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Union of  
Construction  
Allied Trades  
& Technicians

# Building Worker



New Year 2011



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# UCATT Building Worker

New Year 2011/No.48

Cover: Protest by the Defend Council Housing campaign outside Downing Street, London, on 15 December.  
Photo: Jess Hurd reportdigital.co.uk

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Here come the cuts of mass destruction

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**VIEWFINDER:** Neil Rayner of UCATT's Vulnerable Workers' Unit films a speaker at the UCATT seminar in Derby in November on the Con-Dem Government's programme of swingeing public spending cuts.

# UCATT organises 'Cuts of Mass Destruction' schools Cuts: why they will hurt construction workers

UCATT launched a political education campaign in November with two weekend schools in which speakers challenged the Con-Dem Government's cuts programme.

Activists in local government and social housing were invited to attend the schools, as this is the group of workers that will be the most severely affected by the austerity policy.

Titled "Cuts of Mass Destruction", the seminars took place in Derby on 19 November and in Doncaster one week later.

At both events, UCATT General Secretary Alan Ritchie accused the Con-Dem coalition of pursuing an ideologically-driven agenda, with the aim of favouring the privileged and dismantling the welfare state. This would ultimately hurt all construction workers.

Under the Government's Comprehensive Spending Review local



**RITCHIE:** Cuts are ideological.

authorities will have their funding reduced by 28 per cent by 2015. The financial crisis for town halls has been made worse by the Government's announcement that council tax will be frozen in 2011.

## Funding

Funding for new social housing has been cut by over 60 per cent. In future new tenancies will be temporary, with rents set at 80 per cent of market rates.

Speakers in Derby also included

Labour MP Natascha Engel, Cheryl Pidgeon (Midlands TUC Regional Secretary) and Alan Rhodes (leader of the Labour group on Nottinghamshire County Council).

In Doncaster, the UCATT General Secretary was joined by Labour chief whip Rosie Winterton MP, Labour MEP Linda McAvan and Bill Adams (Yorkshire TUC Regional Secretary).

UCATT Midlands Regional Secretary Steve Murphy, who organised the schools, commented: "Workers in local government and social housing are increasingly finding themselves at the sharp end of the Con-Dem cuts. It is vital that they understand what the cuts will entail and what effect they will have on communities and on jobs."

See "2011: the year of cuts of mass destruction" on pages 12-13.



“Although I wish all UCATT members and their families a safe and prosperous 2011, the shadow of the cuts in public sector spending hangs over not just the construction industry but society as a whole.”

UCATT General Secretary Alan Ritchie: see centre pages.

# Rok is latest privatisation victim



**CUTTING:** How Connaught's demise was reported in our last issue.

## UCATT blames outsourcing for bankruptcies in social housing maintenance sector

UCATT is calling for an urgent rethink of how maintenance contracts on local authority and housing association properties are awarded following a second high profile corporate failure in this sector.

It was announced in November that building company Rok had applied to enter administration. The maintenance firm had around 2,000 workers.

The demise of Rok came just two months after Connaught, which also specialised in social housing maintenance, was forced into administration.

UCATT advised all Rok workers to continue working normally unless they were officially told in writing to do otherwise and also to contact the union directly about their employment rights.

However, the bankrupt company's administrators were soon announcing redundancies – and UCATT was condemning the failure of the administrators, PricewaterhouseCoopers, to inform workers that they were losing their jobs. On 16 November, eight days after the company entered administration, 1,800 redundancies, including all Rok's employees in Scotland, were announced. This followed 711 redundancies announced five days earlier.

### Contacted

UCATT members contacted the union to say that they were not even given the courtesy of a personal phone call or meeting to be informed that they were out of work. Instead they were told by conference calls or were devastated to learn their fate through news reports on TV and radio.

UCATT blames the policy of privatisation and outsourcing for the crisis in the social housing maintenance sector.



Jess Hurd/reportdigital.co.uk

**JOBLESS:** Misguided policies are sending construction workers to the dole queue, warns UCATT.

Outsourced contracts have been stripped to the bone as firms compete for the lowest possible tenders to secure work from local authorities.

So when, in the climate of spending cuts, councils look for savings, many of these contracts immediately became unprofitable and the firms can no longer continue operating viably.

Union General Secretary Alan Ritchie commented: "This is the second major failure of companies specialising in social housing maintenance. It is clear that urgent reform is needed and every consideration should now be given for taking social housing maintenance contracts in-house."

**REPRIEVE:** A vigorous campaign by UCATT members in Hull has secured job guarantees for all the nearly 100 former Connaught workers. With help from Yorkshire Regional Organiser John McIntyre, members persuaded an initially reluctant Hull City Council to insist on preserving all jobs when it awarded the new housing maintenance contracts to Kier and KWL, the former in-house team. The decision also ensures that members' existing terms and conditions are maintained. The former Connaught workers waged a high profile campaign in the local media aimed at saving jobs, as well as maintaining services for tenants.



**TOGETHERNESS:** Lincolnshire's sheltered home wardens.

## Campaigning to save house wardens

UCATT is campaigning hard to ensure that Lincolnshire County Council retains the services of its sheltered home wardens, all of whom are UCATT members.

Their jobs are under threat from the Tory-controlled council, which wants to replace them with "floating wardens". But the union argues that this would harm the home residents, as well as costing jobs.

UCATT helped the residents organise a petition to retain the wardens. The union branch also told local media about the campaign, thereby attracting support from different parts of the community.

In addition, the branch made

forceful representations to the local Labour Party, which led to party activists taking to the streets to help the petition drive. Questions were also asked at both city and county council meetings.

Lincoln 1st Branch Secretary Kev Clarke explains: "The branch views these actions as yet another cost-cutting exercise by the county council and is not surprised that once again the vulnerable and elderly are picked on."

The dispute is on-going but the union fears that others connected with the scheme, such as the supported housing officers, will be drawn into the cost-cutting exercise.

## Bosses want even more housing sell-offs

A new report from the CBI employers' organisation is a thinly disguised call for the private sector to be given unfettered access to plunder social housing contracts for profit, says UCATT.

The report, "Improving homes, improving lives: using competition for better social housing", claims that £1.5 billion could be saved by opening up social housing to additional competition.

But union officials point out that council housing is the most outsourced section of local government. Housing repairs and maintenance contracts have been subject to external tendering for years. The outsourcing of these services always results in poorer services and increased costs.

Publication of the CBI report is particularly ill timed, says UCATT, coming at a time when Connaught and Rok, which specialised in the outsourcing of social housing repairs and maintenance contracts, have been forced into administration. This has resulted in over 3,000 workers being made redundant and many continuing to face an uncertain future.

### Collapse

Since the collapse of the two firms, tenants have had essential repairs deferred or cancelled.

"The collapse of Connaught and Rok demonstrates what happens when public sector services are outsourced," said UCATT. "Private companies can go bust and the public are then left without essential services. If the CBI was really serious about high quality social housing they would be calling for contracts to be taken back in house and a far larger amount of money spent on building new council housing to tackle the growing homelessness crisis."



**PROTEST:** Campaigners demonstrate in the rain outside the Conservative Party conference in Birmingham in October.

# Tory tenancy plan 'will create low-pay ghettos'

Government plans to cut the length of council housing tenancies will create ghettos of unemployed and low paid workers, UCATT is warning.

Under the Government's controversial proposals, tenants will be offered tenancies lasting as little as two years. If after that period their financial circumstances have improved, they will be evicted from their homes.

Union officials point out that the plan runs directly counter to policies seeking to create socially diverse communities with people of different incomes and backgrounds living in close proximity.

UCATT adds that, in limiting tenancy periods, the Government would exacerbate those problems seen recently and in the late 1980s and early 1990s, when families with unreliable or insufficient salaries

### Funding squeeze hits homes and jobs

UCATT is calling on the Government to rethink its cuts in social housing funding following the publication of damning new evidence from the National Housing Federation. The NHF found that, if anticipated cuts in the social housing budget are introduced, then just an additional 243 affordable new homes will be built in London and the South East by 2015. The NHF estimates that the lack of funding could result in over 150,000 construction jobs being lost or not created.

were encouraged to buy property. When financial problems then ensued, they lost their homes and local councils were required to re-house them.

UCATT General Secretary Alan Ritchie said: "This policy is disgraceful. It will choke off any form of aspiration among families, creating ghettos of non-working households or workers solely in low paid jobs. Workers will not seek a promotion or a better paid job, because the consequence of their success will be eviction for them and their families."

He added: "At a time when private housing is becoming increasingly unaffordable, when it is difficult to qualify for a mortgage and the private rented sector is very expensive, it is the politics of madness to be evicting families from social housing."

"The Tory housing policies demonstrate their complete contempt for council tenants. Rather than ensuring that waiting lists are cut and families have adequate housing, they are determined to victimise tenants and create more instability in their lives."

UCATT has long campaigned for a major increase in the building of new social housing in order to tackle the growing housing crisis. Not only would this reduce homelessness, but it would also reinvigorate the construction industry and help to get skilled workers back to work.

In the recent Comprehensive Spending Review the Government announced the funding for new social housing would be cut by 60 per cent.

**“Workers will not seek a promotion or a better paid job, because the consequence of their success will be eviction for them and their families.”**



**DIPLOMAS:** Well done to UCATT safety reps (from left) Mark Page, Jimmy Scott and Iain Lapsley who have all achieved their diploma in occupational health and safety following a year of study at Newcastle College. The course covered a range of topics including health and safety law, the environment and communication and study skills for union reps. All three successful students work for Keir North Tyneside in Newcastle.



**UNDER CONSTRUCTION:** The Theatre Resource site at Chipping Ongar.

## UCATT backs art charity centre

With UCATT support, an educational arts charity in Essex is spending £6.2 million on a construction project at an Edwardian school site in Chipping Ongar, where a residential arts centre is being purpose-built.

Theatre Resource is one of the largest professional arts organisations, specialising in disability arts and social inclusion. This includes working with young offenders, people with learning disabilities, the long term unemployed and those with physical and sensory disabilities.

The new centre will include a new studio theatre/community cinema, a 50-bed residential unit, creative and technical workshops, exhibition spaces, as well as a landscaped sensory garden.

In addition, a social enterprise will be set up, offering students the opportunity to live on site and assist with the running of the centre.

The residential housing unit will be named Tolpuddle House after the Tolpuddle Martyrs, the 19th century trade union pioneers who settled in the area after their return from transportation to Australia. To support the project, UCATT has donated £500 towards the building's name plaque.

Theatre Resource is campaigning to raise the final £200,000 needed to finish the project.

*For more information about the project, visit [[www.theatre-resource.org.uk/raise](http://www.theatre-resource.org.uk/raise)].*

# Union alarm as Tory Lord proposes lax reporting regime

The controversial Government-commissioned review of health and safety regulations must not act as a forerunner to further Government attacks on safety legislation, UCATT is demanding.

The union is concerned that the "Common Sense Common Safety" report recommends a loosening of the Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) Regulations. Yet research has been found that just 32 per cent of reportable injuries of employees and 12 per cent of reportable injuries suffered by the self-employed are recorded.

A formal consultation on amending the RIDDOR Regulations runs from January to April, with UCATT committed to opposing any weakening of their provisions.

The union has also dismissed as unworkable a suggestion by the

report's author, Conservative peer Lord Young, that all existing health and safety legislation should be condensed into one document.

Commenting on the report, UCATT General Secretary Alan Ritchie said: "This exercise was a dangerous waste of time and money. The problem in construction is that injuries are not properly recorded, making it incredibly difficult to accurately assess the risks workers face. Rather than recommending weakening the regulations, Lord Young should have examined how the existing rules can be adequately enforced."

Lord Young's report was published in October, just weeks before the veteran Conservative politician was forced to resign following a public outcry in response to his remarks that the economic recession was affecting few people.

## Nationwide drive for safety of maintenance work

UCATT marked European Health and Safety Week from 25-29 October with a series of events around the country. The theme was maintenance work and UCATT set out to highlight the dangers involved in routine and reactive maintenance, including falls from heights and the risk of asbestos exposure.

In **Scotland**, a safety committee meeting was held on the M74 Interlink project. Additional health and safety training was organised throughout the country and a drive to recruit more safety reps in the social housing sector was conducted.

In **Yorkshire** and the **Midlands**, all UCATT safety reps in local authorities carried out inspections on the Wednesday of the week of action. Joint site safety visits took place involving UCATT and Kiers in both Sheffield and Stoke.

