

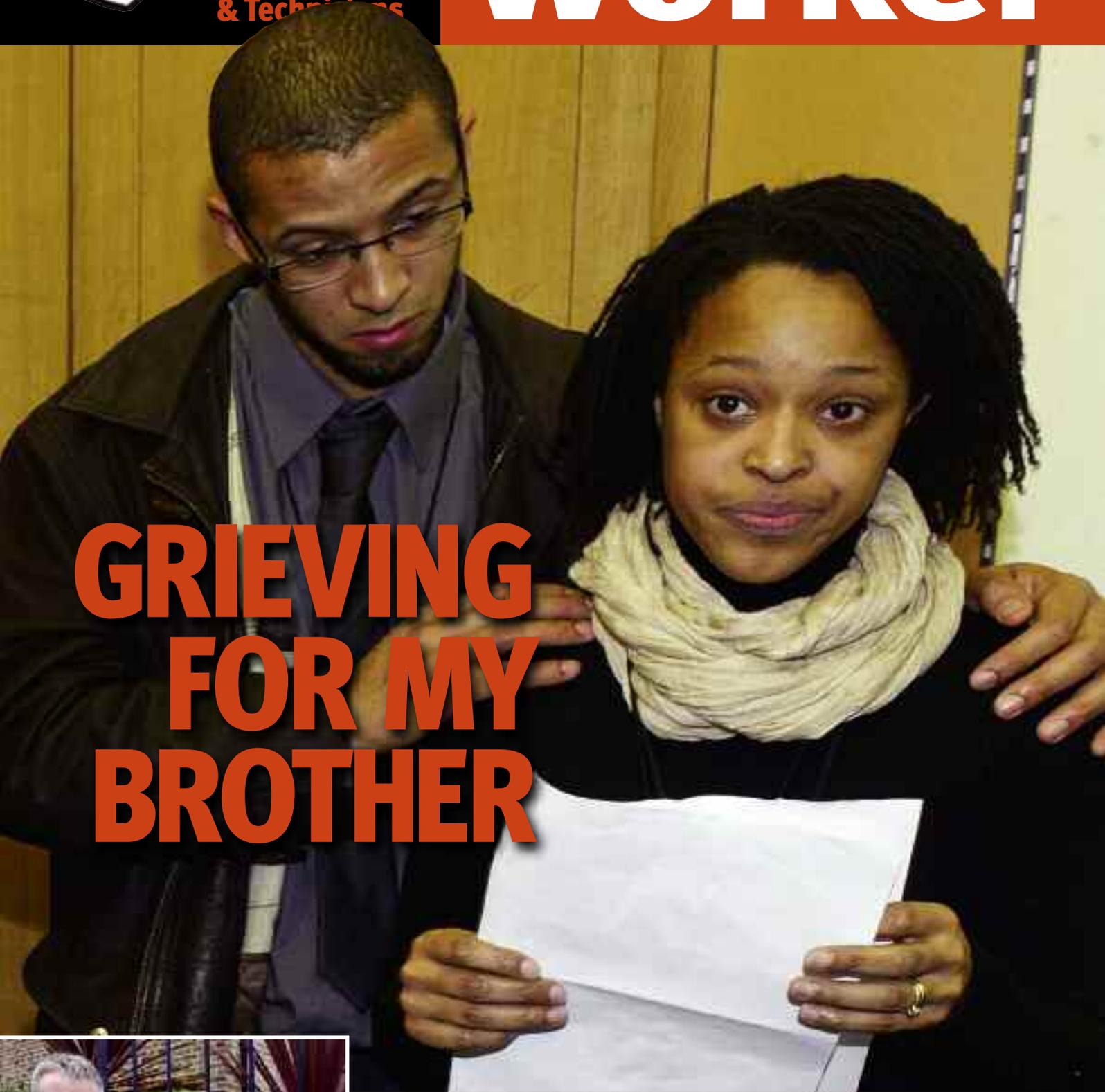


UCATT

Union of
Construction
Allied Trades
& Technicians

SPRING 2012

Building Worker



GRIEVING FOR MY BROTHER



**Steve Murphy
takes over
as General
Secretary**



**A woman's
place is
in the
construction
trades**

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



JOIN YOUR UNION

The union for all workers in the construction and building trades

Application for membership of Britain's specialist construction union



Personal details		Employment details (Please fill in if applicable)	
Name	<input type="text"/>	Your trade	<input type="text"/>
Sub title	<input type="text"/>	Employer	<input type="text"/>
Address	<input type="text"/>	Address	<input type="text"/>
Postcode	<input type="text"/>	Postcode	<input type="text"/>
Age (Yr)	<input type="text"/>	Former union details	
Tel/Mobile	<input type="text"/>	Which other unions, please, have you been a member of in the last 12 months?	<input type="text"/>
Other	<input type="text"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>	
I am a member of UCATT in my local area. My details are: No. <input type="text"/>		Employer's name (if different)	<input type="text"/>

I, the undersigned, agree to abide by UCATT rules and affirm that I am not debarred by UCATT rules.

Signature Date

NO. (Must be signed and dated in full before a UCATT member)

For UCATT office use only

Status Former Transfer/Over Renewal Other

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

Instruction to your Bank or Building Society to pay by Direct Debit

Make a full valid form of your bank or building society branch.

To: The Manager, Bank or Building Society Branch	Direct Debit Number
Address	B T 1 5 1 9
Postcode	Bank name (as appearing on the UCATT form)
Name of Account (Company)	
Direct Debit Code	Instruction to your Bank or Building Society
Bank/Building Society account number	Please pay UCATT Direct Debit from the account listed as it is your obligation to do so. All payments are subject to Direct Debit Collection. I understand that the amount may vary with UCATT and that orders will be sent to me automatically by the Building Society.
	Signature <input type="text"/>
	Date <input type="text"/>

The Direct Debit Guarantee

This Guarantee is backed by all banks & building societies that accept instructions to pay Direct Debits. If there are any changes to the amount, date or frequency of your Direct Debit UCATT will tell you 10 working days in advance of your account being debited or as otherwise agreed. If you request UCATT to cancel a payment, confirmation of this is instant and free and will be given to you at the time of the request.

Payments made in the company of your Direct Debit, by UCATT or your bank or building society, are not subject to a full and immediate refund of the amount paid from your bank or building society - if you receive a notice you are not entitled to you must pay it back when UCATT asks you to.

We can cancel a Direct Debit at any time by simply contacting your bank or building society. Written confirmation may be required. Please check early on.

Weekly contribution rates
Craft £2.66 General £2.41 Apprentice £1.68

Applicants in Northern Ireland/Republic of Ireland should contact the Dublin office (see right) for contribution details

Union of Construction, Allied Trades & Technicians

Website
www.ucatt.org.uk

Freephone advice line
 0800-262 467

Building Worker
buildingworker@ucatt.org.uk

General Office
 177 Abbeville Road, London SW4 9RL
 Tel: 020-7622 2442
 Fax: 020-7720 4081
 Email: info@ucatt.org.uk

Scotland
 53 Morrison Street, Glasgow G5 8LB
 Tel: 0141-420 2880
 Fax: 0141-420 2881

Northern
 Seymour House, 10 Brenkley Way,
 Newcastle upon Tyne NE13 6DT
 Tel: 0191-236 2636
 Fax: 0191-236 2653

Yorkshire
 64/66 Cross Gates Road,
 Leeds LS15 7NN
 Tel: 0113-264 0211
 Fax: 0113-260 2908

North West
 56 Derwent Road East,
 Liverpool L13 6QR
 Tel: 0151-228 8455
 Fax: 0151-228 7735

Midlands
 2 Wentworth House, Vernon Gate,
 Derby DE1 1UR
 Tel: 01332-203 656
 Fax: 01332-203 858

Eastern
 Goodwin House, Willie Snaith Road,
 Newmarket CB8 7SQ
 Tel: 01638-565 830
 Fax: 01638-565 836

London & South East
 177 Abbeville Road, London SW4 9RL
 Tel: 020-7622 2362
 Fax: 020-7498 5272

Wales & South West
 199 Newport Road, Cardiff CF24 1AJ
 Tel: 029-2049 8664
 Fax: 029-2048 1166

Ireland
 56 Parnell Square West, Dublin 1
 Tel: (+353) (0)1-873 1599
 Fax: (+353) (0)1-873 1403

UCATT Building Worker

Spring 2012 / No.52

Cover photo: Andrew Wiard

Cover story

Phoenix firms go bust to avoid justice for workplace deaths
pages 4-5

Pride in UCATT

Meet the union's new General Secretary
pages 10-12

Union reps

Conservatives want to make it harder for them to do their job
pages 13-14

Women

UCATT survey highlights obstacles in construction
page 15

Plus

- 3-9 News
- 6 UCATT adviceline
- 16 International
- 16-17 Legal brief
- 18 Presentations



BACK IN ACTION: UCATT has welcomed the Health and Safety Executive's decision to reactivate its award-winning Hidden Killer campaign warning of the dangers of asbestos. Pictured here is former England and Arsenal soccer star and plasterer Ian Wright on one of the campaign posters depicting the 20 workers who die each week from asbestos-related diseases. The campaign was suspended late in 2010 as a result of the Government's clampdown on

communications expenditure. UCATT then embarked on a lobbying campaign in Parliament, assisting MPs who raised the matter with ministers in a bid to have the campaign revived – which was finally agreed by the HSE in December last year. Hidden Killer warns construction workers, above all those involved in maintenance and refurbishment work, to beware of unexpected areas of asbestos in older buildings.

