Donaghy and Ritchie share platform

Rita Donaghy, author of the "One Death Is Too Many" report on construction safety, was in the audience of a conference in London to hear UCATT General Secretary Alan Ritchie renew his call for her key findings to be implemented by the Government.

Ritchie and Donaghy were two of several major figures who participated in the British Safety Council's conference in November on the health and safety challenges facing the construction industry.

Speaking on the content of her report to Government, Donaghy said "One Death is too Many" was concerned not only by the number of fatalities but by the unnecessary barriers to better safety.

As an example she cited the bureaucracy surrounding contract pre-qualification procedures that were a bar to improvements in health and safety.

This concern was borne out in a recent survey of 100 health and safety managers in major construction businesses, conducted by Active Research.

The survey revealed that managers considered that the Donaghy recommendation concerning the introduction of standardised pre-qualification benchmarks was vital to help eliminate unnecessary bureaucracy in public contract tendering.

Another speaker was Philip White, Chief Inspector of Construction at the Health and Safety Executive, along with a number of representatives from major construction firms.

The panel of speakers, including Ritchie and Donaghy, debated the key issues affecting workers in construction.

In 2008/09 there were 3 million working days lost due to workplace injury and work-related ill-health.

Fatalities highest in London, Scotland and South West

The highest number of construction fatalities last year were in London, Scotland and the South-West, according to an analysis by UCATT of figures from the Health and Safety Executive.

Although the number of fatalities fell overall, the number of deaths in London in 2008/9 still stood at 11 – the same number as in the previous year. In Scotland there were 10 deaths, one fewer than in 2007/8. In the South-West of England there were eight deaths, the same number as in 2007/8.

The number of deaths recorded in the other regions (with the previous year's total in brackets) were: Yorkshire: six (seven); North-West: five (six); Northern: four (nil); Eastern: four (10); South-East: three (seven); Wales: one (five); East Midlands: one (one); West Midlands: nil (four).

Falls

The most common cause of death for construction workers remains falls. Last year 21 construction workers were killed by falls, 40



per cent of the total number of fatalities. The second most common cause was being hit by a moving or falling object, which killed five workers, representing 9 per cent of all construction deaths.

UCATT General Secretary Alan Ritchie commented: "Any reduction in fatalities must be welcomed. But it is disturbing that deaths are disproportionately higher in some regions."

He added: "UCATT believes that all construction deaths are preventable and these statistics underline that. Unless companies are prosecuted following the death of a worker and levels of enforcement action are increased, such entirely preventable accidents will remain all too frequent"

It is estimated that management failure is a factor in over 70 per cent of construction deaths, but only 30 per cent of companies are prosecuted following a fatal accident at work.

● Falls from height – as depicted in this latest Health and Safety Executive campaign poster – remains the single biggest cause of death in construction.

More casualties among self-employed building workers

A total of 53 construction workers were killed at work in the 12 months up to April 2009, according to new statistics from the Health and Safety Executive (HSE).

This represents a 26 per cent decline on the 72 deaths recorded in the previous year. Despite the drop, which was mainly due to the recession and the major reduction in construction activity, construction remains the most dangerous industry in Britain.

A detailed breakdown of construction deaths for 2008/9 has revealed that the number of self-employed construction workers killed at work actually increased despite the overall decline in the number of deaths.

Figures supplied by the HSE show that the number of self-

Recession causes drop in construction deaths

employed workers killed increased from 19 to 20 – a 5 per cent increase, while the number of employees who were fatally injured decreased from 53 to 33.

The figures are further confused as some of the workers categorised as employees by the HSE were working under the Construction Industry Scheme for paying income tax. Most of these workers

have all the employment characteristics of an employee. It is estimated that there are 400,000 bogus self-employed construction workers.

UCATT believes that the overall reduction in deaths is primarily due to the recession, which has resulted in a marked decline in construction output and in thousands of construction workers losing their jobs.

Commenting on the HSE's figures, UCATT General Secretary Alan Ritchie said: "It is important to remember that every one of these deaths is an individual tragedy, where a father, son or brother has not returned from work. UCATT has repeatedly pointed out that self-employed workers are at greater danger of being killed and injured at work. These latest figures underline prove our point."

He added: "UCATT has long argued that resolving the issue of

employment status is vital to tackling the high number of deaths in the construction industry. The self-employed and the bogus self-employed are more exposed to dangerous working practices, have no employment rights and are unlikely to be protected by independent safety reps. The HSE needs to recognise these facts and take appropriate action to better protect construction workers."