In the **Eastern** Region, regional officials held a series of safety talks for workers at Kier Harlow, Norse Commercial Services (Norwich and

Yarmouth) and Saffron Housing Trust in South Norfolk. The talks focused on working at height, risk assessments and the need to ensure that work is conducted with the correct equipment.

In **London** a special one-day course was organised by Lewisham College for UCATT shop stewards, conveners and safety representatives on the theme of how to improve safety in the workplace.

In **Wales** and the **South West** officials spent the week visiting local authorities to raise awareness about safety for maintenance workers. In particular, workers at Swansea, Bristol and Exeter participated in sessions aimed at raising safety awareness.

UCATT commented afterwards: "European safety week was an excellent opportunity to ensure that sites are as safe as possible. However, in order to ensure greater site safety in the future, these lessons need to be applied throughout the year not just in one week."

# Youngsters' winning streak while playing for UCATT



## Privatisation will hit training for apprentices, warns UCATT

Controversial plans to privatise the ConstructionSkills training agency would be a disaster for apprenticeship training in the industry, UCATT is warning.

News that the Con-Dem Government wants to sell off ConstructionSkills broke in October when a list of quangos to be abolished, merged or privatised was published.

### CITB

ConstructionSkills is the commercial name used by the Construction Industry Training Board (CITB), the sector skills council (LSC) that provides training for the construction industry.

The training body is already very heavily employer-dominated, says UCATT. Unlike the vast majority of LSCs, the CITB's funding comes predominantly from a training levy which is paid by construction companies and workers.

UCATT General Secretary Alan Ritchie said: "The proposal that ConstructionSkills should be privatised is utter lunacy. Rather than looking to sell off such bodies, the Government should be concentrating on ensuring that there is a far higher level of quality construction apprentice training. Inadequate skills training exacerbates the problems of a

growing skills gap and an ageing workforce".

In recent years UCATT has had to campaign to ensure that ConstructionSkills continues to offer full craft-based apprenticeships, allowing apprentices to achieve an NVQ 3. The agency has on several occasions attempted to dilute its training programme, making courses more college-based and breaking the link between an employer and an apprentice.

### Water down

Ritchie added: "Regretably, ConstructionSkills has repeatedly attempted to water down training in the short term interests of employers but to the detriment of the longer term interests of apprentices and the industry. Privatising the organisation will dramatically increase these problems."

The construction industry currently requires 35,000 new entrants every year. When the industry was booming that figure was in excess of 70,000.

In 2009 ConstructionSkills only found placements for 6,462 apprentices.

**UNION STRIP:** Meet the Warstones Wanderers East, an under-16s football team sponsored by UCATT's Sandwell Branch.

Branch Treasurer Andrew Lockley (pictured right) is the team's manager. And at least five of the squad have parents who are members of UCATT.

Branch members hope that some of the youngsters, all in their last year of secondary school, may go on to become construction apprentices in the Wolverhampton area and join UCATT themselves.

UCATT's sponsorship money has gone towards the purchase of a new kit for the team.

So far this season they have had a great start in the Bilston Paycare League's Division 2 and have as a result been featured more than once in the local press.

Lying second in the table, their impressive record – as we go to press – is played seven, won five, drawn one and lost one. And they have three games in hand over the team above them.

Sandwell Branch Secretary Stuart Baker (pictured, crouching left) said the branch made sure that the choice of sponsorship for the Warstones Wanderers East following consultation with the membership was fair and cost-effective. The cost of the shirts was also match-funded by contributions from branch officers.

He added: "So far it has been a very successful partnership and for a relatively little cost to our branch. The promotion of brand UCATT at local level is most worthwhile. If McDonalds or Asda can get involved, then why can't we?"

He noted that there had only been one objection so far. This was to the strip, which is similar to that of Sheffield United, so the complaint had come from Midlands Regional Secretary Steve Murphy, a long-standing Sheffield Wednesday fan!

**“Rather than looking to sell off ConstructionSkills, the Government should be concentrating on ensuring that there is a far higher level of quality construction apprentice training.”**



# He supported regulation, but has now changed his mind Lib-Dem minister in u-turn on gangmasters

Lib-Dem junior minister Ed Davey repeated a series of myths and factual inaccuracies when he attempted to explain to Parliament why he no longer believed that the Gangmasters (Licensing) Act should be extended to the construction industry.

In a spectacular u-turn – which has been the early hallmark of the Lib-Dems' record in the Coalition Government – Davey claimed that "licensing" was expensive.

This flies in the face of UCATT research, which has found that the maximum amount a gangmaster would have to pay for an initial licence would be just over 1 per cent

**“Ed Davey is wrong... the tiny cost of licensing is a small price to pay to ensure that rogue gangmasters, who undercut rates, are excluded from construction.”**

of annual turnover, while for large organisations the cost could be as little as 0.055 per cent. Fees to renew a licence are substantially lower.

Davey, who is the MP for Kingston & Surbiton, supported the extension of the Gangmasters (Licensing) Act to construction before when the Lib-Dems were in opposition.

In spring 2009 he signed a House of Commons motion calling for gangmaster legislation in construction, as did his current departmental boss and fellow Lib-Dem MP, Business Secretary Vince Cable.

Davey made his latest remarks in December, as the Minister for Employment Relations, Consumer and Postal Affairs.

He was responding on behalf of the Government to a Bill presented by Labour MP David Hamilton, which would enforce gangmasters legislation to construction.

Speaking in the Commons, Davey claimed that there was no need to extend the Gangmasters Licensing Authority to construction because the Employment Agency Standards Inspectorate (EASI) adequately covered the sector.

However, a Freedom of Information request by UCATT has revealed that EASI secured just one conviction against unlawful employment agencies in the past two years.

Hamilton's Private Member's Bill is scheduled to return to the Commons on 28 January.

Alan Ritchie, General Secretary of UCATT, commented: "Ed Davey is



**BOTTLED IT:** Ed Davey, Minister for Employment Relations, Consumer and Postal Affairs.

wrong. Reputable agencies and gangmasters will realise that the tiny cost of licensing is a small price to pay to ensure that rogue gangmasters, who undercut rates, are excluded from construction.

"That is why reputable trade associations, such as the Association of Labour Providers, support extending the Gangmasters Act to construction."

## Gangmaster authority or employment agency inspectorate?

The Gangmasters (Licensing) Act does not apply to construction and only covers the agriculture, food processing and shellfish collection industries. Under the Act, the Gangmasters Licensing Authority (GLA) issues licences to gangmasters (labour agencies). The licences are revoked in cases where the

gangmaster breaches employment laws.

Employment agencies in construction are supposed to be policed by the Employment Agency Standards Inspectorate (EASI).

The EASI is an entirely reactive body, which cannot act until concerns of abuse and exploitation are raised. This is a particular

problem in construction where workers are hired for very short periods. By the time the EASI has even begun to consider an investigation the workers are likely to have moved site or finished work.

By contrast, the GLA is a proactive body, which will not provide a licence to a gangmaster/employment

agency until checks have been made with several Government agencies, including HM Revenue & Customs, the National Minimum Wage Enforcement Unit and the Health and Safety Executive.

If an agency is found to be exploiting workers, it can rapidly be stripped of its licence.

## Wage cheats to be named

Bosses who deliberately flout minimum wage laws will be named and shamed under a new scheme which comes into force on 1 January. Cases where employers breach the rules are to be publicised by the Department for Business, Innovation and Skills, giving them three months to "put their house in order".

The new sanction was announced as revised rates for the national minimum wage come into effect in October. They are:

- £5.93 per hour for adult workers (increased from £5.80), with the adult rate coming into effect at 21 rather than the previous starting age of 22;
- £4.92 per hour for 18 to 20-year-olds (increased from £4.83);
- £3.64 per hour for 16 to 17-year-olds (increased from £3.57).

For the first time there is also an apprentice minimum wage of £2.50 an hour. The new rate applies to those apprentices who are under 19 or those that are aged 19 and over but in the first year of their apprenticeship. All other apprentices are entitled to the standard minimum wage rate for their age group.

*The confidential national minimum wage helpline is 0800-917 2368.*

**MIND THE COLD:** Construction bosses are being warned by UCATT that extra checks need to be made on sites during exceptionally cold weather to ensure that work can be conducted safely.

- The union says that employers need to make detailed risk assessments and make sure that:
- Appropriate protective equipment is issued.
  - Mobile facilities for warming up and warm fluids such as hot chocolate or soup are provided.
  - More frequent rest breaks are introduced.
  - Workers are told about recognising early symptoms of cold stress and hypothermia, such as shivering, loss of coordination, slurred speech, memory loss and pale cold skin.

## Tressell to be remembered



To mark the centenary of the death of Robert Tressell (left) – author of “The Ragged Trousered Philanthropists” – the TUC is organising an anniversary event in London in January to celebrate one of the classic novels on how capitalism operates in the workplace.

“The Ragged Trousered Philanthropists” describes the lives of a group of painters and decorators at the turn of the 19th century in the fictional south coast town of Mugsborough – loosely based on Hastings, where Tressell himself worked as a painter.

The original manuscript of “The Ragged Trousered Philanthropists” is now in the TUC Library Collections at London Metropolitan University. A digital copy can be seen on the TUC History online website at [www.unionhistory.info/ragged/ragged.php].

The event is being held at the Women’s Library, Old Castle Street, London E1 7NT on Saturday 29 January 2011, from 10.30am to 2pm; £10 / £8 concessions. To book: [moreinfo@thewomenslibrary.ac.uk]; tel: 020-7320 2222.

# Seven die as HSE spending is axed

Seven construction workers were killed in the week that the Government said it was slashing funding to the Health and Safety Executive (HSE) by more than one third.

As part of the Comprehensive Spending Review announced on 20 October last year, the Department for Work and Pensions said that the HSE’s funding would be cut by 35 per cent by 2015.

The first of the seven deaths that same week of the announcement occurred on Saturday 16 October when a worker was electrocuted on a refurbishment job in Hounslow, west London. This was followed on Monday 18 October when a 23-year-old man was killed in a trench collapse in Heaton, West Yorkshire.

On Wednesday 20 October a 39-

year-old Romanian worker died after being hit by a digger on the M25 widening project near Brentwood, Essex. On Thursday 21 October, two workers were killed in Worlington, Suffolk, when a wall on a barn conversion collapsed. On Friday 22 October a 65-year-old man was killed in Bollington, near Macclesfield, when a lorry load of bricks crushed him. Also that day a 55-year-old man died after falling from height in Ilkeston, Derbyshire.

Alan Ritchie, UCATT General Secretary, said: “Each death underlines the dangers faced by construction workers. These risks will increase if already low levels of inspection and enforcement are reduced. It is vital that the cuts will not mean that front-line HSE inspectors will be reduced.”

### £1 fine for scaffold death

A woman whose husband died after falling from faulty scaffolding has said a £1 fine on one of the firms responsible is “an insult”. Peter Walton, 55, fell five metres on 10 May 2006 while working as a joiner on a site near Accrington. Howorth Scaffolding was fined £25,000, but developer Glenmill Group was fined £1 following a prosecution initiated by the Health and Safety Executive.

Passing judgement in October last year, the judge said the amounts reflected the financial position of the firms. But widow Christine Walton was outraged. “My husband lost his life, not his livelihood.”

## Not all regions show downward trend

Analysis by UCATT has found that in the year up to April 2010 construction deaths were highest in the Midlands, North West, South East and Yorkshire.

Despite the overall fall in deaths nationwide, fatalities in the Midlands increased from one to seven. There was also an increase in the North West, where deaths rose from five to six. In Yorkshire

and the South East the number of deaths remained the same as in 2008/9, with six workers being killed in both regions.

According to the Health and Safety Executive’s latest figures, the total number of construction deaths in the UK fell in 2009/10, with 42 workers being killed at work compared with 53 in 2008/9. UCATT

points out, however, that the reduction in deaths was primarily due to fewer people working in the industry and a reduction in work pressures as a result of the recession.

Most regions saw a reduction in deaths: Scotland, the North East and Eastern England, each with three deaths; London with five deaths; Wales with one death; and the

South West with two deaths.

The most likely cause of death remains falls. In 2008/9, 21 workers were killed in falls and in 2009/10 that figure increased to 25, a 19 per cent jump. The number of people killed by being hit by a moving vehicle also rose, with five deaths in 2009/10 compared with four in 2008/9.