45,000 construction jobs predicted to be lost this year

UCATT IN INDUSTRY INVESTMENT PLEA

A gloomy assessment of the state of construction has prompted renewed calls by UCATT for Government action to boost investment in building projects.

Produced by the Construction Skills Network (CSN), "Blueprint for UK Construction" forecasts that the industry will lose 45,000 jobs in 2012 and that output will fall by 3 per cent.

Despite the expected decline in construction jobs, the CSN predicts that the industry will still need to recruit 46,000 new workers every year between 2012 and 2016.

However, the union notes that apprentice levels

remain far below the industry's requirements, adding to concerns about skills shortages when construction eventually pulls out of the recession.

UCATT General Secretary Steve Murphy said the CSN report demonstrated how Government policies were severely damaging the construction industry, with the lack of future public sector projects cited as one of the principal reasons for the industry's difficulties.

He added: "We urgently need a joined-up policy approach from the Government, where increased public infrastructure investment is linked to procurement policies requiring companies to train apprentices who will form the workforce of tomorrow."

The CSN comprises 700 members, including representatives from the Government, industry federations and employers, and is co-ordinated by Construction Skills in conjunction with consultants Experian.

Welcome for high-speed rail green light

UCATT has welcomed the announcement in January of the go-ahead for a high-speed rail link from London to Birmingham. The union is urging that the high-speed lines must be extended north to Leeds and Manchester at the earliest possible date. "The project will create thousands of construction jobs and in the longer term will encourage future investment opportunities," said the union.

Tim Sommerschein/reportdigital.co.uk



FORECAST: Output will fall by 3 per cent in 2012.

John Harris/reportdigital.co.uk



Building Worker is published by the Union of Construction, Allied Trades & Technicians (UCATT), 177 Abbeville Road, London SW4 9RL; email: [buildingworker@ucatt.org.uk]. The views expressed herein are not necessarily those of the union. Every effort is made to ensure that information is correct at the time of going to press but this cannot be guaranteed. We reserve the right to edit any articles or letters submitted for publication. The inclusion of an advertisement does not imply recommendation. No part of this publication may be reproduced without prior written consent by UCATT. © UCATT 2012. All rights reserved.

To advertise in *Building Worker* contact Steve Smith at Redactive Media – telephone 020-7880 6218 or email [steve.smith@redactive.co.uk].

Steve Murphy strengthens the UCATT line-up

Incoming UCATT General Secretary Steve Murphy has moved swiftly to strengthen UCATT's organising team, with a string of appointments linked to key negotiating and recruitment targets for the union.

A nuclear industry working group has been set up to oversee the union's role in the construction of a new generation of nuclear power plants, which is scheduled to start next year. Headed by Murphy, the group will include Acting National Officer George Guy, London & South East Regional Secretary Jerry Swain and Scottish Regional Secretary Harry Frew.

A similar body is to be set up for the HS2 high-speed rail project.

Meanwhile Cheryl Pidgeon, UCATT's Midlands Regional Secretary, has been given

national responsibility for women's issues in the union, as well as the increasingly important sustainable construction agenda.

Steve Murphy began his term of office at the head of the union on 9 January, having been elected in a ballot of members in November and December last year.

Other new appointments include Wales & South West Regional Secretary Nick Blundell to lead the UCATT-Kier National Convener Forum and Eastern Regional Secretary Brian Rye to represent the union on the board of construction's B&CE benefits scheme.

See "Steve Murphy: Pride in the union" on pages 10-12 and "Women: We want a level playing field" on page 15.

IN BRIEF

Union warns of dangerous DIY plan

UCATT is warning that the Government's proposed Tenant Cashback Scheme could result in social housing tenants endangering themselves while carrying out maintenance work on their homes. Under proposals unveiled in March, tenants will be able to claim up to £500 a year for DIY work. There are concerns that this could lead to tenants inadvertently exposing themselves to asbestos contained in their homes, or damaging water and electricity supplies. The risk of being exposed to asbestos is particularly acute as social landlords have no legal duty to manage asbestos within a tenant's home. Nor do they have to maintain an asbestos register for their properties.

New chair for skills scheme



The new chair of the Construction Skills Certification Scheme is Michael Clapham (left), former chair of the UCATT Parliamentary Group. The CSCS runs the industry's skills and safety accreditation scheme and is strongly supported by UCATT. A former coal miner, Clapham was the

Labour MP for Barnsley West and Penistone from 1992 until 2010 and before that worked for the National Union of Mineworkers.

Blacklist inquiry call

Labour MPs, including former cabinet minister Michael Meacher, are calling for a public inquiry into allegations of police involvement in the illegal blacklisting of union activists in construction. This follows testimony given in January by the investigations manager at the Government's Information Commissioners Office, which in 2010 uncovered a blacklist operated by the Consulting Association in which 44 major building contractors were found to be participating. At an employment tribunal hearing on a compensation claim brought by former UCATT member Dave Smith (subsequently lost on the technical grounds that he was an agency worker rather than a direct employee), former police officer Dave Clancy said there was information on the blacklist files that "could only be supplied by the police or the security services".

Norwich jobs saved

UCATT has welcomed the decision by Norwich City Council to ensure that workers formerly

employed by bankrupt contractor Fountains will be offered their jobs back. The workers will be hired by outsourcing company Biffa for a year while the council fully re-tenders the contract. The 150 workers are employed on street cleaning and grounds maintenance work. In February Fountains followed its previous owner, Environmental Services, into administration and was bought out by OCS. But 450 workers nationwide, including all the staff in Norwich, were made redundant. Under the terms of the new deal, the workers will be offered contracts with core terms and conditions such as wage rates, holidays and sickness payments remaining unchanged. The workers will also stay in the local government pension scheme.

Concern as WJ Harte folds

UCATT is seeking urgent answers concerning the future of construction workers at WJ Harte. The civil engineering group based in South Lanarkshire formally entered administration in January with the loss of 720 jobs unless a buyer can be found. All staff have been sent home but more than 200 of them have been recalled to complete work on the order book. The firm blamed the downturn in the building trade, which cut its turnover by more than half, and bad debts from financially-troubled client firms. The Harte Group has been in operation since 1974.

Anger over regional pay plan

UCATT has reacted with anger to news that the Government is planning to introduce lower regional pay rates for public sector workers. Steve Murphy, the union's General Secretary, said: "This is yet another kick in the teeth for hard working, dedicated public sector workers. The pay freezes our members are experiencing mean that they are already struggling to make ends meet." The threat to allow variable regional pay came at a time when public sector workers were facing "a triple whammy of pay cuts, increased pension contributions and high inflation rates", he added.

1.8 per cent rise in adult minimum wage

There will be a 1.8 per cent increase of 11p an hour in the adult national minimum wage from 1 October 2012 and the apprentice rate will similarly rise by 5p an hour. But rates for 16 to 20-year-olds will be frozen. The hourly rates will be: adults: £6.19; 18 to 20-year-olds: £4.98; 16 and 17-year-olds: £3.68; apprentices: £2.65. At least 150,000 workers are being paid less than the minimum wage, according to a new report by the TUC. See: [www.tuc.org.uk/tucfiles/177/enforcingbasicworkplacerrights.doc].

Why the HSE needs new powers to end this scandal

By **ELLIE REEVES** of UCATT's solicitors OH Parsons

OH Parsons is proud to support Luciana Berger's Bill in Parliament (see facing page), which we helped to draft on behalf of UCATT and Luciana, calling for a vital amendment to the 1974 Health and Safety at Work Act (HSWA).

For some time we have been assisting the union in relation to concerns about companies going insolvent after a death or serious injury at work. The Bill would give new powers to the Health and Safety Executive to apply for an order to freeze the assets of a company when they are being investigated for a breach of health and safety legislation. This would make it harder for companies to avoid HSE fines following a death or serious injury at work.