Rita Donaghy in her Government-commissioned report into construction fatalities, "One Death Is Too Many", raised the issue of bogus self-employment and how it affects safety.

She said: "If the political will existed and enforcement mechanisms were properly resourced, it is probably the single most important step which could be taken to signal to the industry, and its workers that society expects standards to be improved and obligations fulfilled."

“ The self-employed and the bogus self-employed are more exposed to dangerous working practices, have no employment rights and are unlikely to be protected by independent safety reps.”

Divorce and the law

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

When your marriage comes to an end there are a number of things to sort out. You cannot apply for divorce until you have been married for at least one year and there are no exceptions to this rule. The marriage must be recognised as valid by UK law and the rules about how long you have been living in the country must be met.

If you and your partner both agree to the divorce, this is called an "undefended divorce". If one of you does not agree to the divorce, this is called a "defended divorce".

An undefended divorce is dealt with in a county court. A defended divorce will be heard in the High Court and fees can be high if there are long disputes. It is therefore advisable for both partners to come to an agreement before going to court.

What do you have to prove?

Irretrievable breakdown which must be proved by one of the following grounds:

● adultery; ● your partner has behaved unreasonably; ● your partner deserted you at least two years ago; ● you have lived apart for at least two years if you both agree to the divorce; ● you have lived apart for at least five years if one of you does not agree to the divorce.

A divorce may be granted if one of you has had a sexual relationship with someone else and the other partner cannot bear to carry on living together.

Applying for divorce

The partner who is applying for a divorce is called "the Petitioner" and the other partner is "the Respondent".

What the court will do

If both parties agree to the divorce, the court will look at the petition and grant an order called a "Decree Nisi". If you have children, the court will need to be satisfied that you have made satisfactory arrangements for them. Divorce can take up to six months if there are no children or money issues. It can take longer if there are children involved and the court is not satisfied with the arrangements being made for them. If the court agrees to grant the divorce, they will grant a Decree Nisi. Six weeks after the granting of the Decree Nisi the partner who applied for the divorce can apply to the court for a "Decree Absolute". This legally ends the marriage and either partner is free to marry again.

Alternatives to divorce

A Separation Agreement can be used where you wish to separate but are not ready for a divorce. The benefits of a Separation Agreement include a wide variety of provisions dealing with maintenance, financial matters and arrangements for children. The agreement is flexible and will include provisions which you and your spouse agree appropriate and can be tailored to the needs of each couple. Separation Agreements may reduce tension and provide financial certainty without having to involve the court.

A Separation Agreement is a contract and therefore a legally binding document. If either party fails to respect the provisions of the agreement, the other party may take legal action for breach of contract. However, if the agreement is not prepared properly, then it may not be legally binding. It is therefore important to seek legal advice. If you subsequently divorce, provided your Separation Agreement has been drawn up properly and is reasonable, a court will usually uphold the provisions contained in it. However, you should be aware that one drawback to a Separation Agreement is that it is harder to enforce than a court order.

See advertisement on back cover; visit website at: [www.ohparsons.co.uk].

Are you a 'worker' or self-employed?

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

Proving at employment tribunals that members are "workers" as defined in the Employment Rights Act 1996 (rather than self-employed with their own businesses) is vital for establishing a number of rights for workers, such as the right to paid annual holidays.

Members are often working under the CIS4 scheme. While it offers tax and other advantages to members, working under the CIS4 scheme has been seized upon by employment tribunals as a strong indicator that the claimant is in fact self-employed rather than a "worker".

In the important 2005 case of Bacica –v– Muir, the Employment Appeal Tribunal decided that Mr Bacica was self-employed and not a "worker", partly as he was a CIS4 scheme worker, partly as he had accounts made up by his accountant and partly because, during the period Mr Bacica worked for Muir, he was entitled to work for other contractors and in fact did so.

Since this case was decided, it has been difficult to convince an employment tribunal that a CIS4 scheme worker should properly be seen as a "worker" under the 1996 Act, rather than self-employed.