### In brief

#### Work to rule in Birmingham

Over 100 Birmingham refuse collectors began a work to rule on 17 December. The dispute is a result of plans by Conservative-led Birmingham City Council to cut their pay by up to £4,000 a year. The UCATT members in the fleet and waste management and street cleaning departments voted overwhelmingly in support of industrial action short of strike action. The action was delayed for a fortnight to allow for last-ditch talks. Steve Murphy, Midlands Regional Secretary of UCATT, said: “Our members have had no choice but to begin a work to rule due to the failure and incompetence of the council.”

#### Fewer canteens

The works canteen appears to be a declining tradition in British workplaces, with only just over half now having one, according to a new survey by the

Labour Research Department. Just 56 per cent of union reps said that their workplace had a canteen. This compares with 66 per cent of reps saying that they had one in a similar survey a decade ago and 82 per cent in 1995. Even where canteens do exist, they are less likely to be subsidised by the employer, according to the survey. Only just over half of the canteens were subsidised compared with nearly two-thirds of them a decade ago. The average price of a cup of tea in an unsubsidised canteen is 65p – half as much again as in a subsidised facility (43p).

#### Painters’ cancer hazard

Painters have a 30 per cent higher chance of developing bladder cancer, with the risk increasing the longer a person works in the trade, a new study has confirmed. The research is based on almost 3,000 cases of the disease in professional painters reported in 41 separate studies carried out between the 1950s and 1990s. Published in the journal *Occupational and Environmental Medicine*, the study found those with more than 10 years in the trade were more likely to develop bladder can-

cer than those with less experience. The risk arises not solely from exposure to paint but to factors such as the stripping of old paintwork, sanding or exposure to asbestos.



● Leicester First Branch President Eddy Phillip (left) receives his 50-year badge and certificate from Midlands Region Executive Council member Neil Vernon, along

with a copy of the union history “175 Years of Building Trade Unionism”.

The presentation was made at the annual reunion of UCATT Leicestershire veterans and their partners, held on 6 October at the Venue function room in Thurmaston, Leicester.

Barrie Wain, secretary of the UCATT Leicestershire Veterans’s Association, reports that a highly enjoyable evening was had by all.

## Insurers wins legal challenge on 'trigger' for mesothelioma

UCATT has pledged to campaign vigorously in order to overturn a decision announced in the Court of Appeal on 8 October that which will mean that thousands of dying asbestos victims will be barred from claiming compensation.

The court ruled in favour of an appeal brought by the insurance industry, which argued that the insurer at the time that a worker was exposed to asbestos was no longer liable to compensate the victim. Instead the "trigger" for compensation should be when symptoms developed and the insurer at that time should be liable.

In most serious asbestos-related illnesses, such as the incurable lung cancer mesothelioma, there is around a 30-year latency period between exposure and the disease developing.

UCATT officials warn that, if the Appeal Court's judgement is allowed to stand, asbestos victims and their families will not be able to claim any compensation, saving the insurance industry billions in compensation.

The so-called trigger case was originally brought by the insurance industry in June 2008 and the courts initially found against the insurers. It is expected that there will now be a further appeal and the case will progress to the Supreme Court.

Unions fear that, if the decision is not overturned, the insurance industry will use the judgement to dismantle most forms of occupational injury and illness compensation.

### Campaigning

UCATT will be campaigning with sympathetic MPs, unions and asbestos support groups in order to have the trigger issue decision reversed.

Natascha Engel, Labour MP for North East Derbyshire and chair of the UCATT Parliamentary Panel, said: "The minimum that asbestos victims and their families deserve is to receive compensation. It is simply wrong that the courts could consider preventing this basic form of justice. It is clear to me that there would be no disease without the prior exposure to asbestos and in almost every case this is a result of negligent employers and insurers."

## Widow's plea to young workers



Dave & Jean Doyle.

A widow whose husband died after exposure to asbestos is backing a new training initiative for young apprentices.

Jean Doyle hopes the Health and Safety Executive (HSE) scheme will help get the message across to thousands of trainee joiners, electricians, plumbers and other tradespeople about the dangers from asbestos.

Jean's husband, Dave, died from mesothelioma – a deadly lung disease – in 2006 after working as a joiner all his life. He was exposed to asbestos while using the material to make properties fire resistant.

She said: "Dave's death has had a devastating impact on our family. Young people need to realise the real cost asbestos can have on their lives.

"Both our sons and grandson have followed Dave into the building trade so I've made sure they're aware of the dangers. Trainee apprentices need to know they're not immortal.

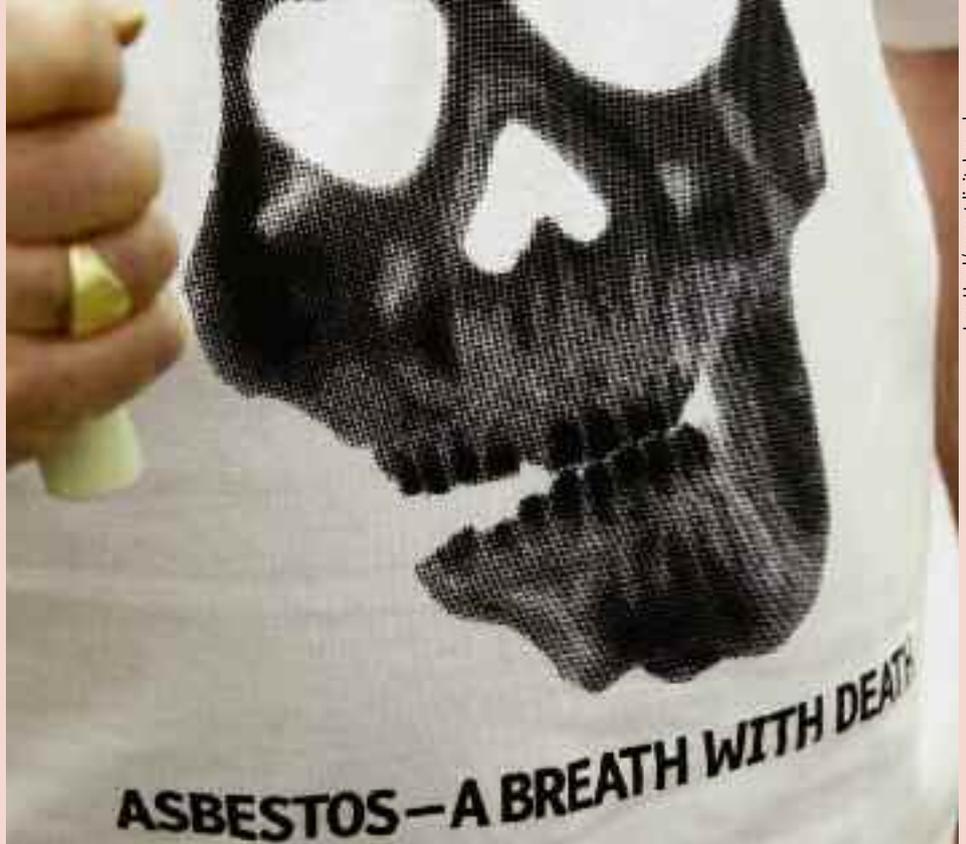
"I hope this new scheme will give them the confidence to say 'no' when they're out at work, if they're asked to work with asbestos. It may just look like dust but it's deadly."

The newly published "Introduc-

tion to Asbestos" learning package is aimed at young tradespeople who may come into contact with the material, which was often used for fireproofing or insulation.

HSE research has found that, although tradespeople know asbestos is harmful to health, they believe it is an historical problem not still relevant to them. They therefore do not take action to protect themselves.

Download the package for free at: [[www.hse.gov.uk/asbestos/learning-package/index.htm](http://www.hse.gov.uk/asbestos/learning-package/index.htm)].



# UCATT vows to fight court blow to asbestos compensation

UCATT originally raised the trigger issue at the Labour Party conference in 2008 and warned of the consequences if the insurers' appeal was upheld.

Alan Ritchie, General Secretary of UCATT, said: "This decision is disgraceful and perverse. This is not justice. Victims who were needlessly exposed to asbestos will be prevented from claiming compensation, leaving them and their families destitute.

"The Supreme Court must act swiftly and restore confidence in the judicial system by overturning this judgement. Hundreds of people are having their cases delayed because of this decision. Sadly many of them will die before the trigger case can be resolved and compensation restored."

TUC General Secretary Brendan Barber reacted by saying that any decision which allowed insurers not to pay compensation to people exposed to asbestos, even where there was an insurance policy in place, not only undermined the whole principle of compulsory employers' liability insurance, but also denied thousands of people justice.

He noted: "Over the years insurance companies have done all they can to avoid paying asbestos victims the compensation they are entitled to."

**MESOTHELIOMA:** Around 4,000 people die from asbestos-related diseases every year in Great Britain, making it the country's biggest workplace killer. Mesothelioma is the main cause. It is a fatal tumour of the lining of the lung or abdomen, caused almost exclusively by asbestos, with a life expectancy from diagnosis of about 12 months. A total of 2,157 people died from mesothelioma in 2007. In all, 90,000 people are expected to have died from the disease by 2050 since the epidemic began in the 1960s. Some 60,000 are yet to die as a result of past exposure to asbestos. Every week on average 20 tradesmen (including eight joiners, six electricians and four plumbers) die from this hidden killer.



# 2011: the year of cuts

## Tough for council workers

One area where the cuts will be especially savage is local government. Overall, the Government is cutting council funding by 7.1 per cent a year. That is a cut of 28 per cent by 2015. On top of this, ministers have announced that Council tax levels will be frozen in 2011.

This is already having a devastating effect. Councils across the country are making massive cuts in jobs. And it is in the poorest areas, where people need the most support. Only an idiot would suggest that you can make cuts of nearly 30 per cent without destroying frontline services.

Local government workers are already feeling the pinch. Last year the employers failed to offer a pay rise. With inflation rising, workers were asked to do more work for less money. And this year, for most

of the public sector, the Government has imposed a pay freeze, with only those earning below £21,000 able to claim a rise of no more than £250 a year.

The local government employers have not even promised to honour this meagre increase.

At the same time, through the so-called Hutton Review, the Government is looking at changing public sector pensions. Egged on by the right-wing media, they say that pensions are a drain on their coffers. But the truth is that the average local government pension is just £3,000 a year.

Council housing is also suffering. Some authorities are already looking at cutting all repairs and maintenance to homes unless they are required by law.

I would like to be more optimistic about the year ahead. Although I wish all UCATT members and their families a safe and prosperous 2011, the shadow of cuts in public sector spending hangs over not just the construction industry but society as a whole.

To understand the philosophy and ideology behind the cuts, you must understand the Conservative Party. Irrespective of rhetoric and PR stunts, the Tories are the party of privilege and will fight any change that upsets that balance.

That is why the Conservatives opposed the NHS, the minimum wage and the Health and Safety at Work Act. It's because all these measures represented moves to a more progressive and equal society.

We are told that the cuts will affect everyone in society. But those who will be worst hit are the poor. This includes those who are currently without work, among them thousands of construction workers.

The low paid, who face losing many of their benefits that help to make work pay and life bearable, will also lose out. The privileged in society will be virtually untouched.

The Conservatives and their Liberal Democrat lackeys have taken no time in announcing huge cuts. Just weeks after the election they ordered major cuts in infrastructure projects, cancelling planned new hospitals among other things.



**ALAN RITCHIE:** Deficit is being used as an excuse to attack the welfare state.

This was swiftly followed by an emergency Budget last June, when massive cuts were made to housing benefit, child benefit, working families tax credits and a host of other essential benefits.

David Cameron and Gideon Osborne say: "We are all in this together." Straight after the Budget that was proved to be a lie. The respected independent think tank, the Institute of Fiscal Studies, concluded that the Budget was very clearly regressive, with the poorest 10th of the population losing more as a percentage of their income than the richest 10th.

“David Cameron claims that these cuts are necessary to tackle the deficit. But if that was the case, why doesn't he promise to reverse the cuts once the deficit has been eliminated? Of course he's not going to do that.”

Jess Hurd/reportdigital.co.uk



**TOTAL:** Union leaders, including TUC General Secretary Brendan Barber (left), holding aloft big cards depicting the £19 billion that the banks will be able to knock off their tax bill despite being bailed out by taxpayers to the tune of almost a trillion pounds during the financial crisis. This is because they can offset their losses against future profits, thus paying less tax. This money, which is effectively lost to the Exchequer, could make a major contribution to closing the deficit, says the TUC.