The HSE was established by the HSWA. That Act gives the HSE the power to carry out investigations and inquiries where they consider there may have been a breach of health and safety.

Powers

The HSWA confers a number of powers on HSE inspectors when carrying out their investigations. However, the cases of Noel Corbin, Mark Thornton and others (see box on facing page) show that the HSE's powers are very limited where a company under investigation goes into liquidation.

Giving inspectors the power to apply for a court order to freeze the assets of a company under investigation following a death or serious injury at work would help prevent companies from going into liquidation and therefore avoiding the full effect of any fine. It would also help prevent companies from paying their directors large dividends whilst under investigation.

For example, if the assets of Mark Thornton's employer, Bryn Thomas Crane Hire, had been frozen they would not have been able to run down the company by paying the directors huge dividends whilst they were under investigation.

Fraud

Freezing orders are already used widely in cases of suspected fraud, preventing the disposal of assets, the removal of assets from the country or any other dealing in the assets pending final judgment.

We will continue to work with UCATT and MPs, campaigning for the Bill to be put on the statute book and fighting for justice for the families of the victims.

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



STATEMENT: Tamika Niles (right), brother of Noel Corbin, being comforted by brother Drew at the launch of the anti-phoenix firm Bill in the House of Commons. The Bill would prevent companies entering administration following the death of a worker. It is sponsored by Labour MP Luciana Berger (far left). Also pictured are UCATT Political Officer Jim Kennedy (centre) and Ellie Reeves, solicitor with UCATT's lawyers OH Parsons.

PHOENIX FIRMS WHO CHEAT BEREAVED FAMILIES OF JUSTICE

UCATT backs MP's bid for end to legal scam

UCATT is calling on MPs to support proposals for a new law that would prevent companies evading justice following the death of one of their workers. A Bill setting out how this would be done has been tabled in the House of Commons by Labour MP Luciana Berger, who is a member of the UCATT Parliamentary Group.

Unveiled in February, the Bill is designed to combat the growing problem of so-called phoenix firms. These are created when a company goes into administration and then resumes operations under a slightly different name, but with the same directors, equipment and premises.

If enacted into law, Berger's Bill would amend the Health and Safety at Work Act to give Health and Safety Executive inspectors the power to freeze a company's assets to prevent it from tactically declaring bankruptcy in order to avoid justice. Similar freezing orders already operate in fraud and drug cases.

Ignoring the laws

In her speech to the House of Commons, Luciana Berger, said: "A worrying number of companies are not only ignoring the laws designed to protect their employees, but they are then exploiting legal loopholes to avoid proper punishment following deaths at work resulting from their malpractice."

The Liverpool Wavertree MP went on to give examples of two cases where phoenix firms had avoided justice: Mark Thornton and Noel Corbin (see right).

Berger told fellow MPs: "No one can disagree that Noel Corbin deserved the proper sized ladder. Or that the crane which killed Mark Thornton should have been properly maintained and fit for the task it was doing. In the construction industry strong health and safety laws save lives. If our laws were stronger, more lives might be saved."

The Bill is scheduled to receive its Second Reading on 27 April, but will need Government support if it is to become law.



Mark Thornton: Crane firm escapes big fine

Father of two Mark Thornton, 46, of Wavertree, Liverpool, was killed in March 2007 at the Wavertree Technology Park site when struck by a steel column after the crane he was using collapsed.

Mark worked for Bryn Thomas Crane Hire, a firm whose shares were divided 50 per cent for Bryn Thomas and 25 per cent for each of his two sons, Dylan and Janus.

In December 2010, after the Health and Safety Executive had launched an investigation, Bryn Thomas Crane Hire went into administration, although the directors were owed in excess of £300,000 by their parent company, Bryn Thomas Holdings. This

was despite the fact that dividends of £272,000 were paid to the directors in 2010, £275,000 in 2009 and £225,000 in 2008.

Following the investigation by the HSE, Liverpool Crown Court fined Bryn Thomas Crane Hire just £4,500. The judge said he was unable to impose the appropriate fine of £300,000 because the company was in administration.

Before the trial the company had been bought out by Dylan and Janus Thomas, who started trading again under the name of Bryn Thomas Hire Limited.

To date, enquiries made by UCATT to the administrators in relation to the inter-company debt of over £300,000 and the huge dividends paid to the directors have not been fully answered.



Noel Corbin: Employer fined £1 for his death

Noel Corbin, 29, a satellite installer from New Addington, Surrey, suffered fatal head injuries after falling from a roof while installing a satellite dish in Belsize Park, London, in February 2008.

The ladder he was provided with was too short and there was inadequate health and safety equipment or training.

His employer, Foxtel Ltd, ceased trading in June 2011 and appeared in court on 12 August later that year to plead guilty to breaches of health and safety legislation. Because the company was in administration

the court imposed a fine of only £1.

The firm's boss has re-established the business as a sole trader, under the trading name Foxtel. When ringing the firm, the phone is still answered as Foxtel Ltd.

Charles Linfoot, HSE inspector, said: "Mr Corbin's death has had a devastating effect on his family, made more tragic by the fact that the incident was easily preventable."

He added: "Foxtel should have carried out a full site-specific risk assessment, planning and organising... It is not acceptable to simply delegate health and safety duties to employees without adequate instruction, training, monitoring or supervision."



Making history

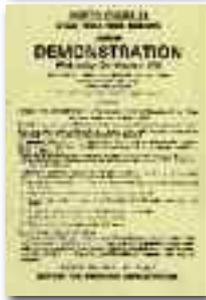
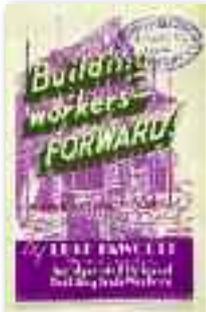
Images such as the ones pictured here feature in a new online archive, titled "Britain at Work: Voices from the Workplace 1945-1995", that has been launched by London Metropolitan University.

Taken from the TUC's library collections and with the activities of building workers and their unions to the fore, the documents span a period marked by extreme diversity and change in Britain, say the archivists behind this project. It began with postwar austerity and reconstruction and was followed by years of fluctuating growth and affluence. The second half of the 20th century also saw the growth of frank-and-file trade union organisation and influence. There were huge conflicts between unions and employers, often associated with new working practices and union legislation.

As well as images, the website contains audio clips and transcripts of interviews with workers, along with hundreds of other documents.

SEE: [www.unionhistory.info/britainatwork].

FROM TOP: A scaffolding collapse outside Lewis's store in Glasgow in 1960; pamphlets from 1945, 1946 and 1954, a 1972 front page of UCATT's Viewpoint journal, a 1973 handbill for a demo to support the Shrewsbury Pickets, and a lobby of the TUC congress in 1976 by asbestos campaigners.



ADVICELINE



Topical tips on issues that have been raised on UCATT's 0800-262 467 freephone adviceline for members

Watch out for abuse of disciplinary procedures

In this tough economic climate, we are seeing an increase in the number of disciplinary actions being instigated by employers. Unfortunately, some construction companies view disciplinary procedures as a cheap way of getting rid of workers whilst avoiding redundancy payments.

As a worker, you can be disciplined if you fail to perform your duties competently or if your behaviour is unsatisfactory. Many potential disciplinarys can be resolved quickly and informally. However, if you do find yourself faced with formal disciplinary proceedings, it is important that you understand how the process will work.

Larger workplaces will have their own written disciplinary policy, so ask your employer for a copy. If your company doesn't have its own policy but is covered by the CIJC National Working Rule agreement, disciplinary procedures are outlined in the Pink Book. If you are not working under the CIJC agreement, your employer should still follow the ACAS code of practice, available online at [www.acas.org.uk].

As a minimum, there should be a full investigation or "fact-finding" meeting to determine whether there is a case for disciplinary action. You should be given advance notice of this meeting.

This meeting should not result in any disciplinary action at this stage but, if your employer believes that your presence at work could hamper the investigation, you may be suspended with pay. The investigation should be carried out as quickly as possible.

If, following a full investigation, the employer decides to pursue disciplinary action, they should inform you in writing. The letter should include the date, time and venue of the meeting; an outline of the charge and what the consequences might be if you are found to be at fault.

The letter should also explain the procedure that will be followed at the meeting and inform you of your legal right to be accompanied by a union rep or work colleague.

Before the meeting, your employer should give you a copy of the evidence that they have

gathered during the investigation so that you can prepare your response.

At the meeting itself, you should be allowed to respond to the complaint; you should be able to ask questions of anyone who submitted evidence for the employer and you should be able to call colleagues who can give evidence in support of your case.

If your employer denies you your rights or presents you with evidence that wasn't given to you before the meeting, you should ask for the meeting to be adjourned.