However, we have had some recent success in tribunal claims in cases of CIS4 scheme workers and have

Recent cases settled by UCATT's lawyers

- A Tayside joiner agreed compensation of £32,000 as a result of a back injury sustained when unloading materials from a van.
- A member from Kirkby developed a chromate-associated dermatitis whilst working as a concrete sprayer. His employer accepted liability but disputed that the member's allergy had been caused by their negligence. Court proceedings were started and the matter settled out of court for £53,000.
- A Ross-shire scaffolder obtained compensation of £5,000 when he aggravated a pre-existing back condition carrying timber beams.
- A Leicestershire member was severely injured when one of his colleagues hit a piece of piping and a fragment flew up into the air and hit him in the eye. He was left with permanent eye problems. Liability was admitted by the employer and the case settled out of court for £120,000.
- A joiner from Huyton sued his employer for hand-arm vibration syndrome after developing the condition following extensive use of vibrating tools. The employer fought the claim until days before a trial, when a settlement was reached for £20,000.
- The sum of £17,000 was secured for a Midlothian member who injured an ankle falling through a temporary floor-covering in a property being renovated.
- A Lanarkshire joiner received over £10,000 when he broke his arm tripping over a power cable on scaffolding.
- A Wigan groundworker was injured when he was lifting some timber which, unbeknown to him, was covering a hole which he slid into. He suffered a torn cartilage in the left knee which necessitated surgery and left him permanently restricted in his work. A claim was made against the main contractor, who subsequently went into liquidation. Despite this, UCATT's solicitors were able to trace the insurers, and court proceedings were started. The matter eventually settled out of court for £40,000.
- Compensation of £20,000 was paid out to a Dundee labourer who was passing in front of scaffolding when he was hit on the neck by a falling tile dropped by contractors working above.
- An Inverclyde painter received compensation of over £40,000 when he injured an arm operating a buffer which struck badly-positioned scaffolding.

secured holiday pay for these members. In doing so we have had to argue round the Bacica decision using the different facts and circumstances of the members' claims. Despite the unhelpful decision in the Bacica case, it appears that there is a fighting chance of a CIS4 scheme member being entitled to paid holidays and other rights as a "worker", if some or all the following facts apply to his/her case:

- The member had no right to work for other companies during the period of the contract with the employer in question, and did not do so.
- The contractor supplied the member with the majority of equipment and materials.
- The member had to provide his/her work personally to the contractor, in other words could not send someone in their place to do it.
- The work was controlled/directed by the contractor.
- The member had to report to the contractor each day.
- There are not any accounts/tax returns of the member clearly indicating self-employed status.

There is often some form of contract governing the working relationship between a member and a contractor, and the terms of this document are often crucial. Some contracts expressly state that the worker signing is self-employed. Considerable pressure can be placed on the member to sign these.

However, while it is not impossible to argue round these signed contracts, they can make it very difficult to successfully argue that the member is not self-employed and is instead an employee or "worker". Every effort should therefore be made to avoid signing such a document. UCATT officials will be happy to advise members on these documents before they are signed.

Plural plaques update

We can report some progress in the insurers' legal challenge to the Scottish Parliament's Damages Act 2009. After many days of court hearings, the judges of the Court of Session in Edinburgh have now retired to consider their decision and will issue a written judgment at some point in the future.

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



There will soon be skills shortages unless firms start taking on more apprentices now.

Prepare now for the end of the recession

Construction firms across the UK are being urged to retain, take on and train apprentices in a bid to help the industry survive the economic downturn. Here, ROBBIE BEECHER, South East Apprenticeship Manager for ConstructionSkills – the sector skills council for the construction industry – explains why and outlines the help available.

Employers are operating in a challenging environment but, with the prospect of an upturn on the horizon, apprenticeships can ensure businesses remain competitive, whilst putting them in the strongest possible position when the market picks up. Apprenticeships are a vital way of improving the skills of staff and developing a committed and valuable workforce. As well as helping them win public sector contracts, apprentices and other trainees can have immediate and low-cost benefits for firms. Apprentices taken on now will be trained in time for the predicted increase in demand for construction services by 2011.

However, more and more apprentices are at risk of being laid off and, if this were to continue, the UK's construction sector would risk seeing the continuation of skills shortages that have plagued the industry since the last recession, with valuable skills and outstanding young candidates being lost to other sectors.

ConstructionSkills is committed to maintaining appropriate training levels to retain the skills we need now, avoid future shortages and invest in the skills that will prove valuable to the industry in the future. With this in mind, we have devised measures to help preserve the employment and skills of the industry's existing apprentices, and to encourage firms to groom the next generation of workers in the UK.

The largest of these measures is the expanded Apprenticeship Matching Service (AMS), which helps employers hold on to their apprentices or, when this is not possible, matches displaced apprentices with new employers. Apprentices that come through the

AMS are often close to the end of their training and may only have a short amount of "learning time" remaining, so require only limited financial investment from employers.