# s of mass destruction

The Budget was followed by the announcement in July that the Building Schools for the Future project – which should have provided construction work for over 15 years and was the biggest construction project in Europe – had been effectively cancelled.

Then in October, we saw the full horror of the Government's Comprehensive Spending Review. There were cuts on average of 25 per cent per department.

So over the next five years there will be up to half a million job losses in the public sector.

David Cameron claims that these cuts are necessary to tackle the deficit. But if that was the case, why doesn't he promise to reverse the cuts once the deficit has been eliminated? Of course he's not going to do that.

The Conservatives are using the deficit as an excuse. It is an excuse for social engineering, in which the welfare state will be dismantled and we will have a country with a new form of ultra-Thatcherism.

Those with wealth will have many life chances, while those born into working class families or who need help will face a miserable existence. Public services will be so limited that people will never receive proper assistance.

For many, education has always been a way out of poverty. Parents are often determined that their children will have a better

life. Yet the Tories want to end these aspirations.

First, they want to divert money from ordinary schools into their new free schools which will be dominated by the middle classes.

And, far worse, they are pricing the working class out of higher education by putting up tuition fees from £3,000 to £9,000 a year. No wonder students are angry. So too are most parents who have seen the figures.

Already working class children are put off going to university. How on earth are they going to cope with debts of nearly £30,000? That figure doesn't even include their living costs.

But for the wealthy – those parents who send their children to private school – £9,000 a year is cheap.

**S**orry I couldn't bring a more positive tone to this New Year message. The good news is that UCATT is in fine shape, though we are aware that the next few years will be difficult for the union and members.

With this in mind, the Executive Council has decided not to increase union subscriptions for 2011. For the time being our finances are sound and we are ready for the immense challenges in the year ahead. Rest assured that we will continue to be the champion of Britain's construction workers.

## What is our strategy?

The question is what we, as trade unionists and construction workers, can do to challenge the cuts.

The Government is getting an easy ride from the media. That's because they are in bed with the media barons who either don't pay taxes or whose tax affairs are decidedly murky.

If the Government doesn't bother them, they are happy to run scare stories about benefit scroungers, migrant workers and all the other lies and distortions used to try to split the working class.

Much the same applies to the BBC, which is now too scared about its own future to challenge the Government's lies – especially the big lie that the deficit had to be tackled by massive cuts.

Instead, it is up to workers and their unions to spread a different message. We must say that:

- The best way of tackling the deficit is by getting people back into work first and therefore paying taxes.
- Only then the deficit could be slowly reduced, with the minimum amount of damage inflicted on

essential frontline services.

● We should be cracking down on the tax cheats and the avoiders such as Philip Green, who saved millions by transferring shares to his tax exile wife, or Vodafone, which managed to get a billion pound tax bill written off, or all the major construction employers who save 12.8 per cent in national insurance per worker by making them bogus self-employed.

As a first step in our campaign, UCATT members in local authorities can conduct an audit of all the construction contractors and sub-contractors used by their council. Do they directly employ workers? Do they train apprentices? Do they pay at least CJC rates? If they don't, they must be exposed. Talk to your local UCATT official about it. If we don't expose them, they will undercut council jobs.

We must also continue our campaigning in the TUC and Labour Party for policies to help working people and their families. With Ed Miliband now at Labour's helm, the prospects are good. We must not despair as the savage cuts begin to bite, but organise, educate and agitate in favour of policies that benefit the majority, not the privileged elite.

## Join us on the 26th



The TUC is organising a national demonstration against the cuts in Hyde Park on Saturday 26 March. I hope that many members of UCATT will be able to attend. The country faces the sternest test in a

generation as a result of the ideologically-driven austerity programme being implemented by the Con-Dem Government. It is up to us to show them that their cuts are wrong and must be reversed. Contact your regional UCATT office to find out more.



**DISCUSSIONS:** UCATT activists at the union's weekend seminar in Derby in November titled "Cuts of Mass Destruction" discuss tactics to resist the cuts. A similar weekend event was also held in Doncaster later that month.





Paul Box/reportdigital.co.uk

# UCATT joins war on waste

In terms of landfill waste, construction is one of Britain's dirtiest and most unsustainable industries.

The Government's Strategy for Sustainable Construction has set a target of halving the industry's output of excavation, demolition and other debris by 2012. **ANDREA OATES** reports on how UCATT is helping the industry achieve this aim.

**“**Projects have resulted in up to 94 percent of waste being diverted from landfill through the segregation and re-use of waste materials and the amount of overall waste generated has been reduced by as much as 25 percent.”

## Sustainable construction

Some 300 million tonnes of waste are produced in the UK every year, with around a third produced by the construction and demolition sector. The Environment Agency says that up to 20 per cent of all construction materials delivered to construction sites ends up in skips destined for landfill. That's not just bad for the environment, it's also expensive.

Across the economy it is estimated that UK companies could save up to £1 billion by diverting waste from landfill and saving raw materials. This would also reduce greenhouse gas emissions by the equivalent of two million tonnes over the next decade.

There is also increasing legislative pressure to reduce construction waste. More stringent requirements were brought in by the Site Waste Management Plans Regulations 2008 and the previous Government set a target for a 50 per cent reduction in the amount of construction, demolition and excavation waste going to landfill by 2012 compared with 2008.

Building workers have a crucial role to play in cutting down the amount of waste generated on construction sites. UCATT's National Education and Training Coordinator Jeff Hopewell says: "They are the people who see the things that go wrong and know how they can be put right because they are the ones actually doing the jobs on the ground".

That's why UCATT has teamed up with partners including management consultancy Greenfile Development, Tower Hamlets College and other training providers and the awarding body Waste Management Industry Training and Advisory Board to take part in Greenfile and Bovis Lend Lease's award winning "NoWaste" project.

UCATT's involvement follows on from the "Sus'd" project which developed training materials in waste awareness as an extension to the union's health and safety training programme for its reps (available at [www.projectbuild.org.uk](http://www.projectbuild.org.uk)).

NoWaste is currently running at a site in Stratford, east London, following impressive results at sites, including the Cambridge Grand Arcade, the Kings Waterfront in Liverpool and Unilever House in London. In addition to financial savings, previous projects have resulted in up to 94 per cent of waste being diverted from landfill through the segregation and re-use of waste materials and the amount of overall waste generated has been reduced by as much as 25 per cent. At the same time, construction workers have gained new skills, knowledge and qualifications in waste management.

Andrew Kinsey, Senior Sustainability Manager at Bovis Lend Lease, gives an example: "On one site, we identified that waste was not being segregated and we were filling skips with mixed waste. We didn't have space for colour-coded skips for different waste materials on the site. But we found that BT were vacating an office next door and were able to gain their permission to use the car park for skips. We then put waste segregation and recycling into place and reduced the amount of waste going to landfill."

The NoWaste project at Stratford is delivering training to several hundred workers and has helped many to gain NVQ Level 2 qualifications in the removal of non-hazardous waste (construction) and waste management operations (construction logistics).



UCATT's Mike Harris (left) at a Bovis Lend Lease session on an east London site.

Uly Ma, Principal Consultant at Greenfile, developed the training programme using elements of lean manufacturing, including workplace organisation and problem solving, and sustainability in a construction context.

The aim is to encourage construction workers to become more aware of what they can do to help cut waste and play a part in bringing about sustainability. The programme has also enabled them to make reductions in the volume of waste generated, by improving areas such as communications, efficient working and storing and handling materials.

He explained: "A lot of construction workers have low levels of qualifications and we wanted to design a programme bringing together qualifications in waste management operations with sustainability issues on construction sites. Everyone on a building site can make a difference but they need to have the right information about how they can contribute."

Workers attend an induction session at the Stratford UCATT Learning Centre that covers the basic principles of sustainability and the lean working process. Trainers then use a specially designed programme that includes training for their managers and the NoWaste Espresso, a "turbocharged toolbox talk". The workers carry out their normal working duties and are assessed through on-site assessment.

The programme uses cartoons based on the "hidden construction site", highlighting the different types of common waste that construction workers

see so often on sites that they stop noticing them. The workers identify problem areas based on their own experiences and develop solutions to those problems.

NoWaste also contributes to raising health and safety standards. For example, UCATT member and Greenfile consultant Mike Harris explains: "Workers identified that the pliability of coiled pipes reduced when they were used in cold weather, making them difficult to handle and easy to damage. A switch to straight lengths of pipe with connectors reduced the risk of manual handling injuries as well as waste through damaged pipes."

The project emphasises the importance of keeping sites neat and tidy and storing materials properly. This reduces the amount of material getting damaged through poor storage and reduces the risk of slips, trips and accidents resulting from falling materials.

Nearly 4,000 workers are working on the site and ultimately it will employ around 9,000, so good practice on waste management will roll out as they move on to work on other sites. And employers including Kier Building Maintenance, Merlin Housing Society and Stevenage Homes have recognised the value of the training and expressed an interest in developing their own projects in conjunction with UCATT.

NoWaste is a good example of the importance of worker involvement in environmental issues. As the programme sets out: "We do the job every day, we see the problems and in our minds, we know how to do it better: more effectively with less waste. But the most serious waste is our ideas going unused, our talent not deployed and opportunities missed."

UCATT's National Project Worker Steve Craig says: "Building workers and employers must have ownership of the problems and solutions relating to construction's impact on the environment. UCATT is working to secure and influence jobs in a future green economy to ensure that they are safe jobs and, through projects like NoWaste, we are ensuring that our members have the opportunity to increase their training, skills, qualifications and ultimately their employability."

**GOING GREEN:** Hazards magazine and the world trade union organisation ITUC have joined forces to campaign for more action to ensure that green jobs are safe jobs. This highlights the hazards that could face construction workers involved in creating energy-efficient homes, installing and maintaining solar energy panels and generators and building and maintaining wind turbines for example. To see the "green jobs, safe jobs" webpages go to: [\[www.hazards.org/greenjobs/blog\]](http://www.hazards.org/greenjobs/blog).

## ● The second and final part of our listing of all the resolutions of the UCATT National Delegate Conference.

### Occupational health scheme

Conference reaffirms its position that every worker has the right to go to work and come home safely. Yet with high levels of work-related injury, disease and death still a shameful reality in Britain, conference also reaffirms its position that the rights of injured workers are of fundamental significance.

Conference recognises that effective occupational health provision, rehabilitation and return to work programmes, as well as the provision of economic security through compensation arrangements, are critically important to injured workers, their families and the wider community. Accordingly:

1. Conference demands a proactive occupational health scheme where health problems are identified and quickly acted upon with trade union participation, that:
  - Identifies what can cause or contribute to ill health in the workplace.
  - Determines the action required to prevent people being made ill by work.
  - Introduces suitable control measures to prevent ill health.
  - Ensures people with health conditions, or who have a disability or impairment, are not unreasonably prevented from taking up job opportunities.
  - Provides or arranges provision of necessary health surveillance.
  - Reviews occupational accident, ill-health and sickness records to determine root cause of problems.
  - Assesses fitness for work and suitability of available or alternative jobs.
  - Provides health education and counselling.
  - Supports sick or injured workers.
2. Conference demands that all construction workers, after sustaining a physical or psychological work-related injury, are entitled to compensation and quality rehabilitation services and to return to suitable and decent employment. Further injured workers are entitled to compensation that restores them to the position they enjoyed prior to their injury.
3. Conference recognises that in many cases the rehabilitation of injured workers does not facilitate their return to suitable and meaningful employment. As such, effective rehabilitation services must also deliver genuine retraining programmes to meet this objective.

### MDF and formaldehyde

This conference views with concern the lack of information given to workers on the hazards and risks when working with or being in any form of contact with MDF, glasswool and rockwool. MDF emits urea formaldehyde and other volatile organic compounds that pose health risks to anyone that may come in contact with it.

The WHO International Agency for Research on Cancer has researched MDF since 1987 as a probable human carcinogen and in 2004 was more firm by stating it is a known human carcinogen associated with nasal sinus cancer and nasopharyngeal cancer and possibly leukaemia.

Health screening in the construction industry is a must; formaldehyde is carcinogenic; therefore another form of production in resins should be found.

We demand from the HSE that urgent controls are put in place and enforced and that a full and comprehensive review is undertaken as to the use of MDF.