After the meeting, the employer should inform you in writing of their decision and any action they will take. The action must be proportionate to the misconduct and could include a written warning or final written warning. If the complaint is sufficiently serious, for example, theft, violence, harassment of colleagues, working under the influence of alcohol or drugs, then this could be considered gross misconduct and you can be dismissed without notice.

If you are unhappy with your employer's decision or with the action taken, you have the right to appeal. You must put your reasons in writing to the employer, usually within five working days of the decision. Wherever possible the person who hears the appeal should not have been involved in the initial investigation. Again, you have the right to be accompanied at an appeal meeting.

Even if your employer doesn't recognise the union, you have the legal right to be accompanied by a trade union rep if you are a UCATT member. You must inform your employer that you intend to bring a companion and let them know who that will be.

If you do find yourself subject to disciplinary proceedings, contact your shop steward, if your workplace has one, or your UCATT regional office as soon as possible.

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.

“Even if your employer doesn't recognise the union, you have the legal right to be accompanied by a trade union rep if you are a UCATT member.”

UCATT alarm over NHS privatisation

SOS FOR NHS: Hospital staff at a Save Our NHS rally organised by the TUC last year.



Stefano Cagnoni/reportdigital.co.uk

UCATT is calling on members and all construction workers to oppose the Health and Social Care Act, which the union warns will lead to the effective privatisation of much of the NHS in England.

Approved by Parliament in March, the Government's plans will result in the NHS being split into commissioning groups competing against each other, rather than providing a joined-up service, says the union.

The commissioning groups will be encouraged to use private companies to provide services, with the removal of the private patient cap allowing hospitals to treat a far higher number of private patients. This will make it easier for private patients

to jump the queue for operations and treatment.

UCATT General Secretary Steve Murphy said: "Construction workers and their families rely on the NHS. When they are ill they want to be treated locally as swiftly as possible. The Government's policies will reduce patient care, while boosting the profits of fat cat private healthcare companies."

The TUC calculates that the Government's reforms will cost £3 billion to implement and will result in at least 20,000 NHS staff losing their jobs.

Sign the union-backed e-petition to save the NHS: [<http://epetitions.direct.gov.uk/petitions/22670>].

Regulations targeted in employment law review

Unions are mounting strong challenges to a range of Government plans to weaken statutory protection and rights for workers.

The controversial plans include a watering-down of the TUPE (Transfer of Undertakings: Protection of Employment) Regulations, which, according to the TUC, risks creating more low pay and increased unemployment.

Union chiefs say that changing current legislation could also lead to an increased involvement of the private sector in public services, with contractors competing for business on lower wages rather than on the quality of service.

The TUPE Regulations protect employees' terms and conditions of work when a business is transferred from one owner to another. The staff automatically

TUPE RIGHTS UNDER THREAT

become employees of the new employer on the same conditions that they were on before, and their continuity of service is also protected.

Government ministers are considering increasing the flexibility for employers to cut pay and conditions after a transfer takes place.

TUC General Secretary Brendan Barber said: "TUPE law protects workers and gives businesses valuable security. Tampering with the regulations would not only generate uncertainty and needless litigation, it would also make low-paid workers vulnerable to mistreatment."

The TUC is also warning that introducing fees to take claims to employment tribunals could have a huge impact on ensuring equality at work.

The Government has published plans for charging an individual a minimum of £600 and as much as £1,750 to have a discrimination claim heard at a tribunal. Workers with a gross annual income of £13,000 a year (the national minimum wage for a full-time job) or couples with a joint income above £18,000 a year would have to pay towards these fees to pursue discrimination cases.

Meanwhile, plans to weaken consultation rights during collective redundancy exercises could cost jobs, damage workforce morale and increase unemployment, says the TUC.

Workplace legislation: What ministers are proposing

- Double the qualifying period for unfair dismissal to two years.
- Reduce the statutory period for redundancy consultations in firms employing more than 100 workers from 90 to 30 days.
- Charge a fee for anyone wishing to take a claim to an employment tribunal.
- Allow "compensated no fault dismissal" for firms with fewer than 10 employees.
- "Simplify" existing dismissal processes and TUPE (Transfer of Undertakings: Protection of Employment) Regulations.
- Send all disputes to the ACAS conciliation service before going to a tribunal.

Don't use foreign labour to undercut our rates, say Euro unions

UCATT and other European construction unions are pressing the European Commission to review its rules on how foreign European Union workers are treated in another EU country.

Unions want the EU's Posting of Workers Directive strengthened to stop employers hiring workers from abroad to cut costs. However, they fear that a review of the directive that is currently under way will instead make it even more flexible.

Werner Buelen, of the Brussels-based European Federation of Building and Wood Workers, has written to EU chiefs to say that unions are concerned about "the various legal, administrative and fraudulent practices" used by employers when hiring foreign EU nationals, especially in the construction industry.

The Posting of Workers Directive requires Britain and other EU member countries to ensure by law that there is no discrimination against other European workers.

When the directive was adopted in 1996, unions hoped it would prevent so-called "social dumping", whereby foreign workers are allowed to undercut the pay and conditions of national workers.

However, many EU member countries have interpreted the directive in a way that allow employers to hire foreign workers on inferior terms and conditions. For example, in Britain many East European construction workers have been paid the national minimum wage rather than industry-agreed rates.

Controversial

Such practices have been upheld in controversial judgments by the European Court of Justice in 2007. The court's rulings suggested that employers are only required to pay their workers the rate they would receive in their home country, provided this matches minimum wages and working conditions in the country they are posted to.

With right-wing governments committed to neo-liberal employment policies dominant in Europe, Buelen is warning that the current review will "serve as window-dressing and have no real impact on achieving equal rights and a better prevention, detection and enforcement of social fraud".



EXCLUSIVE

insurance offers

for UCATT members

UCATT have teamed up with Finance ReDirect to provide members with an ethical not-for profit insurance service. The policies are provided by leading insurers and we have arranged a series of exclusive special member's offers.



Mobile phone and gadget cover

Your first month free!

Mobile phones, iPhones, Blackberrys, iPods, iPads, XBOX, Playstation, Wii, cameras, GPS and other electronic devices. Cover for Theft and Accidental Damage including worldwide cover. Prices from £2.49 per month for phones and just £4.99 per month for iPhone. And exclusively for UCATT members pay nothing for the first three months.



Travel Insurance

Includes Free cover upgrade

European and worldwide travel insurance, either for single trips or cover for a whole year. Our travel insurance provides excellent cover at price that you'll find hard to beat anywhere on the high street or online. And exclusively for UCATT members you'll automatically receive a valuable complimentary upgrade increasing the policy benefits and terms.



Household Insurance

FREE emergency breakdown cover

Make sure you're properly covered with our Buildings & contents insurance. Competitive premiums, with discounts for previous no claims, security, and age. And exclusively for UCATT members, you get free emergency breakdown cover, covering call-out charge, labour and parts in the event of a Gas, Electrical, Water or heating emergency.



Tools cover

One month free!

Safeguard your tools against accidental damage, loss or theft. Covers your hand and power tools worth from £250 right up to £10,000. And exclusively to UCATT members you get 12 months cover but only pay for 11.

Coming soon

For a **FREE** instant quote call us now on:

08000 546 422

free from landlines, mobile users may find it cheaper to call

01608 647896 or visit our website:

www.ucatt-insurance.co.uk



UCATT is an Introducing Appointed Representative of Finance ReDirect, who are authorised and regulated by the Financial Services Authority (FSA Ref: 305607) in respect to general insurance. Finance ReDirect is the trading subsidiary of the registered charity Credit (reg. no. 1078672).

Workers' Memorial Day: Did you know?

- Workers' Memorial Day is always on 28 April. It falls on a Saturday this year.
- A worker dies every 15 seconds somewhere in the world.
- In 2010 the Labour Government gave official recognition to Workers' Memorial Day.
- There are 1.9 million people of working age in Britain living with an injury or disease caused by their work.
- The first Workers' Memorial Day was held in Canada in 1984.
- "Remember the dead, fight for the living" is the slogan for the day.
- The day was first introduced in Britain in 1992 by the campaign group

- Hazards and soon taken up by UCATT.
- The UN's International Labour Organisation (ILO) officially recognised the day in 2001.
- The ILO estimates that each year more than 2 million people die as a result of work-related accidents and diseases.
- More people die at work than are killed in wars.
- In Britain about 150 people are killed at work annually.
- If work-related diseases are included, the UK total is, according to Government and Health and Safety Executive figures, at least 20,000, nearly a quarter of them victims of asbestos.