As an added incentive for employers to support the AMS, ConstructionSkills has also recently secured £1 million of funding from the National Apprenticeship Service to help support companies that take on displaced apprentices. Firms that can provide suitable apprenticeship employment to these youngsters (who are close to the end of their framework) and support them to complete their training will be eligible for financial support of up to £1,000 for each apprentice.

Additionally, ConstructionSkills offers a broad range of support services to help businesses retain their apprentices through the downturn, including mentoring for apprentices, advice for employers about other business support, and help with paperwork.

To ease the financial and administrative implications of training an apprentice and maximise opportunities for completion, we have also introduced a number of sensible flexibilities in apprenticeship training models. For example:

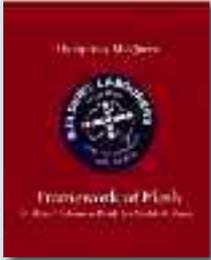
- **Group Training Association:** launched predominantly for small and medium-sized enterprises, GTAs allow a collection of employers or clients to act as one organisation and share the responsibilities of training an apprentice. This model could be applied to existing training groups, federations and in partnership with local authorities.

- **Host employer model:** a scheme where major contractors act as the "host employer" and take on a number of apprentices, then secure work placements for them within their supply chain.

Apprentices are the lifeblood of the construction industry and a key way to secure the long-term future of small, medium or large businesses.

For further information on the ConstructionSkills Apprenticeship Programme, visit [www.cskills.org] or call 0844-875 0086.

How Aussie labourers battled for safety



“Framework of Flesh” opens in 1788 in Sydney Cove with the convict labourers erecting a pre-fabricated house for Governor Phillips – their accommodation is in hollow trees or beneath cabbage-tree palms. Written in building workers’ language, the book chronicles the struggle for health and safety by the ABLF (Australian Building Labourers’ Federation).

The author writes from a Marxist perspective, on the side of the building labourers as a class against Messrs Construction Capital. He quotes an ABLF organiser campaigning for safe scaffolds in 1915: “As a rule, the horse used to pull up the barrows is covered in. He would cost £40 or £50 to replace. A labourer would cost only a sixpenny advertisement.”

Through site walk-outs, strikes and political campaigning at Australian state and federal level, the ABLF fought “rip-off” employers, “speed-ups”, lethal dust and unsafe scaffolding. The union also fought for decent toilets and canteens on sites varying from suburban estates, the Snowy Mountain hydro scheme, the Sydney Harbour Bridge and city high-rise blocks. It won improvements in the law and in wages and conditions. The labourers occupied insurance company offices in their struggle for an accident compensation scheme. They banned work on facilities for private doctors who were obstructing the introduction of an NHS-type health service.

These guerrilla tactics outraged the employers and their political friends. The ABLF was accused of blackmail and illegality. The federal government set up the Australian Building and Construction Commission and gave it police powers. Now in the 21st century, labourers who stick up for each other are treated as terrorists, with no right of silence. On refusal to appear or answer questions they face a six-month mandatory prison sentence.

The 2009 publication of this history of the ABLF – mainly up to the early 1980s – was a condition of it entering the CFMEU construction union in 1994. But what happened in this 25-year gap? UK readers may lack knowledge of the Australian context but they will find “Framework of Flesh” a very inspiring and interesting read.

● “*Framework of Flesh: Builders’ Labourers Battle for Health & Safety*” by Humphrey McQueen, published by Ginninderra Press (79b Lipson Street Port Adelaide SA 5015, Australia – [ginninderrapress.com.au]), 2009; Aus\$30 (Aus\$5.50 p&p for one book, \$10 for two or more).

● See [www.framework-of-flesh.com.au] for more information and extracts.



Safety guide for SMEs

A new UCATT-backed guide aims to help reduce accidents and improve worker involvement on UK construction sites. The union has teamed up with the Health and Safety Executive, ConstructionSkills and Unite to compile the booklet “Short guide to improving health and safety on construction sites through effective worker involvement”.

The guide is the latest initiative of the Strategic Forum for Construction’s working group on worker involvement, chaired by Alan Ritchie, UCATT General Secretary. This was formed in late 2007 following the Construction Forum convened in September 2007 by Peter Hain, then Secretary of State for Work and Pensions.