### CSCS and SCATS card acceptance

This Branch asks conference to urge our representatives on the CITB to bring about an acceptance both of the CSCS cards and the SCATS card when working on a construction site or on a power station/refinery site.

What we have at the moment are the same employers and the same workers who may cross over these work areas but their cards of competence are not recognised.

### CSCS and SCORE cards

Conference notes the introduction of the new smart card into the construction industry.

Conference congratulates the union in their efforts in support of CSCS / SCORE cards in industry.

Conference calls on the General Secretary and Executive Council to continue to highlight health and safety training associated with both cards with the introduction of a one-day training programme, made mandatory and paid for by the employer and with a written test at the end of training.

Conference believes that this will increase health and safety awareness for construction workers and will support a decrease in serious injury and fatalities in the construction industry.

### Prostate screening

We are calling on conference to put pressure on the NHS for health screening in walk-in centres for men with prostate problems.

Only a small per cent of companies have basic occu-



## In full: motions carried at UCATT's 2010 National Delegate Conference

pational health support; no screening and millions of workers on incapacity benefit cost the country millions of pounds. Surely this money would go a long way to secure the facilities for health screening across the country and find early illness to be treated and to allow a return to work, making the savings; we are sure people would prefer to stay at work rather than on the sick; a healthy workforce is a happy one.

### Retirement age

This conference urges the Executive Council to commit the union to campaign to reduce the retirement age for building and construction workers.

The immediate demand would be to oppose any Government effort to increase the state pension age beyond 65, with a progressive reduction to 60 over an agreed period.

Our argument would be based upon the epidemiological evidence which clearly shows physical deterioration in those engaged in arduous work, often in inclement conditions, by late middle age, if not before. Conditions and syndromes, ranging from muscular-skeletal, rheumatic and repetitive strains, are commonplace.

We have rightly and honourably campaigned to reduce the excessive hours of work that plague the industry by arguing against the opt-out and the full implementation of the Working Time Directive.

We have argued that, while the overtime culture may cover the industry's inefficiencies and lack of coordinated planning, it has had a deleterious physiological effect on many of the workforce over a defined number of years, if not actually occasioning immediate health and safety problems.

In this sense the length of the working day is a qualitative issue which becomes quantitative as the years pass. If the physique is not broken, or breaks down, it erodes measurably and perceptively.

Consequently the hours and then years of work are materially linked and form part of the same problem. Our campaign must therefore recognise this combination and on the important issues of the immediate and long-term health and safety of the industry's workers demonstrate a strategy of "walking on two legs".

This is made more important by the general reactionary pressures to extend the working life beyond the present limits. The efforts of the union must be used to bend this fork the other way, on behalf of all building workers and as a beacon to those in similar circumstances.

As most construction workers suffer from some form of disability after a working life in the most dangerous industry with a very high accident death rate, working beyond 65 years only increases risk to our members' health and safety.

### Branch structure

Conference recognises the importance of the branches of the union but acknowledges the need for action to stimulate branch activity.

Therefore the Executive Council is instructed as a matter of priority to ensure that all members have been and are in future placed in a branch closest to their home address; this is excepting established workplace branches that will be subject to review.

If members have been placed outside their closest geographical branch then a restructuring exercise will take place where members will be re-designated to the closest local branch to their home.

An accountable process where individual members can request to change branch will be put in place with the emphasis on full and clear reasons that are unambiguous that will then be considered by the Executive Council before any change is agreed.

Future established workplace branches will be agreed by the Executive Council only where there are clear evidence-based benefits for this.

We also request that the EC initiate a wide ranging consultation exercise on branch attendance involving regions and branches; its conclusions to be placed before the 2012 National Delegate Conference for discussion and debate.

### Liberal Democrats

Conference deplores the decision of the Liberal Democrats to forge an alliance with the Conservative Party to form a Government.

Conference notes that the Liberal Democrat manifesto on all key economic and civil liberties issues directly opposed the Conservative Party. Nick Clegg and his colleagues have sold their souls in pursuit of power and personal position within the new Government. They have demonstrated that they are a party of opportunists at the expense of the electorate of the United Kingdom.

Conference believes that this allows the Conservatives to bring in changes which will be to the detriment of construction workers in many areas, including the economy, as well as health and safety inspections.

Conference recognises that the actions of the Liberal Democrat Party clearly show to the voters of Great Britain that there is only one alternative to a Tory Government and that is the Labour Party. We must be resolute in our opposition to a Tory and Lib-Dem Government that will attack UCATT members and their families.

Conference calls on the Executive Council to highlight this in future issues of *Building Worker*.

### Labour Party

Conference recognises the next few months are a make-or-break for the Labour Party.

Win and we must govern for a purpose. Lose and we end up with a Tory Government.

That Government will attempt to slash public spending, reduce trade union rights, attack working people more vigorously than the Thatcher Government.

We must not stop working for a Labour Party victory fought on issues that represent our members and communities.

If we are to win we must win back the confidence of Labour voters, revitalise union supporters. We must remain affiliated to the Labour Party.

It is our duty to develop and demand alternative policies. Labour must take a radical change of direction or a heavy price may be paid in the Labour movement.

### Influence in the Labour Party

Conference recognises the work done in raising UCATT's political profile that has seen the union become an influential force in the political arena and confirms that the union's best interests within the UK lie with the Labour Party; whilst it is acknowledged that the trade union agenda has not been fully delivered, there remains an intrinsic and historic link between organised labour and the Labour Party.

To ensure the UCATT voice is heard the Executive Council will commence a programme to place branches and UCATT members at the centre of the political process.

This will commence with identification of which branches are already affiliated to their local constituency Labour Party (CLP).

– To encourage those branches that have yet to affiliate.

– To ensure all regions play an active role in regional Labour parties.

This process will be supported by the setting up of a line of communication via a national newsletter setting out key issues to lobby on at CLP meetings.

Conference calls on the General Secretary and the Executive Council to increase UCATT's influence in the Labour Party by setting up its own candidates list from within our union membership.

All the major unions in Britain have their own parliamentary candidate list; UCATT needs to have the confidence to put forward its members to contest constituency selections for both MPs positions and local councillors.

### Tories and facility time

UCATT shop stewards pay a vital role in the union, providing everyday help and support to our members.

Without the hard work and dedication of shop stewards our union would not function.

Conference notes that the Government is considering changes to the existing facility time arrangements.

Conference is angry that the Conservatives have indicated that if they win power they intend to slash facility time. This is an attack on shop stewards and the unions they represent.

Conference calls on the Executive Council to mount a campaign to defend existing facility time arrangements to ensure that shop stewards can properly perform their roles.

### Tories and the NHS

Recent events regarding Tory MPs opposing President Obama's attempts to introduce free healthcare for all in the USA, thereby supporting private healthcare, expose the Conservative Party's true colours and the lies that they will spin to get elected.

The Executive Council must continue to vigorously campaign to ensure that the National Health Service remains in safe hands regardless of the outcome of the forthcoming general election and to oppose any attempt by Government to cut or introduce any further privatisation of public services and the welfare state, as cuts will only increase unemployment and create greater hardship and unfairness for working people.

### Trident

This union believes that as a signatory to the Nuclear Non-Proliferation Treaty Britain should comply with it by cancelling Trident and the rest of Britain's nuclear arsenal and not waste £7.6 billion developing a new generation of weapons of mass destruction. Finances saved by the abolition of the nuclear weapons programme could be used to boost Britain's manufacturing industry.

We also condemn the development of a missile defence system with components based in the UK, Poland and the Czech Republic.

Conference please commit UCATT to campaigning against the proposed system including the use of British facilities and demand that Britain adds its voice to the countries asking President Obama to cancel the programme.

### BNP, EDL and anti-fascism

Conference notes that UCATT and our predecessor unions have a long and proud tradition of anti-fascist action dating back to the Spanish Civil War.

This conference pledges to fight racism in all its guises across our communities and vows to prevent its influence in the construction industry.

Conference is sickened by the policies of the BNP and the return of two BNP MEPs in the European Parliament elections.

Conference is also aware of the organisation of far-right groups such as the Defence Leagues that share common ground with the BNP in their racist and Nazi outlook.

The radical and xenophobic English Defence League has tried to whip up fear and intimidation throughout Britain. They have marched on our streets and tried to divide our communities through hate and hostility.

At the height of an EDL rally in Stoke on 23 January 2010 over 2,000 protesters were on the streets, a mixture of football hooligans and fascists, including several British National Party activists. They love to attack the police and Muslims and have previously caused mayhem in Birmingham, Manchester and London.

We need as an organisation to add our voice against these fascists and islamophobes. The magazine *Searchlight* says the EDL poses two risks. One is the formation of a street army prepared to travel around the country to fight and provide organisational support. The other is the group's tactics of carrying placards and chanting in places that are potential flashpoints.

We call on the Executive Council to continue to support anti-fascist organisations, marches and demonstrations against English Defence League marches wherever they occur.

Far right extremists and islamophobes from the English Defence League plan on invading our cities with one simple goal – to whip up fear, religious tension and violence.

This conference believes it vital for UCATT to play a role in all future anti-fascist campaigns. We need to educate those around us on the nature of fascism and how to fight it. The working class needs to fight racism and nationalism, uniting together across ethnic backgrounds.

Conference therefore instructs the Executive Council to establish mechanisms with which it will ensure that all UCATT regions have active links with bodies such as *Searchlight* and Unite Against Fascism in order to maximise and better co-ordinate future anti-fascist campaigning.

### People's Charter

Conference welcomes the 2009 TUC Congress's overwhelming support for the People's Charter.

The People's Charter and its six demands represent a very real platform for progress.

Amongst other issues, the charter identifies adequately resourced local government as the agency best suited to build and maintain the 3 million new homes we presently need.

Conference agrees to support the People's Charter, which sets out a programme for challenging the economic crisis and for a fairer society including:

- A fair economy: Taking leading banking, insurance and mortgage industries into public ownership, ending raids on pension funds, asset stripping and corporate tax loopholes, restructuring tax so big business and the wealthy pay more.
- More and better jobs: Building full employment, protecting existing jobs and investing to create new jobs with decent pay, raising the minimum wage and ending the lower rate for young workers.
- Decent homes: Stopping repossessions, controlling rents, giving local government the power and funds to build and renovate millions of affordable quality homes and buy empty properties.
- Saving and improving our services: Ensuring energy, transport, water, post and telecommunications are in public ownership, ending profiteering in public services, stopping EU privatisation directives.
- Fairness and justice: Free heating and transport for every pensioner, linking state pensions and benefits to average earnings, protecting pension schemes, ending child poverty, enforcing equal pay for women, ending racism and discrimination, no scapegoating migrant workers, guaranteeing training, apprenticeships and education with grants and no fees, restoring trade union rights.
- A secure and sustainable future: Ending the cost of war and nuclear weapons, bringing our troops home, getting rid of the debt economy and cancelling the debts of the poor of the planet.

Conference requests that our General Secretary and Executive Council work to build support for the charter through the regions and branches to enable our membership to make a positive contribution in the development of progressive policies which put people before profit.

## International solidarity

Conference acknowledges the tremendous solidarity UCATT has shown in developing ties and friendships with our brother and sister trade unions across the world with our affiliations to the EFBWW (European Federation of Building and Wood Workers) and the BWI (Building and Wood Workers' International) and with our friendship and co-operation with the UITBB (Trades Union International of Workers in the Building, Wood, Building Materials and Allied Industries).

Conference calls on the General Secretary and the Executive Council to continue with this solidarity, especially during this period of huge economic downturns and greater exploitation of workers globally.

Conference calls upon the leadership of this union to affiliate to organisations such as the Cuba Solidarity Campaign, Justice for Colombia campaign and support for the Palestinian people amongst others and to oppose the hegemony of the USA and its allies in destabilising the planet which we all share.

## Global ban on asbestos

Conference notes that, while asbestos has been banned in many developed countries, it is still very commonly used in the developing world and in many of these countries its use is on the increase.

Although Russia and Canada remain two of the largest exporters of asbestos, in recent years the asbestos industry has transferred much of its production from developed nations to countries such as Brazil, India, Indonesia and Pakistan. There has also been a growth in asbestos products exported to developing countries, including Angola, Argentina, India, Mexico, Nigeria, Thailand and Uruguay.

Construction workers in developing nations are at particular risk of being exposed to asbestos due to a lack of regulation, with workers remaining untrained and not warned about the dangers of asbestos.