- Fifty-five building workers were killed in accidents in the 12 months to April 2011.
- There has been a 50 per cent reduction in the number of workplace inspections by HSE inspectors over the past 10 years. HSE funding is being cut by the Government by 35 per cent over the next three years.
- Surveys have consistently shown that having union safety reps and safety committees can reduce workplace accidents by as much as 50 per cent.

Contact your nearest UCATT regional office (see page 2) for details of events in your area.

jess.hurd/reportdigital.co.uk

FLAG DAY: An HSE inspector at the protest in November last year against the Government's public sector cuts.



PENSIONS PEACE TALKS

Negotiations resume following Government concessions

UCATT's Executive Council is supporting peace talks aimed at resolving the long-running public sector pensions dispute.

Union members employed in local government, outsourced local authority contractors, the NHS, the Prison Service and the civil service overwhelmingly voted to support strike action in defence of their pensions and played a full role in the national day of action on 30 November last year.

As a result of the Executive Council's decision, UCATT has signed up to the "heads of agreement" document outlining the broad principles that will allow "meaningful negotiations" to be undertaken over the coming

months. It is anticipated that all talks should conclude by the end of April 2012.

Further industrial action has therefore been suspended until the talks are concluded.

Concessions made by the Government have cleared the way for the new round of negotiations. These include delays in when additional contributions would be introduced, protection for workers nearing retirement, more generous rates at which pensions would build up and commitments that outsourced workers could remain in their public sector pension scheme.

UCATT General Secretary Steve Murphy said: "UCATT is entering into these new negotiations in good faith. However, Government ministers need to be aware that, if talks should break down or what is on offer is unacceptable, then our members can take further industrial action."

Agreement on new CIJC pension rules

UCATT has reached agreement with construction employers on how the Government's new National Employment Savings Trust (NEST) scheme will be implemented when it comes into force later this year.

From October employers covered by the Construction Industry Joint Council's (CIJC) National Working Rule will begin automatically enrolling operatives into the B&CE personal pension scheme.

Adopting the recommendations of a pensions working group headed by UCATT General Secretary Steve Murphy, the CIJC has agreed that the existing £5 per week employer

contribution is to be maintained until October 2016. Employers will continue to make a higher level of contribution if required as a result of the operative's earnings.

Operatives will make a minimum £5 per week contribution during this period and, if necessary, a higher contribution based on their earnings.

Auto-enrolled

All operatives aged between 22 and state pension age should be auto-enrolled, along with all newly employed eligible operatives within six weeks of commencing employment. Other operatives will be given the oppor-

tunity to do so if they wish.

Under the provisions of NEST, all workers are entitled to opt out of their personal pension scheme – although all will first have to have been auto-enrolled. NEST applies to all workers who do not have access to a company pension provided by their employer. Instead, they will accumulate a fund to purchase an annuity on retirement.

CIJC operatives who currently contribute between £5 and £10 per week will be auto-enrolled at the appropriate date and continue to make a higher contribution and receive a matching employer contribution.

Social housing suffers in Right to Buy scheme

Flaws in the Government's flagship Right to Buy housing policy are laid bare in a detailed report produced by UCATT. The report has been sent to the Department for Communities and Local Government's consultation under the heading "Reinvigorating the Right to Buy".

Ministers says they can kickstart the housing market by increasing the discounts available to tenants who buy their properties. The money will then be used to build replacement homes.

However, UCATT points out that the replacement pledge only covers additional homes sold under the revised Right to Buy scheme and not the 12,700 properties estimated to be sold by 2015 under the current arrangements. The receipts generated from these sales will not be used to build replacement homes.

UCATT's report is also critical of the fact that there will be no guarantee that councils forced to sell council properties will be able to use the receipts to build new homes. Instead, the money is likely to be placed in a central pot and councils will then have to bid individually for additional funding.

Discount

Under the original plan, the maximum discount on buying a council house or flat was £50,000. That figure was increased in March to £75,000 from April 2012.

A long-term tenant will be able to buy their council flat for just 30 per cent of its market value and a council house for only 40 per cent of its market value.

With over 1.8 million people on housing waiting lists and 40 families chasing every new home, UCATT is calling for the 60 per cent cuts by 2015 in the social housing budget to be reversed. This would reduce the growing homelessness crisis and ensure that thousands of skilled construction workers could return to work.



MAN IN THE FRAME:
Steve Murphy, pictured here in front of one of the murals in the lobby of the union's headquarters in Clapham, south London, painted by artist Mick Jones.

Steve Murphy: UCATT's new General Secretary

Does Steve Murphy enjoy the pressure? He will certainly be tested in the months and immediate years to come as he faces a long list of challenges. They include mounting job losses among UCATT members and a squeeze on their pay and conditions brought about by the economic recession. And lurking in the background is a hostile Government committed to weakening vital health and safety and employment legislation in the name of "cutting red tape".

UCATT's new General Secretary also has Britain's ninth biggest union to run, and he'll be thrown straight into the deep end in May when the National Delegate Conference (NDC) meets in Scarborough. The conference – UCATT's "parliament" – is held every two years, with delegates from around Britain and Ireland coming together to decide the union's policies.

"Actually, I'm really pleased that our conference is taking place only a few weeks into my term of office," says Murphy. "UCATT needs to recharge its batteries, and the NDC will give us the opportunity to do so. I also want to get my message across about how I think we must face up to the massive challenges of the future."

As the sixth General Secretary to be elected since UCATT was formed in 1971, Murphy is under no illusions about the size of the task facing the union and the entire labour movement. His aim is to muster the union's resources to resist the harsh economic climate and the Government's ideologically driven onslaught against working people.

"Workers are being made to pay for the recklessness of bankers and politicians," Murphy says. "UCATT and all unions have a duty to resist this cost-cutting agenda, whether in the form of attacks on local government pensions, the privatisation of building services that are essential to the community, scrapping life-saving regulations such as the statutory crane register or cutbacks in jobs and apprenticeships that will deskill an entire generation of youngsters."

He adds: "As long as greedy bankers and company directors are still paying themselves obscene salaries and benefits, we have to say no to an unfair squeeze on working people."

The plain-speaking former brickie has begun an energetic round of face-to-face meetings with construction industry leaders and politicians. Within weeks of taking up the reins as General Secretary in January, he made contact with the 30 top contractors and has already sat down for talks with the industrial relations chiefs of several companies and industry federations. He also met Labour leader Ed Miliband, the union's parliamentary team of MPs and other senior union and TUC colleagues.

"I want to see a successful, highly skilled, well paid, competitive construction industry," he insists. "But this has to be achieved on the basis of respect for the contribution made by building workers. Practices such as blacklisting and bogus self-employment must be consigned to

PROFILE

AGE: 51 (on 8 April this year)
BORN: Chesterfield
TRADE: Bricklayer
JOINED UCATT: 1984
UCATT BRANCH: Chesterfield
UNION CAREER: Development Officer in Midlands (1998), Regional Organiser (2002), Regional Secretary (2005), Yorkshire Regional Secretary (2010), General Secretary (2012)
INSPIRATIONS: Mohammad Ali, Nelson Mandela and, in UCATT, former General Secretary George Brumwell (in portrait on right)
STATUS: Married with two daughters
LIVES: Near Rotherham
SUPPORTS: Sheffield Wednesday
ENJOYS: Walking in the Peak District



PRIDE IN THE UNION

"I left school and went straight into an apprenticeship to learn a craft that I'm proud of to this day – that's how it should be today, and I want UCATT to lead the campaign for proper jobs and skills in our industry."

history, and I'm making this clear to industry leaders and politicians in all my meetings."

Construction represents 9 per cent of Britain's economy and employs some 2 million people, he points out. What makes him angry is the way that this major industry – unlike the banks and the City of London – is ignored and neglected by the Government. "Ministers turn a blind eye to malpractice in construction and are pushing their agenda of deregulation in an industry that is already dangerously casualised. Yet the Government, as the industry's biggest client, should be setting an example of good practice."

Regardless of Government indifference, he wants UCATT to play its part in creating a world

class construction industry, with skills and training at the top of the agenda. Another one of his first official duties of which he is proud was to open a new UCATT-Kier learning centre in Newcastle. Then in March he addressed more than 200 union learning reps at a London conference run by Unionlearn, the TUC's training arm.

Skills and training are the key to a successful industry, says Murphy. He explains: "I'm conscious that youngsters today who want to learn a building trade are struggling to find an apprenticeship or an employer to hire them. That's wrong. I left school and went straight into an

Continued overleaf

Sign up for the

UCATT Credit Union



As a new service to members, the union plans this year to create a UCATT Credit Union. This will allow members to earn a fair interest on their savings and take out loans at reasonable rates.

The UCATT Credit Union will be run by and for union members. So no fat cat bankers will make a profit or pay themselves rip-off bonuses with your money.

