

CLR

Newsletter 1/2003

CLR has set up the London Office as a platform linking CLR activities at EU and GB levels as well as trade union and academic work in GB in the field of Construction Labour Research. It will support related initiatives specific to GB. This first issue of its Newsletter contains the minutes of the inaugural meeting and a report on a TUC conference on migration, which is greatly relevant to the construction industry.

Editorial

The government didn't deem the recent TUC seminar on migrant workers rights (see report in this issue) important enough to send a minister along. But in a 24/7/03 Guardian article, David Blunkett the Home Secretary wrote of the need to accept the reality and benefits of migration in a global economy.

Construction depends on foreign-born labour. It is illegal working and clandestine entry, with all the exploitation and abuse that causes suffering for both the illegal workers and the legitimate workforce. The Home Secretary says he wants properly organised legal migration not illegal working controlled by criminal gangs.

His words raise a number of issues:

- Is his 'migration in a global economy' a grand description for 'social dumping' whereby people flee dire poverty caused by mismanagement of the global economy?
- Doesn't history show that governments and employers collude with criminal gangs in trafficking 'illegal' migrant workers as the ultimate 'flexible' labour force; as with the UK 'self-employed' workers trafficked by labour agencies to Germany in the early '90s?
- Isn't the CIS (Construction Industry Tax Scheme) whereby the state makes deductions but ignores

workers employment rights another example of this government/employer 'flexibility' enforcement?

- Why is it that enforcement of migration laws is directed solely against the 'illegal' workers giving them no incentive to report employer's abuses?
- Are the government and building employers trying to solve long-term shortcomings in pay, conditions and training, with short-term stop-gap measures which rely on poaching workers from overseas?

As the TUC's document 'Overworked, underpaid and over here' states: 'There is a need for a public debate amongst unions and the government that puts the interests of migrant workers and those who work alongside them centre stage.'

George Fuller

Setting up the CLR-London Office: Inaugural meeting, London Metropolitan University 26th June 2003, 4³⁰ p.m.

Participants:

Werner Buelen/EFBWW; Nick Clark/TUC; Linda Clarke/University of Westminster, CLR; John Friary/GMB; George Fuller/Building Link-up; John Grahl/London Metropolitan University; Stephen Gruneberg/University of Reading; Georg Herrmann/University of Westminster; Jörn Janssen/Fachhochschule Dortmund, CLR; Lou Lewis/UCATT; Barbara Susman/University of Westminster; Chris Wall/University of Cambridge; Kevin Williamson/TGWU

Chair: John Grahl

Minutes: Jörn Janssen

John Grahl: Welcome at the Working Lives Research Institute of the London Metropolitan University

Working Conditions in the British Construction Industry under the Auspices of European Integration

Lou Lewis: Short account of UCATT's problems in the past under the auspices of self-employment and increasing casualisation of employment and the main challenges at present. There is a need for research and therefore UCATT welcomes CLR-London as an institution to provide assistance for analysis and as a platform for discussion.

On the Structure and Work of CLR

Jörn Janssen: (handouts: CLR-News coming of age, 10 Years CLR-News Index, CLR constitution)
The development of CLR since 1992 and as an Institute according to Belgian law since 1996. Its activities: Annual meetings, workshops, CLR-Newsletter, funded research, book publication (CLR-Studies). The organisational structure and Associate membership as the active network: its bodies - the Annual general meeting, Presidium, Subcommittees such as for CLR-News, CLR-Studies, Observatory and regional offices (Copenhagen/DK, Dortmund/D, London/GB). Regional offices in order to focus on the specific regional problems of construction labour within the European development.

Issues and practicalities for CLR research and workshops in London

Linda Clarke: (handout: ESRC/CLR seminar series)
Proposed activities of CLR London, as platform between researchers/academics and trade unionists, link between EU and GB, and taking specific initiatives:

- widen/intensify network through extending address list, circulating interests, distributing information;
- organise seminars/workshops on: topical questions (e.g. implementation of Working Time Directive, illegal employment, Information & Consultation Directive, EU enlargement); ESRC seminar series to begin early 2004 (see handout); other subjects including with Working Lives Institute (e.g. history of building industry);
- support, initiate and disseminate research of social partners, EFBWW & CLR (e.g. EU enlargement, illegal employment, stress in construction, liability of main contractor);
- newsletter
- collaborate with Institute of Employment Rights, Labour Research Department, ETUI, etc. ;
- other proposals (e.g. supporting SERTUC Construction call for Inquiry into London building industry, supporting making of film on conditions in London building industry, submitting research proposals).