Conference reiterates its support for a complete global ban on asbestos and calls upon the Executive Council to continue to campaign for an international ban.

## Colombia

Conference is deeply disturbed by the continued human rights abuses taking place in Colombia.

Conference is alarmed that trade unionists are being systematically assassinated, with 84 members of the Colombian construction workers' union Sutimac being murdered over the last 15 years. Nearly 200 trade union activists have been assassinated during the past three years, making it the most dangerous place in the world to be a trade unionist.

Conference condemns absolutely the Uribe regime that has overseen the detention without trial, disappearances and murder of trade unionists, human rights activists, peasant farmers, opposition politi-

cians, journalists, teachers and many other members of civil society.

Conference is disgusted by the state link to the "False Positive" scandal where young men from poor shanty towns are promised work but subsequently murdered hundreds of miles from their homes and declared guerrillas; and that this is a direct result of state and military incentives such as time off to achieve quotas of dead guerrillas.

The British Government continues to provide secret military assistance to the Colombian regime despite the appalling human rights record of the Colombian armed forces. We believe that British military assistance should immediately cease until the Colombian armed forces end their practice of targeting civilian opponents of the regime for murder.

The Executive Council is therefore instructed to:

- Build stronger links and a line of communication with Sutimac.
- Explore partnership arrangements with Sutimac, human rights groups and politicians from the opposition Democratic Pole.
- Demand the immediate release of all political prisoners.
- Oppose by all means the signing of any free trade agreement between the EU and Colombia until all human rights abuses cease.

Conference therefore resolves as an affiliated member to support the Justice for Colombia campaign in pursuit of the above objectives and put increased pressure on MPs and the British Government to take action in defence of human and trade union rights in Colombia.

## Palestine

Conference wishes to express its solidarity with the Cairo Declaration of December 2009 approved by the 1,400 activists from 43 countries who made up the Gaza Freedom Marchers.

The declaration was a collective response to an initiative from the South African delegation and condemned:

1. The ongoing collective punishment of Palestinians through the siege of Gaza and the illegal occupation of the West Bank, including East Jerusalem, and the continued construction of the apartheid wall and expansionist settlements.
2. The contempt for Palestinian democracy shown by Israel, the US, the EU and others after the Palestinian elections of 2006.
3. The war crimes committed by Israel during the invasion of Gaza one year ago, resulting in the deaths of 1,400 Palestinians.
4. The continuing discrimination and repression faced by Palestinians within Israel and the continuing exile of millions of Palestinian refugees.

In the knowledge that our own Governments have given Israel direct economic, financial, military and diplomatic support and allowed it to behave with impunity we reaffirm our commitment to:

- Palestine self-determination.
- Ending the occupation.
- Equal rights for all within historic Palestine.
- The full right of return to their homelands for Palestinian refugees.
- We therefore confirm our commitment to the Palestine United call of July 2005 for a boycott of goods and services, divestment, and sanctions and demand Israel comply with international law.

To that end we call on the Executive Council and General Secretary to help the global mass, democratic, anti-apartheid movement to work in full consultation with the TUC, STUC and Palestine civil society to implement the Palestinian call for a boycott of goods and services, divestment and sanctions.

Conference also asks all delegates to ensure if possible that their own UCATT branch and local trades union council affiliate to the Palestine Solidarity Campaign or local campaign group.

## Haiti

Conference sends its deepest condolences to the people of Haiti whose lives were devastated by a massive earthquake which occurred in January.

Conference welcomes the massive support given by people in Britain and Ireland to the disaster relief appeal.

However, conference realises that such is the total devastation in Haiti that it will take many years for the country to be rebuilt.

Conference calls upon the International Monetary Fund to follow the lead of Venezuela and cancel all the debt owed by Haiti.

Conference requests the Executive Council to examine ways that UCATT can give support to the Haitian people over the coming years.

## Honduras and Latin America

Conference unreservedly condemns the military coup which occurred in Honduras in June 2009, which ousted the democratically elected President Zelaya, and the resulting widespread abuse of human rights by the new regime.

Conference notes that the coup in Honduras represents the disturbing return of armed interference in Latin American politics.

Conference calls on the Executive Council to work through the TUC:

- To ensure that the coup in Honduras does not create a domino effect leading to other democratic, progressive and socialist governments being overthrown in Latin America or the Caribbean.
- To work with trade unions in Honduras and Latin America to strengthen democracy and weaken the influence of the military.

## Union communications

Conference welcomes the actions of the Executive Council and General Secretary in attempting to obtain UCATT members' email addresses. To this end, conference instructs the Executive Council and General Secretary to improve communications with the union's membership by instituting the following programme:

- 1) In the next three issues of the *Building Worker* to have a letter inserted with a free post envelope asking members to supply their email addresses and mobile phone numbers and industry in which they are employed.
- 2) All new union recruitment material to have space for email addresses, mobile phone numbers and industry in which the member is employed in.
- 3) The programme to improve communications with the membership to include emailing or texting health and safety news, improvements in terms and conditions of employment in the member's industry and changes in employment law and up-to-date news on the union's campaigning.

The Executive Council and the General Secretary to have this up and running within 12 months of the end of this 2010 UCATT conference.

## Sustainable construction

Conference recognises the importance of the moves to sustainable construction and the role it will play in all future construction contracts in the Government's drive to carbon neutrality.

Gordon Brown said of the British economy that "the economic recovery will be a low carbon recovery". President Obama believes that the recovery of the USA's ailing economy will be based upon "green construction".

Industrial experts anticipate that thousands of jobs will be created via green construction in every field and discipline of the industry; our union must not miss out on this opportunity.

There is a likelihood that the development of off-site construction and manufacture is likely to increase: this presents not only opportunities on static sites but in the supply chain also.

New more environmentally friendly methods of construction will challenge the old areas of traditional construction.

Conference calls on the Executive Council and the General Secretary to do all it can to influence the direction these changes will have within the British construction industry.

This will include the skills gap that is likely to emerge from the transition to a low/zero carbon construction industry in every sector.

Twenty-six million homes across Britain would benefit from retrofitting; all new build projects must comply with sustainable codes: this presents tremendous opportunities for both our members and their industry.

We must demand that these changes give our youngsters the chance of employment prospects via a sincere qualification route and that training is given to our existing craftspeople to update their skills in a new environment.

Conference instructs the EC and the General Secretary to begin this campaign now by engaging ministers, our sponsored MPs and all those who support the green construction agenda.

Our union must play its part in shaping the future of the British construction industry and in securing a future for those we have the privilege to represent.

## Shrewsbury Pickets

We applaud the decision of the 2008 conference in giving support to the Shrewsbury 24 in their fight to get justice against the verdicts of the courts in 1973/4.

We also congratulate the Executive Council and the General Secretary for the magnificent resolution passed at the TUC conference in 2007 seeking justice for the Shrewsbury 24.

Conference now requires action on these resolutions to ensure that the Government releases all the papers with any connection to the picketing, police investigations, MI5 involvement or the courts without any further delay so that the legal representation acting for the 24 can put the best submission that is possible to the Criminal Cases Review Commission.

## Regional involvement

In recent years UCATT has increased its influence

nationally through the TUC, Parliament, the media and the Labour Party.

Key UCATT campaigns including issues such as bogus self-employment, the high number of construction deaths and the need to extend the Gangmasters (Licensing) Act to the construction industry are now fully understood and accepted as mainstream union policies.

While many of our core issues are construction-specific there are many other policy areas which also affect workers in other industries.

Therefore, this conference believes that in order for UCATT to gain further influence within the trade union movement and to more fully represent our members, a more consistent approach is needed to working with regional TUCs to ensure that UCATT campaigns are promoted and developed at a regional as well as a national level.

Conference mandates the Executive Council to establish criteria and a reporting back procedure to ensure that all regions become fully involved in regional TUC work and activities.

## Activist training

Conference welcomes the increased level of activist training in many UCATT regions; it also notes that some regions undertake a far higher level of training than others.

We commend the Executive Council's decision to set up a UCATT Activist Academy and look forward to it making a prolonged contribution to helping develop organisational aspiration. The Activist Academy will help to educate and inform a new raft of UCATT activists, which will greatly assist with the union's ability to represent members.

We call on the Executive Council to be bold and determined in rebuilding our activists' base, thus enabling strong, traditional site organisation to become once more a feature of the industrial landscape.

Conference calls on the Executive Council to develop policies for all UCATT regions so that a broadly similar level of education and training for activists is available.

Conference calls on the Executive Council to ensure that all regions fully participate in the Activist Academy to ensure that all members have the opportunity to benefit from its training and development programme

## General Secretary election

Conference congratulates the General Secretary on his re-election for another term and the sense of decorum he demonstrated despite a relentless assault on his stewardship of the union. Conference is also appalled at the unwarranted criticism from some quarters towards the President on the way he conducted the election process.

Conference is aware that our membership being laid off in the construction industry will lead to less income coming to the union.

In these difficult times for the economy and the construction industry, conference calls on the General Secretary as national treasurer of the union to continue the union on a strong financial base.

Conference reaffirms the policy of the National Delegate Conference to keep UCATT a strong, financially independent union and calls on the Executive to take steps to maintain this.

## Private sector conveners

Conference welcomes the increasing number of UCATT private sector conveners that have been appointed on major sites.

Conference notes the decision made by the Executive Council in 2009 that appointed private sector conveners should be considered to be a national resource and that all appointments of these conveners will be made by the Executive Council.

Conference welcomes the decision and believes it will expand the pool of qualified activists capable of undertaking the challenging role of convener on private sector sites, ensuring that activists receive the support and training needed to undertake these roles before and during their tenure as UCATT private sector convener.

## Credit unions

Conference calls upon the Executive Council to promote the facility of credit unions to all our members. Credit unions are becoming increasingly popular as the effects of the credit crunch impact upon UCATT members. The nature of employment in the construction industry can leave our members open to the unregulated loan industry.

Credit unions offer savings accounts, loans and in some areas current accounts. Credit unions can help customers manage their money and some also offer debt advice. They are owned by their members, rather than by external shareholders looking to make a profit and are fully regulated by the Financial Services Authority.

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

## Can your contract be changed?

In the current economic climate many UCATT members, in both the public and private sector, are faced with employers attempting to introduce detrimental changes to terms and conditions in contracts of employment. Here we explain the issues regarding contract changes.

A contract of employment sets out the terms and conditions of employment and the obligations of the employee and employer. It may be written down or verbally agreed. What is in a contract varies from a basic agreement to a lengthy one referring to other company policies. Consequently contracts differ, and not all terms have to be written down, or verbally agreed.

The "contract" in reference to what has been agreed between the employer and employee can take the following forms:

- express terms
- imposed terms
- implied terms
- incorporated terms.

Express terms are those that have been agreed explicitly between the parties. These terms are paramount and will generally only be overridden if they attempt to take away a statutory right, for example the Working Time Regulations giving 5.6 weeks' holiday, where the differing lesser term in the contract would be void.

Imposed terms, these are terms imposed by law, the Equal Pay Act for example that states that men and women will be paid the same for doing the same work.

Implied terms are those that are not explicitly agreed but are taken to be agreed. Often the issue of custom and practice – where something has been done a certain way for a period of time without question so that it is considered an implied term of a contract. Another example of an implied term is that which is so obvious that the contract could not exist without this being done.

Incorporated terms are those brought into the contract having been agreed in another form. An example of this could be reference to a collective agreement or staff handbook, where more detailed agreement exists on certain employment terms. To be contractually binding the terms must have been actually incorporated either expressly or impliedly.

Changes to fundamental terms of contracts, pay and hours, or any change that could see 20 or more individuals asserting that they had been constructively dismissed within a 90-day period, should be subject to collective consultation.

Changes that are agreed through consultation are contractually binding as long as they are incorporated in the employment contract. If an employee does not agree to a change in the terms and conditions of employment, an employer may give notice to terminate the contract and offer a new contract on revised terms.

In this case an employee can bring a claim for unfair dismissal, though the dismissal will not necessarily be unfair if the employer can establish that the dismissal was for some "other substantive reason".

The employer may impose the changes on the employee by announcing a change in the terms. This will be a unilateral variation of contract and will amount to breach of contract. The employee would then have four options; accept the terms, resign and claim constructive dismissal, refuse to work under the new terms, stay in work but sue for breach of contract.