For the UCATT Credit Union to succeed we need plenty of union members (and their families) to show an interest and eventually sign up as full members of the scheme. So, if you are interested, complete and send us the Pledge Form as soon as possible.



Pledge Form

Complete this form and return it to: **UCATT, FREEPOST 177 Abbeville Road, London SW4 9BR**

This form is not legally binding, but will be used to keep you informed of the development of the UCATT Credit Union and help us obtain full recognition as a credit union by the Financial Services Authority.

I would like to join the UCATT Credit Union YES I expect to be able to save £. weekly/monthly

I may want to borrow from the UCATT Credit Union YES NO

I would consider becoming a volunteer to help with the UCATT Credit Union YES NO

Name

Address

.....

Postcode

.....

Email Tel

NB: This Pledge Form is not legally binding and does not commit you or us to anything.



STEVE MURPHY: Outside the union's headquarters in London.

Pride in the union

From previous page

apprenticeship to learn a craft that I'm proud of to this day – that's how it should be today, and I want UCATT to lead the campaign for proper jobs and skills in our industry."

Steve Murphy has been a UCATT member for 25 years, the past 14 as a full-time official. His mentor was George Brumwell, the union's General Secretary from 1992 to 2004, who took him under his wing when he noticed Murphy's recruitment successes as a Development Officer in the Midlands Region. Afterwards he made his mark as an effective and well-liked Regional Secretary, first in the Midlands and then in Yorkshire.

He is proud of his labour movement background. His parents are very active in the Labour Party and their unions. Though born in Chesterfield, he now lives in South Yorkshire, where he was actively involved in the great mining dispute of the 1980s. So it was natural for him to join the Labour Party and UCATT soon after he started work, initially in the private sector and later moving to a DLO.

Above all, he is intensely proud of UCATT and the fact that it is the only union that campaigns and speaks solely for construction workers. Having taken over at the top after nearly a year in which the union looked inward and was absorbed by legal wrangling over its rule book, he is determined to lead from the front, uniting all the trades, sectors and regions with a common purpose.

One of his first moves after taking office was to organise a get-together of all the union's Regional Secretaries. They met in February at Wortley Hall, the trade unions' "stately home" near Barnsley, where for two days they thrashed out UCATT's main organising and industrial strategies.

He's also taking important initiatives to strengthen the union's organising capabilities. Two teams of officials from different regions are being put together to deal with the building of a new generation of nuclear power stations and with the HS2 high-speed rail project. He also wants to see a National Officer appointed at the union's head office – a post that has been vacant for several years.

His message is: "If we all pull together I believe building workers can come through these very difficult economic times and even emerge with a stronger union and a better industry."



MEETING: Union reps do a vital service in sorting out problems with management.

A coalition of right-wing forces is mounting a serious and sustained attack on trade union organisation, initially in the public sector, and it has Government ministers dancing to its tune, as **Steve Craig** and **Andrea Oates** find out for *Building Worker*.

LET OUR REPS DO THEIR JOB

Government ministers are threatening to make it harder for union reps, shop stewards and conveners to carry out their role and to undergo training.

Known as trade union facility time, the statutory right of union reps to perform their essential work is being denounced by senior politicians and right-wing groups. Unions fear this is an ominous sign of the Government's intent to make it harder for unions to represent their members at the workplace.

In October Cabinet Office Minister Francis Maude told the Conservative Party conference: "I'm announcing today that we're consulting on limiting the time civil servants can spend on trade union work, and on ending the employment of full time union officials at the taxpayer's expense."

On 30 November, as some 2 million public sec-

tor workers took strike action to defend their pensions, Prime Minister David Cameron announced a review of funding for trade union facility time in the public sector.

And in December Communities and Local Government Secretary Eric Pickles told local councils that they "should be reviewing the merits of publicly funded full-time officials. Those are non-jobs on the rates and it is wrong that council tax should be used to subsidise trade union activity".

According to the TUC, ministers are reacting to what it describes as "continued agitation" by the right-wing pressure group, the TaxPayers' Alliance. In a November 2011 report, "Taxpayer Funding of Trade Unions", the TPA claimed that:

● Trade unions received £113m in funding from taxpayers in the year 2010/11.

Continued overleaf

“This is not an employer demand... it is a politically motivated attack on union organisation.”



John Harris/reportdigital.co.uk

ROLES: Union reps negotiate with their employer and communicate with members.



Timm Sommenschein/reportdigital.co.uk

Let our reps do their job

From previous page

Law on trade union facility time

Trade union facility time allows union representatives reasonable paid time off to carry out their role and to undergo training. The legal basis for this right is contained in the Trade Union and Labour Relations (Consolidation) Act 1992 with guidance provided by the conciliation service ACAS's code of practice on "Time off for Trade Union Duties and Activities".

Appropriate duties covered by this right include terms and conditions, recruitment, suspension, dismissal, work allocation, discipline, union membership, time off facilities and procedures.

There is no obligation on employers to provide paid time off for taking part in trade union activities, such as attending union meetings to discuss internal union business, decide union policy or report back on union negotiations with employers at workplace meetings. But many employers in both the public and private sector provide this because they recognise that, in order to be effective, union reps need to be able to discuss issues with members and other union officials.

For more information, see UCATT's "Employment Law Briefings: Shop Stewards, Health & Safety Reps and Union Learning Representatives (ULRs)", available from UCATT head office: tel 020-7622 2442 or email [info@ucatt.org.uk].

Trade Union Reform Campaign

The right-wing Trade Union Reform Campaign wants "reform of the laws and funding arrangements relating to trade unions". Its demands include ending paid trade union facility time in the public sector and the collection of trade union dues by public bodies (or "check-off"), and it wants the Union Learning Fund to be scrapped.

The TURC is chaired by Aidan Burley, the Conservative MP for Cannock Chase who was sacked as a parliamentary aide last December after attending a Nazi-themed stag party. It has the support of several back-bench Tory MPs, including Liam Fox, who in 2010 was forced to repay £22,476 in MP's expenses and last October resigned as Defence Secretary after it emerged that he had used an MOD contractor to bankroll the activities of his best friend.

- This included £80m in paid staff time and £33m in direct payments.

- These sums represented the staff costs of 2,840 full-time equivalent public sector staff.

The figures were then used by Tory MP Jesse Norman in January this year as he introduced a Bill proposing that the time spent by union officials carrying out union duties while at work should not be paid by the state and that unions should return the money.

Although the proposals were defeated by a majority of 79 in the Commons, the Bill was the second to have received the assistance of the Trade Union Reform Campaign (TURC) (see box below left), a right-wing pressure group leading the parliamentary attack on trade union facility time.

The TUC has hit back, pointing out the many benefits of paid trade union facility time arrangements for employers and indeed taxpayers.

Author

Gregor Gall, Professor of Industrial Relations at Hertfordshire University, is the author of the new TUC-commissioned report "Facility Time for Union Reps: Separating Fact from Fiction". He told *Building Worker*: "The key issue with the Tax-Payers' Alliance report is that it doesn't take into account the benefits gained as a result of taxpayers' money being used to support facility time. It is a completely one-sided analysis."

He added: "There are many, many gains to be made from funding trade union facility time for both the public services and taxpayers, not least much smoother and efficient industrial relations than you would otherwise have."

"If there is a problem or dispute with the workforce, the easiest way for employers to deal with it is to be able to meet with a union representative and you can't put a price on that. It's like calling a fourth or fifth emergency service!"

For dispersed workforces where employees may start work at a central depot, but then work across a wide geographical area for much of the day, he points out that being able to contact one person representing the workforce is particularly important.

The TUC report calculates that for every £1 spend on union facility time in the public sector, between £3 and £9 is returned in accrued benefits and that in total the presence of unions in workplaces could be saving employers as much as £701m a year or £2m a day.

The analysis uses figures from a 2007 review carried out by the Department for Business, Enterprise and Regulatory Reform (now the Department for Business, Innovation and Skills). This

found that in unionised workplaces with union reps:

- Dismissal rates were lower, resulting in savings in recruitment costs of between £107m and £213m a year.

- Voluntary exit rates were also lower, resulting in savings of between £72m and £143m a year.

- Employment tribunal cases were lower, saving Government between £22m and £43m a year.

- Workplace injuries were lower, saving employers costs of between £126m and £371m a year.

- Work-related illnesses were lower, saving employers between and £207m a year.

As TUC National Organiser Carl Roper told *Building Worker*: "This is not an employer demand. Not one of the CBI's top 10 demands relate to paid time off for union reps. Instead it is a politically motivated attack on union organisation."

Indeed, many employers have praised the work of UCATT reps – for example Kier's Head of Resources Martin Rooney welcomed the launch of the UCATT-Kier National Convener Forum, saying: "Our staff and unions are a big part of our success and our ability to win contracts."