A Newsletter for the CLR-Network in Britain

George Fuller: Presentation of a Newsletter for the CLR-London Office, its role in cross-fertilisation between trade union officials, construction workers and academics, in reporting on CLR activities, e.g. a planned inquiry on working conditions on London sites. The format should be simple. George would take responsibility.

John Grabl: CLR is being faced with increasing tension between EU employment policies and practices in GB.

EFBWW Research and the Participation of the London Office

Werner Buelen: Why the European Federation of Building and Woodworkers (EFBWW) is involved in CLR?

We need a research basis in order to improve our arguments in the disputes about improving working conditions. This is particularly important with regard to a new initiative of the Social Dialogue from 2004, which will deal with four main issues:

- EU enlargement
- Social policy
- Health and Safety
- Vocational training

Ad 1: Trade unions in applicant countries need to be strengthened and a sectoral social dialogue needs to be established.

Ad 2: We want to focus on the problems of undeclared labour (often migrant) and the posting of workers. Difficulties are increasing with self-employment. There is a lack of information in this regard about what is happening in Great Britain. Therefore a network in this country would be very valuable.

The role of CLR for trade unions in Britain

Kevin Williamson: The rise of self-employment has caused a great loss of membership. Presently there are problems even to get a clear picture of the conditions on sites, because the employers deny access. Workforce from remote countries such as Brazil, Russia and China does not even speak English.

Nick Clark: In the TUC we work on questions related to Directive on Information and Consultation trying to coordinate between the TUC and the industry federations. A major problem is the legality of employment. It would be advantageous if CLR could help in these fields.

Open discussion

Stephen Gruneberg: CLR should seek to turn CLR-News into a refereed journal. In that status it would gain scientific impartiality and, thus, command greater authority. Contributions and information committed to improving labour conditions could be disseminated through a separate Newsletter.

Werner Buelen: 'Decent research' is not an academic criterion, it needs to be based on quality. If CLR-News became too theoretical, its influence might be weakened. Presently its information and analyses are appreciated by both employer and employee organisations.

John Grabl:

The link with the trade union movement has been a support of my academic work.

Lou Lewis: Trade union officials have found articles in CLR-News quite practical. We are weak in research though we need it. For instance, we would need information on the implementation of the working time directive. As a research basis CLR could also be a platform between the three main construction unions.

Barbara Susman: A press release on the foundation of the CLR-London office should be issued to papers covering the construction sector.

Jörn Janssen: Research can be at the same time a means of increasing knowledge, education, dissemination and mobilisation. One issue requiring more enquiry especially in Britain seems to stand out; the various forms of employment. This is a subject that has a bearing in the present process of drafting a new EU procurement directive. Maybe the series of seminars, proposed by Linda could serve to gather and discuss information with a view to publish a report. Given the evidence that a CLR-London office could play a useful part in construction labour research, we should proceed to give it an address with Linda Clarke at the University of Westminster and to ask George Fuller to take care of the Newsletter. These two may provisionally form the regional subcommittee according to CLR-byelaws. We shall discuss the formation of the subcommittee again at the next meeting.

The minutes of this meeting will be published in the first CLR-London Newsletter.

The meeting continued for 45 minutes informally with wine and nibbles.

Migrant workers' rights – could we do more in Britain? Congress House, 14th July 2003

The UK construction sector did not directly feature in this seminar held at Congress House on 14th July. But the event was still very relevant. TUC Deputy General Secretary Frances O'Grady took it as read that it was in the interests of both UK and migrant workers that migrants should be organised and employed under proper labour standards.

Patrick Taran, ILO senior migration specialist: Migrants are needed because of declining birth rates and ageing populations. They leave home to survive and take the

marginal dirty, dangerous and degrading jobs that nobody else wants. Governments and sections of society treat them as a threat. Governments can use migrants to undermine wages and labour standards at the same time as they're used as scapegoats. In 2003 the UN Convention on the Rights of Migrant Workers was passed. The migrants' cause fared better with Labour ministries than Home offices. Governments must lead against racism and xenophobia and create institutions that include NGOs.

Brian Caffary, Immigration and Nationality Policy Directorate at the Home Office: The government while opening up legal migration schemes to deal with labour bottlenecks is clamping down on illegals. Neither the UK, EU, nor the G8 signed the 2003 UN Convention as the rights already existed in those states.

Ukrainian delegate from the floor: Extortionist middlemen, whose activities forced migrants to work illegally, controlled access the Home Office schemes.

Patrick Taran, ILO: The UK should sign the UN Convention, as this would send an important political signal that the UK recognised non-nationals' rights.