As with many aspects of employment law, employment contracts and changes to contracts are extremely complex. Any UCATT member, steward or convener faced with issues regarding contractual changes should contact their local UCATT regional office for further advice.

*This article is for information. 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.*

## Euro directives 'open door to cheap labour'

European construction unions are urging the European Parliament to block proposals from the European Union which would open up the jobs market to cheap labour from outside the EU.

The proposals are contained in two draft EU directives: on "seasonal employment for third country nationals" and "transfer of workers from third countries".

The European Federation of Building and Wood Workers (EFBWW) notes that on paper the directives refer simply to "seasonal employment" and "managers/specialists". But in practice the proposals span a wide range of sectors, including construction.

In justification for the directives, the European Commission claims that there are currently insufficient workers in the EU to meet the demand for seasonal work. According to the EFBWW, the proposals amount to legalising "social dumping" and "social fraud".

Once accepted, the directives would have to be applied in law by EU member states.

EFBWW President Domenico Pesenti is urging the European Parliament and the member states "to open their eyes to the destructive impact of both proposals".

The EFBWW notes that workers from outside the EU are already being exploited on a massive scale in the EU. "They generally live in scandalous conditions, work virtually round the clock, have no social protection, are under constant pressure

and in some cases earn less than €1 per hour. The European Commission recognises these problems and yet is proposing a further opening-up of borders as part of 'globalisation'."

### Employment practices alarm unions

European construction workers' unions have agreed to try to devise a coordinated strategy to resist the growing threat of "precarious jobs", notably bogus self-employment and migrant workers on inferior rates and conditions.

Meeting in Belgrade, Serbia, from 30 September to 1 October last year, the unions agreed a UCATT-tabled motion calling for a working group to be set up with the European Federation of Building and Wood Workers to draw up a plan of action to deal with the problem.

A second resolution was adopted by the 43 trade unions from 27 countries in Belgrade. It concerns the impact on employment in the wood and furniture industries of the growing use of wood industry products for the biomass energy sector.

UCATT General Secretary Alan Ritchie was re-elected to the BWI's regional executive committee.

### Quebec is urged to close asbestos mine

Construction unions in the Canadian province of British Columbia (BC) are putting pressure on the Quebec provincial government to permanently close the Jeffrey asbestos mine in order to put an end to the mining and export of deadly asbestos products.

"The horrible results of asbestos-related cancers now happening to BC construction workers should never be allowed anywhere in the world," said Wayne Peppard, the executive director of the BC/Yukon Territory Building Trades Council.

Delegates at the recent 41st annual convention of the trades council unanimously backed a motion calling for the permanent closure of the mine.

The Quebec government plans to give a \$58 million guarantee loan to support the expansion of the mine. The 250,000 tons of asbestos it pro-

**DEMO: BWI delegates outside the European Union's office in Belgrade on the European Action Day on 29 September to oppose government cuts and austerity programmes. See "Employment practices alarm unions".**



**IN FOCUS:** Microscopic image of electrospun fibres.

# Nanotechnology: Unions ponder safety implications

Construction workers were among those packed into a workshop looking at the potential health and safety risks of nanotechnologies at the recent European Work Hazards Network conference at the University of Leeds. They heard that workers are increasingly coming into contact with nano-products on building sites – while questions about their health and safety remain unanswered.

The term “nano” means one thousand millionth of a unit. Nanomaterials are typically in the range of 1 to 100 nanometres. At this scale, they often have different properties from their everyday equivalent. For example, they may be stronger or more chemically reactive.

A recent European Federation of Building and Wood Workers (EFBWW) report, “Nano Products in the European Construction Industry”, looked at their use and the health and safety implications. It found that while their current use is mainly confined to nano-particle improved concrete and cement materials, nano coatings and insulation material; there is ongoing intensive research and development and their use is expected to grow.

“People working on sites in the UK are likely to come into contact with nanoproducts,” says EFBWW Health and Safety Secretary, Rolf Gehring. “But there is little awareness about them among workers, workers’ reps and employers, particularly small businesses.”

An EFBWW survey found that 75 per cent of construction workers and employers did not know whether they worked with nano-products; and the fact that the term “nano” is often used for marketing even when no nano-materials are contained in the product further complicates matters.

Unions point out that science is only just starting to understand how nano-products could pose new health and safety risks. They are concerned that the generation of nanoparticles or aerosols, such as the application of wet or dusty nano-products, machining dried or prefabricated nano products and the cleaning or maintaining of materials and equipment could be high risk.

Gehring adds that protective equipment such as respiration masks may not be sufficient to prevent nanoparticles from being breathed in and that nano-products could be harmful if absorbed through the skin.

He also points out that health and safety law has not kept pace with the development of nano-products, for example, the European Reach regulation concerns the registration, evaluation, authorisation and restriction of chemicals. “The structure of Reach is not appropriate for nanomaterials as it sets out thresholds in terms of tonnes of annual production. Those are unthinkable quantities for nanomaterials because of their size and weight and we need to consider other parameters.”

And “an absolute lack of practical information” makes it very difficult for the average construction company to conduct a proper risk assessment.

The EFBWW is lobbying for better legislation, more research and more practical information; and it is raising awareness about the potential hazards of nanomaterials among construction workers. In the meantime it advises workers and reps to adopt a “precautionary approach” to dealing with the unknowns of nanomaterials.

## MORE INFORMATION

- **Hazards magazine:** [[www.hazards.org/nanotech](http://www.hazards.org/nanotech)]; explains how hundreds of nanotechnology applications are in production despite safety concerns.
- **European Federation of Building and Wood Workers:** [[www.efbww.org/pdfs/Nano%20%20GB%20Summary.pdf](http://www.efbww.org/pdfs/Nano%20%20GB%20Summary.pdf)]; summary of the EFBWW report.
- **Department for the Environment, Food and Rural Affairs:** [[www.defra.gov.uk/environment/quality/nanotech/index.htm](http://www.defra.gov.uk/environment/quality/nanotech/index.htm)]; includes the minutes of the nanotechnology research strategy group meetings and links to other specialist sites.

duces will be exported to Asia for use in the construction industry – a time bomb for building workers and the population in the region.

## Ikea under fire for anti-union subsidiary

THE BWI Building Workers’ International – of which UCATT is part – is urging Swedish furniture giant Ikea to force a US subsidiary to end its anti-union practices.

The Ikea-owned Swedwood fac-

tory in Danville, Virginia, produces more wood furniture products than any other factory for Ikea.

Soon after Swedwood opened, it became clear that many of the 300 workers said they would like to join a union. But the company has refused entry to unions to come and talk to the workers and explain to them that they can choose to join and help each other to improve their working conditions.

Meanwhile, the local health and safety authority found Swedwood

guilty of safety breaches on several counts and issued fines of around £6,500 for violations of health and safety law.

The Geneva-based BWI also received reports that there may be cases of discrimination of workers by management and that some workers who supported the union have lost their jobs.

*More information:* [[www.bwint.org/default.asp?Language=EN&issue=IKEA](http://www.bwint.org/default.asp?Language=EN&issue=IKEA)].

## UCATT made it possible

Following an accident at work in February 2009 I was forced on doctor’s advice to cease working in construction, causing me considerable financial problems. Had I not been a member of UCATT, who immediately took up my case, the problems would have been far worse.

Accidents, by the very nature of the word, can happen at any time and at any place of work and I would urge anyone, whether just starting out in construction or continuing in business, to join your union.

After the Thatcher years people considered unions to be weak and not worth joining. They also thought that if you joined you’d be branded a trouble-maker and be the first out of the door if lay-offs were imminent. I am living proof that this is not the case. Your union will always be there for you, be it for advice, legal representation or fighting for compensation.

My case was settled in August 2010 and I would like to thank the staff at UCATT Glasgow, my local rep and solicitors Dallas McMillan for making it all possible.

**J HENDERSON**  
Dunphail, Morayshire

## Ripped off by subbie

As a UCATT member, I would like to let readers know what has happened at a Fairview Homes site in High Wycombe. JKS Brickwork of Sidcup, Kent, a large subcontractor, has gone bust and all the bricklayers and labourers on the site have not been paid, resulting in roughly 18 days unpaid for bricklayers, worth about £1,900 and, for labourers, £1,440.

This happened on 7 October 2010. The firm had been playing games with our wages for a while, putting us on pay every two weeks, then one week. On 6 October we were given a cheque for two weeks’ money. All cheques have bounced. I went into work on 7 October and we were told by the foreman of Fairview Homes that JKS Brickwork had been kicked off the job. Just to let you know what a dirty sneaky thing to do to the 40 workers on the High Wycombe site and other sites. They gave us bounced cheques – and the 10 days in hand we lost as well.

We were working on the job with three empty silos and sand was brought in by the local building merchant. Subsequently we found out that JKS owed the silo company about £100,000.

**ROBERT GREIG (bricklayer)**  
By email

## Some recent settlements for members in Scotland

● An employment tribunal protective award claim was successfully brought against a Tayside company Torith (in administration). Over 100 employees had been made redundant by the administrators without appropriate consultation, including 49 UCATT members. The claim was defended to a conclusion by the administrators of the company. However, the tribunal awarded maximum compensation of 90 days' pay to each member.

● A second protective award tribunal claim was successful against a Perth company Clachan Construction (in receivership). Over 100 employees were dismissed without meaningful consultation by the receivers. Again the tribunal awarded all affected members the maximum 90 days' pay.

● A West Lothian bench joiner obtained an out-of-court settlement of £72,500 for moderate to severe hand arm vibration syndrome suffered at work with his private sector employer. This was the first recorded successful claim of its kind against the company and will assist other members with similar injuries claiming against the employer.

● A South Lanarkshire joiner suffered a serious injury at work when a large oily metal sheet slipped out of his grasp and fell onto his right hand and wrist. The member has been unable to work since the accident due to his injuries caused by the employer's negligence. Shortly prior to a civil jury trial in the court action against his employers in the Court of Session in Edinburgh, his claim was successfully settled out-of-court for a sum of over £300,000.

● An employment tribunal has awarded a Morayshire labourer compensation of over £16,000 for unfair dismissal.

● A Glasgow labourer who suffered concrete burns kneeling at work in concrete secured compensation of £23,500.

● A Fife painter / shotblaster who slipped and fell a distance down a ramp high up on the Forth rail bridge received damages of £35,000.

# Awards for failure by employers to consult on redundancies

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

Sections 188 to 192 of the Trade Union and Labour Relations (Consolidations) Act 1992 are designed to ensure that employers consult adequately with employees before making collective redundancies and to provide compensation for employees where there is inadequate consultation.

An employer must consult with affected employees where it "proposes" (intends) to dismiss "20 or more employees at one establishment within a period of 90 days or less".

The proposals must be for at least 20 redundancies from one "establishment", which means one administrative centre. The phrase "90 days or less" means that a sequence of redundancies of a few employees can often be grouped together.

### Consult

Employers are obliged to consult for at least 90 days before the first of the dismissals (if there are to be 100 or more) or at least 30 days in advance (if the number is expected to be between 20 and 99).

The employer must consult with any trade union which is recognised (formally or informally) for the purpose of collective bargaining for the type of employees it is intended to dismiss. If there is no recognised union the employer must consult with elected representa-

tives or (if there is none) with the employees themselves.

There is a special defence available to employers who can sometimes argue that there were "special circumstances" which made it not reasonably practicable for them to consult fully (or even at all). This defence is often raised in the case of insolvent employers where liquidators, receivers or administrators come in at short notice and immediately make employees redundant.

Fortunately this defence can be difficult to establish even in the event of insolvency. In the recent successful claim made by UCATT against Torith (in administration) for example, (see panel left) the administrators argued that there were special circumstances entitling them to carry out minimal consultation. However, this argument was rejected by an employment tribunal.

If the employer fails to consult properly before making at least 20 employees from one establishment redundant, claims can be submitted to an employment tribunal. An application is first made for a declaration by the tribunal that the employer failed properly to consult and asking the tribunal to make a "protective award" in favour of the affected employees of up to a 90-day period (one day of the period equalling one day's pay for employees). Usually this application will be by a recognised union.

If that declaration is made by

the tribunal, the employees claim the number of days' net pay due from the employer and if possible from the Redundancy Payments Office (RPO) (see below). If payment is not forthcoming, the employees (not the union) present a claim to the tribunal for their own unpaid protective award sum. The tribunal should then issue a judgment for the compensation sum properly due to the particular employees which can then be enforced by them in the same way as any tribunal or court judgment.