But UCATT reps clearly need to be on their guard and act to secure time off and facilities agreements. In February Tory-led Swindon Borough Council voted to cut all facility time for two full-time Union officials (who shared one full-time post) from April.

And Southampton City Council's Conservative leader Royston Smith announced that the authority is to consult on withdrawing the agreement for funding full-time trade union roles.

Consolidate

UCATT General Secretary Steve Murphy's advice is for union reps to "consolidate time off and facilities arrangements and make sure that these are down in writing to firmly establish existing custom and practice".

He adds: "Full-time officers, shop stewards, union learning representatives and safety reps should use the figures in the TUC and BERR reports to justify the cost of facility time and show how trade unions 'add value' in the workplace."

"Facility Time for Union Reps: Separating Fact from Fiction" is available on the TUC website at [www.tuc.org.uk/tucfiles/206/FacilityTimeSeparatingFactfromFiction.pdf]. *Unions Together*, representing the 15 trade unions affiliated to the Labour Party, is defending "each and every right won by the trade unions". See [www.redtapechallenge.cabinetoffice.gov.uk] and [www.unionstogether.org.uk/page/s/worth-fighting-13for].

A new UCATT survey provides a snapshot of working life for women in construction. It paints an often alarming picture of discrimination and in some cases downright sexism. *Building Worker* reports the main survey findings and talks to some of the women who took part.

WE WANT A LEVEL PLAYING FIELD

Women make up about 10 per cent of the total workforce in construction – mostly in office and professional positions. UCATT's female membership stands at just 2 per cent, reflecting the far smaller proportion of women in the manual trades. To help the union gain more insight into the challenges facing these women and to raise awareness of these issues among the wider membership, the union has carried out a mainly online survey of women building workers.

Just over 80 women responded and more than half (51 per cent) said that they felt they were treated worse at work simply because of their gender. The top three problems they identified were a lack of promotion prospects, lower pay than their male colleagues for the same work and isolation.

Typical was a quantity surveyor who was about to go on maternity leave and was concerned that her promotion opportunities would be limited when she returned to work because of a long hours culture. Only five out of the 50 surveyors in her company were women and, although the employer had a flexible working policy, she had been told it was "more theoretical than practical".

Forty-two per cent of women in the survey identified bullying or harassment by managers as an issue.

An electrician working for a utility company said she had experienced bullying, sexism and racist behaviour over a five-month period at a training academy she attended. She took out a grievance, but during the investigation was asked: "Weren't you told this was a male environment?" The implication was expect this – get over it.

Almost one third of respondents in the survey (31 per cent) said that they were reluctant to complain to their employer, with several commenting that they were afraid that they would lose their job if they did. Others said it would be a waste of time.

Around three-quarters of women in the survey said they believed that sufficient attention was being given to women's health, safety and welfare. However, about a quarter said they had to share toilet facilities with male colleagues and around 15 per cent reported problems trying to get standard personal protective equipment (PPE).

Fewer than half (41 per cent) of respondents believed that there had been improvements as gender attitudes had started to change. They identified the three most important things UCATT could do to improve their situation:

- ensuring that women receive equal pay for work of equal value;
- providing specialist support and advice for women seeking to enter the profession;
- raising skills levels and providing everyone with access to lifelong learning.

A self-employed carpenter with a level 2 qualification in joinery reported that she had felt more comfortable in the sustainable construction and heritage sectors as they were more receptive to mixed-gender teams.

As a result she said: "I wouldn't apply to typical construction companies now. Towards the end of my course I noticed that the male trainees were getting many work opportunities that I was applying for without success. People are incredibly surprised, almost baffled, when they hear what I do. With more policies, bursaries and par-

“Towards the end of my course I noticed that the male trainees were getting many work opportunities that I was applying for without success.”

ticular training programmes, women of all ages could obtain and keep jobs in carpentry and construction. And UCATT could use case studies to tell more stories about women successfully working in construction.”

UCATT will be using the results of the survey in its fight for dignity and equality at all levels of the industry.

UCATT's first woman Regional Secretary, Cheryl Pidgeon, says: "We will encourage and empower more women to speak up and join UCATT of course. An army of UCATT female activists should take the women's agenda forward inside the union, the workplace and the community."

Women construction workers can contact Midlands Regional Secretary Cheryl Pidgeon to tell her about their experiences and join UCATT's Women's Network at [cpidgeon@ucatt.org.uk] or tel 07769-167 482.

EYING UP THE FUTURE: Training to be a bricklayer at The Manchester College.



WORLD CUP TALKS: Unions and workers from 10 stadium sites in Brazil, where the World Cup will be held in 2014, came together in Sao Paulo at the end of last year for mass meetings (above) to agree their negotiating strategy for 2012. In what was called the Sao Paulo Declaration, the unions demanded, among other things, minimum wage rates, profit sharing, overtime pay of 80 per cent from Monday to Friday, 100 per cent on Saturdays and 150 per cent on Sundays and holidays, additional payment for night-work of 50 per cent and five days off for every 60 days worked.

Ikea's US subsidiary finally has a recognised union

Workers at the Swedwood furniture plant in Danville, Virginia, began 2012 with their first ever union-negotiated agreement.

This follows a bitter three-year struggle with the Ikea-owned US company, whose workforce voted last July overwhelmingly in favour of being represented by the IAM union, an affiliate – like UCATT – of the Building and Wood Workers' International (BWI).

Deaths rise on Israeli sites

Half the 315 construction workers killed on Israeli construction sites over the past decade have been West Bank Palestinians or foreign nationals, an official study for an Israeli parliamentary committee has revealed. The report found that fatalities rose by 65 per cent from 2010 to 38 deaths last year. Although half of all site victims in the past 10 years were West Bank Palestinians or foreign nationals, these groups represented less than 30 per cent of construction's workforce, according to the report.

The ballot result was 221 workers (76 per cent) who voted for the union and 69 against.

The workers overcame a campaign of management hostility to union representation, with many of them complaining of victimisation and harassment for their pro-union activities.

The new agreement limits the number of temporary workers and requires them to undertake a safety training course before they can actually go into the plant. Workers are guaranteed access to a union steward and there will be binding arbitration by a mutually agreed third party should the union and the company be unable to resolve a grievance.

Campaign

BWI General Secretary Ambet Yuson said: "Last year the BWI launched a global campaign to support the Swedwood workers in Danville fighting for their right to decent work, justice, and a voice in the work place, and now we can finally celebrate the workers' decision to vote for a union as they have their first collective bargaining agreement."

Some recent cases settled by UCATT solicitors OH Parsons in England and Wales and Dallas McMillan in Scotland...

NEEDLESTICK INJURIES: Two Renfrewshire joiners recovered full compensation (£11,000 and £3,250) in connection with needlestick injuries suffered in separate accidents at work 18 months apart with the same council, who failed to take proper precautions to protect the members.

ASBESTOSIS: The family of a retired member from Barrow-in-Furness who died from asbestosis has received an interim payment of £20,000 at the High Court in London. The case has now been fixed for trial where final compensation will be determined.

RUPTURED TENDON: A UCATT member from Lytham St Annes was climbing out of a trench at work which had been backfilled but not compacted. The stone was piled up in a slope. As he stood on it he ruptured a tendon in his knee. UCATT's solicitors recovered £20,000 in compensation because his employer failed to use a trench plate at the point of egress and failed to compress the stone. The case was settled a week before it was scheduled to go to trial.

PLEURAL PLAQUES: A retired Angus member secured full "provisional" damages of £4,000 for pleural plaques caused by exposure to asbestos with an employer in the 1960s and 70s. This means that the member can return to court in future for further compensation if he develops a more serious asbestos condition. The case was settled a week before trial.

SLIPPED ON A RUBBLE BAG: A UCATT member from Liverpool was walking along a snowy path and slipped on a discarded plastic rubble bag buried in the snow. Liability was denied by the employer and the case settled after the issue of proceedings for £1,700 as the member sprained his elbow.

HAND ARM VIBRATION: A Stirlingshire bench joiner obtained compensation of £15,000 for hand arm vibration syndrome caused by long-term excessive use of vibrating power tools with one private sector employer.

BICEP INJURY: A UCATT member from Bristol suffered a bicep injury and had to have an operation to repair the tear when he lifted a very heavy gas cylinder into his works van. His employers failed to provide any lifting equipment and the van was not fitted with a tail lift. He received £19,500 in compensation.

VIBRATION WHITE FINGER: A UCATT member has received £15,600 following the development of vibration white finger. He regularly used vibrating tools, including jackhammers, whacker plates, Stihl saws and powered rollers.