The document is aimed at all workers and employers in the construction industry, especially those who work for small or medium sized companies, commonly known as SMEs.

The guide describes how effective worker involvement can dramatically improve safety and reduce accidents on construction sites. As well as information on a company’s legal requirements and practical examples of what should take place, there are also case studies of how worker involvement has been implemented.

● “*Short guide to improving health and safety on construction sites through effective worker involvement*” is being distributed to employers and workers throughout Britain. To order a copy, contact Dörthe Weimann at UCATT at: [dweimann@ucatt.org.uk].

Poles launch ‘Fair Play, Fair Games’ campaign



The BWI building workers’ international federation has joined forces with Poland’s two Polish construction unions, Solidarnosc and OPZZ Budowlani to launch a “Campaign for Decent Work” at the Euro 2012 building sites in Poland.

After a successful campaign in South Africa in the run-up to this year’s World Cup, unions want to raise public awareness on for the 2012 football tournament to be staged in Poland and Ukraine.

In Poland, 4,400 workers are working on 95 construction sites connected to Euro 2012. They are building roads, rail links, airport terminals and six huge stadiums. The new National Stadium in Warsaw has 1,300 workers. Their numbers are expected to increase to 2,500 very soon.

There is no collective agreement for the Polish building sector. There is only a minimum wage of 310 euros per month. The average pay in October 2009 in Poland was 806 euros. Trade union reps cannot visit building sites, if they have no representation in the company. And a

worker can only join if there is a trade union in the company. Poland’s official work inspectorate has one official on each stadium site who checks health and safety, but not working time or payrolls.

BWI Assistant General Secretary Marion Hellmann said: “In 2010 the unions will carry out a media campaign and meet with UEFA President Michel Platini. They will also prepare for a collective bargaining agreement for the workers at the National Stadium in Warsaw.”

Iraq: Senior union official is murdered

The Brussels-based International Trade Union Confederation (ITUC) has denounced the murder of Majeed Sahib Kareem, a national officer of the General Federation of Iraqi Workers on 26 November. The union reports that Majeed, who was a leading force for the organisation of workers in the public sector, was killed by a bomb which had been attached to his car.

“This latest premeditated atrocity against an Iraqi trade unionist must be fully investigated and the perpetrators brought to justice,” said the ITUC. “The fact that workers in the public sector are deprived, by law, of the legitimate right to trade union representation only serves to reinforce the climate of impunity, and the government must bring Iraq’s labour laws into



WITH CHE’S DAUGHTER: UCATT Executive Council member Denis Doody met the daughter of legendary revolutionary Che Guevara in Sheffield last year. Aleida Guevara was in the UK as a guest of the Cuba Solidarity Campaign – of which Doody is an active member. Aleida is a paediatrician at the William Soler hospital in Havana. Born in Argentina, her father was also a doctor, though he made his name 50 years ago in the Cuban Revolution before being killed in 1967 while fighting with left-wing guerrillas in Bolivia.



Poland's new National Stadium under construction in Warsaw.

line with international standards.” Iraq’s notorious Saddam-era law 150 of 1987 has yet to be replaced by a legal framework for industrial relations which meets International Labour Organisation standards, despite repeated calls by the country’s trade union movement.

Colombia: Scrap trade talks, unions urge

The TUC is calling on the European Union to halt trade talks with Colombia in protest over the continuing massacre of trade union leaders and activists.

In a letter from General Secretary Brendan Barber to EU trade commissioner Baroness Ashton (soon to take up her new role as High Representative for Foreign Relations), the TUC urges her to abandon the talks with the South American country because of its appalling human rights record.

According to the International Trade Union Confederation, in the past 15 years over 2,500 trade unionists are estimated to have been killed by right-wing paramilitary forces often linked to the army and police.

Honduras: UCATT joins protest

UCATT General Secretary Alan Ritchie was among the leading trade unionists who signed an open letter condemning the presidential “fake elections” in the central American state of Honduras on 29 November.

The letter echoed the calls of the

Honduran trade union movement for tougher action against the dictatorship that seized power earlier in the year. “The military coup that overthrew elected president Manuel Zelaya and seized power in Honduras in June is now seeking to legitimise its illegal government through the international recognition of elections,” said the letter. “Such recognition would give a green light to opponents of democracy throughout the continent that military coups will be tolerated.”

Repression under the coup regime has seen at least 20 people killed, more than 600 injured and 3,500 detained.