### Protective awards

The RPO can make payments of protective awards where the employer has failed properly to consult on collective redundancies and where the employer does not have funds to pay out the claims.

These awards are, however, classified as "arrears of pay" and grouped with unpaid wages. As the maximum payment of the RPO is eight weeks, it can sometimes be difficult for employees dismissed (particularly by an insolvent employer) to recover the full sums due to them under protective awards from either the employer or the RPO.

In many cases, however, UCATT pursuing a protective award can be a very successful way for members to receive significant compensation for redundancy without proper consultation.

*Dallas McMillan's new freephone number for members: 0303-3031606.*



## Help us to keep you informed

Please give UCATT your mobile phone and email details. This will help the union keep in touch with you and let you have up-to-date news flashes. We won't pass your contact details on to anyone else.

Fill out this form in black ink and send it to: Membership Department, FREEPOST, UCATT, 177 Abbeville Road, London SW4 9BR.

Membership no. ....

Name .....

Mobile .....

Email .....

Industry sector (please tick box) Private  Public

If you wish to become a UCATT activist tick box for information



● Mesothelioma patient Richard Sharpe (second from left) receives a cheque for £326,000 from Midlands Regional Secretary Steve Murphy (second from right). Also pictured are Amin Chaudhary (left) from UCATT lawyers OH Parsons and Neil Hodgkinson, senior UCATT steward at Nottingham City Homes.



● John Bithell (centre) of Flint Branch is presented with a cheque for £20,000, which was won by UCATT solicitors OH Parsons following an accident in which he snapped a tendon in his upper arm while working for Flintshire County Council through an agency. Making the presentation is Ren Davies (left), with Terry Renshaw in attendance.

# Wider scope of new equality legislation

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

The Equality Act became law in October 2010. It replaces and, to a large extent, tries to consolidate existing legislation governing discrimination (such as the Race Relations Act 1976 and the Disability Discrimination Act 1995).

The Equality Act covers the same groups that were protected by existing equality legislation – age, disability, gender reassignment, race, religion or belief, sex, sexual orientation, marriage and civil partnership and pregnancy and maternity (these are referred to in the Act as “protected characteristics”).

But the new Act also extends some protections to groups not previously covered by those protections, and also strengthens particular aspects of existing equality law.

The Equality Act is a mixture of rights and responsibilities that have:

● **Stayed the same** – for example, direct discrimi-

nation still occurs when “someone is treated less favourably than another person because of a protected characteristic”.

● **Changed** – for example, employees will now be able to complain of harassment even if it is not directed at them, if they can demonstrate that it creates an offensive environment for them. For example, if A makes offensive remarks about B, and they offend C, C can bring a complaint of harassment against A (and A’s employer) under the Equality Act.

● **Been extended** – for example, associative discrimination (direct discrimination against someone because they associate with another person who possesses a protected characteristic) will cover age, disability, gender reassignment and sex as well as race, religion and belief and sexual orientation. So for example, if A needs flexible work times in order to look after their disabled child, and is treated less favourably by her employer because of this, she can now bring a claim for discrimination even though she does not have a protected characteristic herself.

Time limits for tribunal claims for discrimination remain the same – three months less one day from the act of discrimination complained of. Claims for discrimination arising wholly before 1 October 2010 should be made under the relevant old legislation (Sex Discrimination Act, Race Relations Act, Disability Discrimination Act etc).

However, claims for discrimination arising before 1 October 2010 and continuing after that date, or claims for discrimination that occurs wholly after 1 October 2010, should be brought under the Equality Act.

If you are in doubt about the legislation under which to bring a claim, seek legal advice.

You can find practical guidance about the Equality Act at [[www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-2010-guidance](http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-2010-guidance)].

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

## Recently settled by OH Parsons for UCATT

### His ladder slipped

A member from Durham was working on a ladder painting the lintel of a first floor window when the ladder that he was on slipped, causing him to fall to the ground and sustain injury to his right shoulder, both shins and to the right side of his eye and face. He also sustained lacerations to both legs. His employers accepted blame in full and, after court proceedings were started, settled out-of-court for £90,000, including a significant amount for lost earnings both up to and after the date of settlement.

### Whiplash from crash impact

A Lancaster member working as a highways maintenance operative was parked stationary on the hard shoulder of the M6 northbound sitting in the driver’s seat of an impact protection vehicle when he

was hit from behind whilst in the vehicle by a tanker going at speed, causing whiplash injuries as well as permanent ongoing anxiety in regard to working on motorways. As a result, he had to give up his job, and was unlikely to return to such work. The company whose driver was responsible accepted blame. The claim settled for £90,000 shortly before the court hearing.

### Pipelayer’s severe injuries

A 58-year-old pipelayer from Manchester was putting in a sheet pile along with the machine driver. He was about 3ft down waiting for the next sheet pile, when a piece of earth/sand came off a bank and hit him on the backside, driving him into the steel manhole box about 2ft away, and causing severe injury to his pelvis in three places. He had to give up work, although the

medical evidence suggested that other medical issues would probably have caused him to cease working within 2½ years. His employers accepted blame and, after some dispute about the loss of earnings, the claim settled for £65,000.

### Hearing loss from kango

A Dudley member who worked as a labourer for the local council over many years alleged that he was exposed to excessive noise from kango hammers, breakers and sparrow peckers, as a result of which he contracted noise-induced hearing loss and tinnitus. His employers accepted that they had not provided him with adequate protection or sufficiently controlled the noise and, after court proceedings had been commenced, the matter settled for £14,000.

## Regulation is failing



A familiar refrain is that Britain has one of the best safety records in the world. But, as these two academics argue in this report, such claims bear an increasingly tenuous relationship with the reality of working life.

Based on close analysis of Government, parliamentary and civil service documents, and using previously unpublished information gained from freedom of information requests, the authors chart the “collapse” in the numbers of Health and Safety Executive inspections and enforcement.

This collapse is most dramatically illustrated in the rate of prosecutions following deaths at work – falling from 46 per cent to 28 per cent in six years.

Coinciding with Lord Young’s controversial health and safety review for the new Con-Dem Government, this timely book documents the shift towards a politics of regulatory surrender. With Britain in the midst of a fiscal crisis, the book asks where the unfolding crisis in enforcement leaves worker safety.

*“Regulatory Surrender: death, injury and the non-enforcement of law” by Steve Tombs and David Whyte; published by the Institute of Employment Rights; £8 (for union members).*

## The young martyr



It is 1834, and 21-year-old James Brine is bound for Australia on a convict ship. His crime is joining with other men to ask for fair pay. His punishment is transportation – seven long years far from everything he knows and loves. Can James survive the hardships of convict life?

In this enthralling book written for older children and young adults, Alan James Brown tells the story of the Tolpuddle Martyrs, heroes of the trade union movement who are still remembered today.

Brown has brought James Brine back to life using a mixture of fact and fiction, based on meticulous research and a real understanding of the plight of rural labourers in Dorset in the 19th century.

Young people will find “The Tolpuddle Boy” a fascinating introduction to trade unions and social history, and will be inspired by the story of ordinary people doing extraordinary things to make a impact on their own lives and the whole of society.

*“The Tolpuddle Boy: Transported to Hell and Back” by Alan James Brown, published by Five Leaves Publications; £5.99. As a special offer to union members, including free postage and packing, the book can be ordered by sending a cheque for £4.99 (payable to Five Leaves Publications)*

along with your name and address, quoting the discount code TOLPUDDLEUNION, to Five Leaves, PO Box 8786, Nottingham NG1.

## Myths about safety



This new TUC report says that more than 20,000 people in the UK are killed prematurely by their work every year. “The Case for Health and Safety” smashes the myth that Britain is one of the safest places to work and demonstrates that health and safety at work is as relevant today as it has ever been.

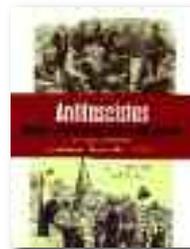
The TUC’s analysis of the most conservative official safety figures shows that the equivalent of the entire population of the Orkney Islands die early as a result of their work every year, through conditions such as occupational cancers and lung disorders, exposure to fumes and chemicals and fatal traffic accidents.

The report finds that many workers are also injured in their work. It points out that the Health and Safety Executive estimates that 246,000 workplace injuries each year go unreported or are incorrectly reported.

“The Case for Health and Safety” reveals that 1.2 million working people in the UK believe they are suffering from a work-related illness. These illnesses include heart disease, stress, musculoskeletal disorders such as back, shoulder and neck pain, and mental health issues such as depression and anxiety.

*“The Case for Health and Safety” is available free to download at [www.tuc.org.uk/extras/the\_case\_for\_health\_and\_safety.pdf].*

## Anti-fascists in Spain



This illustrated book tells the story of the 2,500 volunteers from the British Isles who joined the legendary International Brigades to fight fascism and defend democracy during the Spanish Civil War of 1936-39. Most

were active trade unionists, including many from the building trades. They took the extraordinary decision to risk their lives in a foreign war – in which over 500 of them were killed.

With more than 100 illustrations, the book looks at their role in the key battles in Spain, including the heroic work of the medical volunteers. Drawing on contemporary photographs and images, “Antifascistas” documents the artistic and historical legacy of the International Brigades, and demonstrates the idealism, commitment and sacrifice of these exceptional men and women.

*“Antifascistas: British and Irish Volunteers in the Spanish Civil War” by Richard Baxell, Angela Jackson and Jim Jump, published by Lawrence & Wishart; £20.*

# Tax boost for UCATT members: Are you missing out?

Thousands of construction workers across the UK, including UCATT members, are still missing out on tax refunds from HM Revenue & Customs. Every year, workers lose out on money they are entitled to by failing to submit claims.

That’s why Rift and UCATT have renewed their annual agreement to work side-by-side. Jan Post, Managing Director of Rift, said: “We are delighted to be building on our strong working relationship with UCATT. Many workers miss out on money they are entitled to because they think it will be difficult or



### THE RIFT GUARANTEE

At Rift we are proud of the work we do and set ourselves high standards. We are extremely thorough in our assessment, validation and

calculation of your claim.

We are so confident of our high standards that Rift is able to offer a unique guarantee to its clients. If any money claimed is repayable to HMRC because of our error, Rift will itself make the repayment at no extra cost to the client.

This unique guarantee is offered by Rift – the UK’s leading tax refund experts.

**NB:** The guarantee does not apply if the error is made because incorrect or incomplete information has been supplied by the client or if the claim is not submitted to HMRC by Rift or if money becomes repayable because there is a liability to HMRC which does not arise from the claim.

time-consuming to complete endless, confusing forms. Thankfully, Rift does all the hard work for you and our renewed partnership with UCATT means members won’t miss out.”

Last year, Rift reclaimed over £5.7 million for construction workers across the country – many of whom were UCATT members. At a time when many people are struggling financially, being able to claim a share of that pot – an average of £3,000 – could make a huge difference to families nationwide.

Thanks to site visits facilitated by UCATT officials, Rift representatives may soon visit a site near you. The Rift team are keen to chat to UCATT members, answer your questions, and explain the simple claims procedure. You can also contact Rift by phone where their expert processing team are waiting to help you.

Rift’s easy-to-use forms can be completed in 10 simple steps and make claiming quick, simple and hassle-free. And after you claim, the Rift “Little Black Logbook” helps you keep records up-to-date and in one handy place ready for your follow-up claim next year. It couldn’t be simpler!

Also don’t forget to stay up-to-date with all the latest news and claims through Rift’s newsletter, the *Daily Rift*.

So what are you waiting for? Visit [www.riftuk.com], call 01233-653 973 or text RIFT to 80010 today to find out how much your claim could be worth.

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# MARCH FOR THE ALTERNATIVE: JOBS•GROWTH•JUSTICE

**SAY NO TO  
UNFAIR AND UNNECESSARY  
SPENDING CUTS**

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- a Robin Hood tax on the banks
- closing tax loopholes
- policies for jobs and green growth

**SATURDAY 26  
MARCH 2011**

Assemble at 11am on Victoria Embankment,  
between Temple Place and Blackfriars,  
to march to a rally in Hyde Park

more details at  
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join the campaign at  
[www.falseeconomy.org.uk](http://www.falseeconomy.org.uk)



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If you or any member of your family has had an accident, we can deal with the claim through UCATT's Legal Aid scheme. We also offer the following services:

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