CAMPAIGNERS: In Derby on National Mesothelioma Awareness Day.

Mesothelioma ruling victory

UCATT has strongly welcomed a Supreme Court ruling in a union-backed case that has found against insurance companies denying compensation to the victims of mesothelioma, the fatal lung cancer caused by exposure to asbestos.

Following a four-year legal battle, judges in the country's highest court decided in March to reject the insurers' arguments that they were not obliged to pay compensation as liability should only be triggered when the disease develops, not when the exposure itself took place.

Such an interpretation of the law would deny compensation to thousands of mesothelioma sufferers and their families. This is because of the usually decades-long delay between exposure and the diagnosis of the disease – during which time there is a strong possibility that the original employer responsible for negligently exposing the worker to asbestos will have ceased trading.

The union is meanwhile pressing the Government to set up an Employers' Liability Insurance Bureau, along the lines proposed by the last Labour Government, to help those individuals with asbestos-related diseases who are unable to secure compensation because their employer's insurer cannot be traced.

By **GORDON BELL** of UCATT's Scottish solicitors Dallas McMillan

Compensation is once again beginning to be paid out under Scots law by some insurers (not yet, unfortunately, all) in claims for asbestos-related pleural plaques. To recap, in 2007 the House of Lords (as the Supreme Court was then called) ruled that the victims of asbestos exposure suffering from pleural plaques (asymptomatic marks on the pleura or outer lining of the lungs) were not entitled to any compensation. The view of the court was that, because pleural plaques rarely if ever caused physical symptoms, they were not an "injury".

In 2009 the Scottish Parliament passed legislation designed specifically to reintroduce compensation under Scots law for pleural plaques and any other asymptomatic asbestos-related conditions.

The insurance industry immediately launched a lengthy series of legal challenges. However, they lost successive cases at the Court of Session, the Appeal Court and then, late in 2011, the Supreme Court in London. Rather than attempt to appeal the matter further to the European Court of Justice, it appears that the insurance industry is now beginning to accept that the Scottish legislation is here to stay. This is excellent news for Scottish members.

Discussions

Recently there have been discussions between insurers and claimant solicitors designed to agree a protocol to handle pleural plaque claims and to agree a framework of claim valuations.

COMPENSATION FOR PLEURAL PLAQUES – IN SCOTLAND ONLY

There is now tentative agreement in Scotland that a pleural plaque claim is, on full liability, worth £6,000 (if the claimant is 80 or over at the time of settlement), £7,000 (where the claimant is aged between 70 and 80), and £8,000 (if the claimant is aged under 70 at the time of settlement). However, the following points should be noted:

- These are not legally-binding values, but it is to be hoped that most insurers will adhere to this valuation framework – although some have indicated that they will not pay out until the courts have decided authoritatively on appropriate values. This will sadly delay many cases.
- There will be deductions applied to these maximum sums in various circumstances. For example, where a claim is made against one or more companies/employers who exposed the member to asbestos, but where other such companies are not being sued (for example, if they are defunct and

insurers cannot be traced), a proportionate deduction will be applied to take into account the contribution of the companies who are not being sued.

● These guidance figures of £6,000 to £8,000 are for a settlement on a "full and final" basis. In other words, if the claimant were to be unlucky enough to go on to suffer a more serious asbestos condition in future, the claimant would be unable to obtain further compensation. This is due to the fundamental principle of Scots law that all compensation arising out of the same negligence must be pursued in one claim alone.

● Alternatively, the claimant will be able to accept provisional damages of around £4,000 (subject to appropriate deductions). Under 1982 Scottish legislation, settlement of a claim on a "provisional" basis entitles the claimant to return to court with a second claim where the claimant goes on to suffer one or more of a number of agreed serious asbestos conditions. These are normally mesothelioma, asbestos-related lung cancer or severe asbestosis (pleural fibrosis due to asbestos inhalation). The decision to accept provisional damages or "full and final" damages will be the personal choice of the claimant.

This area of personal injury is of course developing month by month and we shall up-date further during the year.

Dallas McMillan's freephone number for members in Scotland: 0303-303 1606.

“It appears that the insurance industry is now beginning to accept that the Scottish legislation is here to stay. This is excellent news for Scottish members.”

PUBLICATIONS

Building the postwar dream

“Construction Workers in Stevenage 1950-1970” (free PDF download, University of Westminster and The Leverhulme Trust, London, 2011)

Stevenage was the first of Britain’s new towns, planned and built by the state. Its origins lie in a series of investigations and reports produced during the Second World War into the country’s social and economic structures. They led, among other things, to the creation of the postwar welfare state, the National Health Service and new approaches to town planning.

One of the most notable new projects was the Stevenage new town development, the subject of this fascinating new booklet published as part of a University of Westminster study entitled “Constructing Post-War Britain: Building Workers’ Stories, 1950-1970”. The aim is to collect oral history testimonies from those workers who were employed on the high-profile projects of that era.

Researchers Christine Wall, Linda Clarke, Charlie McGuire and Michaela Brockmann have interviewed several members of UCATT, or more correctly of those unions that merged in 1971 to create UCATT. They describe in their own words their huge contribution to the development of the town. In addition to the creation of the physical landscape, they also played a leadership role in key aspects of the town’s civic and political life.

Settling in large numbers as a result of Stevenage Development Corporation’s policy of giving them a house, building workers had to fight hard to secure decent pay and conditions in an industry that was notorious for its casualised nature and non-existent health and safety



provision. But the influence, impact and role of the Stevenage building workers went far beyond construction sites.

They offered leadership to many of the early community groups and were also elected as councillors on Stevenage Urban Council. Building worker unions played a key role in numerous campaigns designed to improve the conditions of the new town residents, as well as those which had a more internationalist purpose.

Being young men in the main, some of these workers regarded themselves as part of an exciting social experiment that had the potential to create a society free of the type of squalor and poverty they had witnessed in London, where most of them originated. For these workers, building Stevenage meant more than erecting new buildings – it meant the building of a community itself.

Download from: [www.buildingworkersstories.com/StevenagePamphlet.pdf].

In the thick of it

“Revolutionary Communist at Work: A Political Biography of Bert Ramelson” by Roger Seifert and Tom Sibley (£25, Lawrence & Wishart, London, 2011)



Britain’s stormy industrial relations of the 1960s and 70s provide much of the backdrop to this biography of Bert Ramelson (1910-1994), who was the Communist Party’s highly influential Industrial Organiser during this period.

Ramelson’s leading role in the union movement covered the years that saw in the construction industry the rank-and-file Building Workers Charter movement, the mergers that created UCATT in 1971, the national building workers’ strike of the following year and the campaigns for the Shrewsbury Pickets and against lump labour. Ramelson played a hand in all these events, as well as other major disputes of the period – not least the seamen’s strike of 1966 when he was famously denounced in Parliament by Prime Minister Harold Wilson as one of a group of “politically motivated men” who were behind the strike.

Born into a Jewish ghetto in Ukraine, his family emigrated to Canada in 1921. Ramelson joined the International Brigades to fight the fascists in the Spanish Civil War of 1936-39 and afterwards settled in Britain. During the Second World War he was a tank commander in the British army.

The book is on special offer for £15 including p&p. Send name and address to: Book Offer, 156 St Stephens Road, Hounslow TW3 2BW, with a cheque payable to Tom Sibley.

PRESENTATIONS



● Members of Rock Ferry Branch celebrate the award of 50-year membership to Branch Chairman Dave Beaumont (second from left). Also pictured are Branch Secretary Denis Knowles (left) and (from right) Jimmy Irving and Branch Treasurer Andy McColl.



● Holding their 50-year membership certificates are William Lowe (on left) and Eric Pheasey of Salford Branch. The presentations were made by UCATT President John Thompson (far left). Among those also present were North West Acting Regional Secretary Jim Woods (second from right) and Regional Council member Chris Clarke (third from left).

THE UNION AT YOUR FINGERTIPS



**ALL THE
LATEST
NEWS**

**CHECK
YOUR
RIGHTS**

**JOIN
UCATT
ONLINE**

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

www.ucatt.org.uk



OHP

O.H. Parsons & Partners
Trade Union solicitors since 1946

FREE representation for medical negligence claims for you and your family



Have you or your family been the victim of a medical accident or mistake?

If so, we can deal with the claim for you.

Our specialist clinical negligence team at O.H. Parsons are dedicated to helping victims of medical accidents who have suffered through no fault of their own at the hands of the medical profession.

We have experience of all kinds of medical mistakes, whether the treatment has been carried out under the NHS or in the private sector.

If you or anyone you know, think you might have a claim, or would like some further information, please call us for **FREE** advice on

0800 526 368

or contact clinneg@ohparsons.co.uk

www.ohparsons.co.uk