Australia: Let older workers stay, says union

Australian building workers are demanding quotas of “mature-age” workers on major government building projects in recognition of the gruelling and job threatening effect physical work can have over a working lifetime.

The Australian construction union CFMEU has told the government that urgent action is necessary to address the nation’s “demographic time bomb”. The CFMEU campaign, unveiled in October at the union’s national conference, aims to end what it says are the “days of mature-age workers being thrown out like broken toys”.

Dave Noonan, the national secretary of the union’s construction division, said: “What’s needed is a new approach, one that recognises that construction workers may

have a limit on the physical strain they can place on their bodies, but there is no limit to their capacity to build excellence through sharing their experience, knowledge and skills.”

He added: “The days of mature-age workers being thrown out like broken toys must end as part of the resolution to tackle the demographic time bomb, but also as a matter of social justice.”

Noonan said many of the jobs

once reserved for mature-age building workers, such as gatemen, traffic controllers and hoist drivers, were being taken by labour-hire employees and backpackers. “Many mature-age workers could be involved in job planning, training younger workers, ensuring sites are safe, recycling and sustainability,” he said. “What we need is to ensure that a job in construction is a career for life and not one that is terminated as soon as a worker turns 50.”



PHOTO OF THE YEAR: This photo, called “Manual Labour”, was the winner of the 2009 “Labour Photo of the Year” organised by the online international trade union news service, Labourstart – see [www.labourstart.org]. Taken by KM Asad, it shows a Bangladeshi boy works in a shipbuilding factory. The factories employ young boys as apprentices without pay for the first few years. They work in extreme conditions without safety tools like gloves, goggles and other protective gear. The photo was selected and voted the winner out of 189 pictures submitted.

Obituaries

DAVID CUMMING

Sadly I have to report the death of David Cumming at the age of 79. He was a joiner and Branch Treasurer for 38 years. He was always cheerful and positive, with helpful advice to others, so will be greatly missed by the branch and friends.

John Strathie
Falkirk Branch Secretary

REG HODGES



On 6 September 2009 Northfield Branch Secretary Reg Hodges passed away at the age of 66. Reg was first class as the secretary for over 20 years, as a cabinet maker for many years and as a human being: when his wife needed a kidney donor, without hesitation Reg stepped in to provide one. That was the mark of the man.

Lol Irwin
Northfield Branch Secretary (pro tem)

Presentations



● North West Region Development Officer **Bill Gill** (right), who retired last August, is thanked by **Regional Secretary George Guy** for his 10 years of work for the union at a presentation ceremony attended by his colleagues and Regional Council members at the union's office in Liverpool. Bill was also a well-known union activist on Merseyside prior to becoming a full-time official.



● **Patrick Hood** (centre), Cannock Branch President, receives his 40-year membership certificate from Branch Treasurer **John Scott** (left) and Branch Secretary **Tom Dawson**.



● **Hillingdon & Uxbridge Branch member Pat Miller** (centre) receives a cheque for £1,800 in compensation for a back injury sustained while working at Heathrow's Terminal 5 when he fell from faulty podium steps. Pictured with him are branch members **Amanda Rice** and **Fred Evans** (retired Branch President).

The screenshot shows the UCATT website interface. At the top left is the UCATT logo with the tagline 'Union of Construction, Allied Trades and Technicians'. Below the logo is a red hard hat. The main content area is divided into several sections: 'Latest UCATT News' with a list of articles, 'Welcome to UCATT' featuring a portrait of a man, 'This Week's Post' with a search bar, 'Where's going on in your region?' with a map of the UK, 'Building Market' with a small image, and 'Join UCATT online today' at the bottom right.

Go to the UCATT website for the latest news plus essential advice and information for all construction workers

ALL THE LATEST NEWS

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● Above: There were presentations for two members of Salford Branch: Dave Surtees and Peter Lee (sixth and eighth from left), both having achieved 50 years of union membership. Pictured with them are Branch Secretary Dave Cohen (fourth from left), UCATT President John Thompson (left), Regional Secretary George Guy (fifth from left) together with branch members, Regional Organiser Ron Sinclair (second from right) and Regional Council members.



● Lincoln City Council bricklayer Rick Thorpe (right), of Lincoln 1st Branch, receives a cheque for £2,220 from Branch President Dave Kassube in compensation for injuries sustained while cleaning a rubbish shoot at a block of flats.



● From left: Tony Davies, Barrie Wain and Executive Council member Neil Vernon, who presented the 50-year badges and certificates.