Felicity Lawrence, Guardian undercover journalist: The supermarket system is based on 'just in time' supply. Agri-business suppliers are using a hidden army of undocumented migrant workers as their flexible workforce. The migrants work double shifts for low pay, suffer violence and intimidation: the Stanley knife 'signature' and brandished Kalashnikovs. They have terrible housing (and suffer abuse from locals who take exception to this). PAYE and National Insurance are deducted into labour-only subcontractors' pockets. Felicity explained that there is food price deflation: the supermarkets' price cutting 'economies' are squeezing those at the bottom of the pile. People at the top in industry and government are culpable. A large criminal element is present.

A T&G agriculture organiser: Where migrants were unionised, the hostility from locals is greatly reduced.

Bill Jordan, Professor, co-author of 'Irregular Migration: The Dilemmas of Transnational Mobility': Regulation of the labour market would be more effective than migration laws. At present undocumented migrants can get a job and accommodation in London in 24 hours. They find themselves in a rat race with their fellow nationals, 'grassing up' each other to authorities is not unusual. Migrants should be allowed in unsupported, to work legally, for 6 monthly stints.

Gargi Bhattacharyya, Association of University Teachers and TUC Race Relations Committee: University authorities are proud of their 'international labour force', but in reality the vulnerabilities of non-nationals is exploited. To organise migrant labour we must do what we've always done: do things for ourselves and not wait for someone to do it for us.

Francis O'Grady TUC, winding up: Many positive ideas have come out of the seminar. There is a squeeze to the bottom, but supermarkets with their critical interface with the public could be confronted.

I agreed with the seminar's theme of organising and regulating migrant labour. But I found some of the assumptions questionable. For example: 'migrants do the marginal jobs'. But don't jobs become 'marginal' through 'squeeze to the bottom' capitalism that can render any job degrading and 'marginal'? Also 'Globalised workforce' - as a force of nature? But aren't migrants - in large part - migrants because of the current crude, free market, policies destroying their homeland's economy?

On London building sites, where there's little job security, there is friendship between migrant and UK workers. But I don't meet UK workers who are positive about migrant workers in general - especially skilled ones; they are seen as a threat; UK workers fall back on their British group identity. But many migrant workers understand this position - they're even less secure; this might provide a basis for unity. Wouldn't moves to organise and regulate migrant construction labour have to tackle the root cause: 'squeeze down' capitalism, and regulate all firms and workers?

150 delegates from TUs, refugee NGOs, churches, universities and other organisations attended the seminar. Hopefully they represent the beginnings of an infrastructure of link-ups to win proper labour standards for migrant workers.

George Fuller

CLR-Studies

CLR-Studies are publications of the work of the European Institute for Construction Labour Research and its network of academics and practitioners open to related contributions from all sources.

The European Institute for Construction Labour Research has started a series of books, CLR-Studies. The first book in this series is the result of the research carried out with funding of the European Commission on 'Industrial Relations in the Construction Sector of EU Applicant States'. The study includes Bulgaria, Estonia, Hungary, Poland, Romania and Slovakia. It concludes with an outline of steps to be taken by the social partners in the member states to integrate these states into the European social dialogue through the strengthening of sectoral industrial relations.

Copies of this book can be obtained at the reduced price of £ 15.- from Linda Clarke, University of Westminster.

EU Enlargement: Construction Labour Relations as a Pilot

Reed Business Information, Den Haag 2003, 190 pp., 30 EUR.

For admission to the European Union the applicant countries are supposed to comply with the 'acquis communautaire' and to promote the Social Dialogue at all levels. This means that in the process of social and labour legislation the social partners have to be consulted and are encouraged to take the initiative themselves or to regulate their relationships by collective agreement. Contrary to this condition for accession to the Union, however, we observe an unceasing disintegration of trade union organisation and a decrease in collective bargaining. Thus, in the applicant countries the Social Dialogue lacks solid underpinning by active industrial relations.

This is the conclusion of a pilot study of industrial relations in the construction sector, co-sponsored by the European Commission and carried out by a team of the European Institute for Construction Labour Research in cooperation with experts of the respective applicant countries.

This publication unites the individual country reports through an analytical framework, which traces the present situation in the six CEE states to the demise of the planned economy. It concludes with recommendations for rebuilding industrial relations in these countries with the cooperation of the social partners from the EU member states.

To Our Readers:

This Newsletter is to become the main organ of exchange for CLR in Great Britain. In order to fulfil this function it will depend on the cooperation of its readers. The editor asks everybody who is interested in construction labour to contribute with information and commentaries. Please send your suggestions, articles, information, material etc. to

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