Leicester vets honour their secretary

There was a double presentation at the annual reunion of the UCATT Leicestershire Veterans' Association.

One of two members was Barrie Wain, secretary of two union branches – Leicester First and Loughborough – as well as the long-standing secretary of the veterans' association.

The other proud recipient of a 50-year badge was Tony Davies who, like Barrie, worked as a carpenter. Between them they put in 77 years in the trade at the same company. Barrie was shop steward for 13 years, 44 years a union official, 32 years a branch secretary and 28 years the veterans' secretary.

The retired UCATT members met in 2009 for their 63rd consecutive year, this time at the Venue Bar, Thurmaston, Leicester.



● Gerald Aston (centre) and Colin Churm (right) of Castleford Branch receive respectively their 40 and 50-year certificate and badge from Executive Council member Denis Doody.



● A presentation was made to Sue Hayes (left), who has been employed by the union's North West Region for 25 years. Tributes were led by UCATT President John Thompson (third from left), Regional Secretary George Guy (second from left). Also pictured are members of the Regional Council.

Election of General Secretary

Our report of voting for the above election which closed at noon on 15 June 2009 is as follows:

- Number of eligible voters: 56,867
 - Number of votes cast: 11,168
 - Turnout: 19.6 per cent
 - Number of votes found to be invalid: 31
 - Total number of valid votes to be counted: 11,137
- Result (one to be elected):**
DOOLEY, M: 4,431
RITCHIE, A: 6,706 (elected)

As Scrutineers appointed in accordance with Section 49 of the Trade Union and Labour Relations (Consolidation) Act 1992 (as amended), we are satisfied as to each of the matters specified in subsection 52(2) with regard to the election. The following points should be noted:

- 1) The person appointed under section 51A to carry out the storage and counting of voting papers was Electoral Reform Services Limited.
- 2) The person appointed under section 51A to carry out the distribution of voting papers was Electoral Reform Services Limited.
- 3) A copy of the register of voters (as at the relevant date) was examined in accordance with section 49(3). The examination took place at our own instance and did not reveal any matter that should be brought to the attention of the union.

We would draw your attention to sections 52(4), 52(5), and 52(6). Section 52(4) requires that a copy of this report be published and made available to all members of the union within a three month period from today. This does not, however, mean that every member has to be notified individually.

Alexander K Lonie
Manager of Trade Union & Membership Organisations Sector,
Electoral Reform Services Limited,
The Election Centre,
33 Clarendon Road,
London N8 0NW
15 June 2009

Power to the people: a better energy deal for union members

Union Energy is owned by the TUC and offers impartial advice on where to buy your domestic fuel.

Union Energy has relaunched its service as an independent energy price comparison site following the expiration of its longstanding contract with ScottishPower. Union Energy's new service not only promises to find union members the most competitive domestic energy deal available to them on the market, but guarantees competitive prices in the future thanks to its Ongoing Monitoring Programme.

To date union members using the service have saved an average of £154 per annum, with some customers saving as much as £585.

Unlike most other energy price comparison sites, Union Energy offers a 100 per cent impartial service and includes tariffs for every energy company active in the UK market for maximum choice.

Customers therefore have all options available to them, be it standard gas and electricity paid

by direct debit, single fuels, green energy, capped rate products etc supplied by smaller niche energy companies as well as "the big six".

Union Energy will no longer supply gas and electricity to union members in conjunction with ScottishPower and existing customer accounts have been automatically transferred to ScottishPower. This is something that has been outside Union Energy's control and the company would like to apologise to existing customers for any confusion caused.

However, customers can use Union Energy's new service to find out if they are getting the best deal with ScottishPower and can opt to switch to another energy supplier if they wish.

The energy market has changed radically since Union Energy was first established. When the company began working with ScottishPower, Union Energy's contract

enabled customers to benefit from a unique "Price Pledge", which promised on-going competitive prices for its standard gas and electricity product.

However, as the energy market changed and new energy products were introduced such as green energy, online energy and capped products, Union Energy's core product became less attractive and the company was unable to offer its customers a full range of other products to choose from. By developing a price comparison site, Union Energy can ensure it continues to best represent the interests of union members.

Importantly, Union Energy's service doesn't stop once union members switch suppliers. Customers have the option to register for Union Energy's Ongoing Monitoring Programme enabling them to

set their own savings parameters. This means that when energy prices rise or fall, customers will be re-contacted as soon as they can save whatever sum they have specified, for example £75 per annum, by moving to another supplier. This service ensures that customers will benefit from ongoing savings for the long term.

Union Energy is owned by the TUC and its new website is powered by Energylinx, a UK company with an excellent track record. What's more, because its service is not just web-based, union members with any problems or queries can pick up the phone and speak to an experienced person based in the UK who actually knows what they're talking about.

To find out how much you could save, go to [www.unionenergy.co.uk] or call 0800-094 9039. It's completely free and only takes a couple of minutes.

Last chance to make 5 or 6-year travel expenses claims

by JAN POST of tax specialists Rift

In the last few years the Revenue has paid out millions of pounds to construction workers for travel expenses claims going back up to six years. But soon that is all set to change and anyone who may still be entitled to claim over that period may lose out.

Considering that the average annual claim that our clients can make is £600 – that will be £1,200 that is no longer available to claim. The new system will work like this:

- Currently claims are being considered for six tax years: 03/04, 04/05, 05/06, 06/07, 07/08 and 08/09.
- From 31 January 2010 claims will only be considered for five tax years: 04/05, 05/06, 06/07, 07/08 and 08/09.
- From 6 April 2010 claims will only be considered for four tax years: 06/07, 07/08, 08/09 and 09/10.

There are thousands of construction workers who are paid on PAYE and use their own transport to travel from site to site, but who have never claimed any refunds on their travel

expenses. In many cases it is because the idea of a long, drawn-out and complicated battle with bureaucracy is just too daunting.

But with the help of Rift nothing could be easier. Our friendly staff are here to help you; not just with advice but also practical help, filling in the relevant forms and dealing with the Revenue on your behalf.

Just a quick phone call is all it takes to get the ball rolling.

Over the past year a considerable number of our clients have been victims of the recession, which has been particularly severe in the construction industry. Thousands of workers have been laid off, made redundant or are struggling to pick up work here and there. Many of these people are experiencing severe financial hardship – even to the extent of losing their homes. A refund of just £1,000 can make a huge difference.

To make a claim for travel expenses you don't have to be currently employed; you don't need to have worked for the same employer for the last six years; you just need to:

- have been paid under PAYE during the last six years

- used your own transport to travel from site to site
- have not been reimbursed for ALL your mileage expenses by your employer.

You are entitled to 40p per mile for the first 10,000 miles to travel to a temporary workplace and 25p per mile after that.

Even if you have not kept all your receipts and records, we can still make a claim on your behalf. (The tax element of these amounts are refunded by the Revenue.)

Act fast

But you don't have much time! If you think your claim could go back to the 03/04, 04/05 or 05/06 tax years, then you need to act fast. Pick up the phone and give us a call.

It will take just a few minutes for our expert claims assessors to decide if you have a claim and we can start the ball rolling straight away. If you know anyone who you think could benefit from a claim, then why not give them a copy of this article? It could be the best present you ever gave.

You can contact Rift on 01233-653 973 and our offices are open 8-8 and on Saturday mornings.



Interested in helping UCATT build a stronger union?

The union is establishing a UCATT Activist Academy aimed exclusively at existing members and lay representatives who want to help build tomorrow's union today.

To address the challenges and opportunities faced by the union in today's rapidly changing world of work, UCATT is establishing an Activist Academy training programme to assist the union in co-ordinating its current (and future) network of union activists. UCATT is keen to hear from potential and existing activists who are willing to make a contribution to improve the union's:

- recruitment, organisation, representation and retention of members;
- development of organisation and recruitment strategies in the workplace and community;
- support to Shop Stewards, Conveners, Health and Safety Reps and Union Learning Representatives;
- campaigning activity; and
- industrial relations and collective bargaining work at local, regional and national level.

Working in association with our partners, the TUC, UCATT's Activist Academy programme will be delivered at both a regional and national level from March 2010.

The initial course will consist of a three-day linked induction covering a range of topic areas such as organisation and recruitment; employment law; communication skills; representing vulnerable workers and "building a stronger union" modules.

There will also be a range of off-course/workplace activities to complete.

If you would like to apply to participate in the UCATT Activist Academy programme please contact your UCATT Regional Office or write to: Mr A Ritchie, General Secretary, UCATT House, 177 Abbeville Road, London SW4 9RL.

All successful applicants will be notified prior to the course commencing.



A photograph of a family of four sitting on a light-colored sofa. In the background, a man and a young girl are smiling. In the foreground, a woman and another young girl are smiling warmly at the camera.

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