

CLR-GB

Newsletter 1/2007

The **CLR-GB** Office is 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.

Introductory Note:

The discussion on employment relations under the impact of the Bolkestein and similar Directives continues with a contribution by Anthony Wardle.

A subject which equally concerns employment relations will be addressed in an international seminar on *Undeclared Labour in Europe – Employment Flexibility in Britain?* by representatives of trade unions, employers associations, and politics, as well as academics and researchers. This seminar, on Thursday 29th March 2007 at the University of Westminster, will conclude with the launch of CLR Studies 5, Jan Cremers/Jörn Janssen (ed.) *Shifting Employment: undeclared labour in construction* and a reception by the Dean of Westminster Business School (see p. 3). The book has been published also in French, *Emploi décalé*, and German, *Beschäftigung in Bewegung*.

This seminar gives us the opportunity to hold the CLR Annual General Meeting in London in the morning of the seminar, making it easy for both British and continental members to attend and put forward their ideas for future initiatives (see p. 4).

We also report here on the CLR-GB AGM 5th December 2006 and on an event which will hopefully impact on the construction industry in London: the launch of a report by the 'Working Lives Research Institute' to the Greater London Authority on

Construction Industry in London and Diversity Performance on 15th February 2007 (see p. 2).

Two trade union events will take place in London, the first a lobby of Parliament on 2nd March urging the Government to implement a Bill that agency labour enjoy the same rights as those directly employed and, the second, a national construction demonstration, on 28th March, protesting against the exploitation of migrant workers by rogue employers (see p. 4).

Jörn Janssen/ CLR-GB February 2007

The end of collective bargaining?

We invite those who are concerned about the future of collective bargaining and the extension of UK style employment laws across the Continent to acquaint themselves with a Green Paper recently launched by the European Commission called *Modernising labour law to meet the challenges of the 21st century*, and also the issues in the Vaxholm case, recently postponed by the European Court of Justice.

To take the second matter first, this concerns a Latvian firm Laval operating in Sweden using low-cost Latvian labour in contravention of Swedish law. Swedish workers took industrial action in protest, arguing that the company had breached Swedish laws as pay and conditions are determined through collective agreements. Although the case has been postponed by the European Court of Justice, the current concern is that, if the Green Paper is adopted, it will make the need to rule on Vaxholm redundant as collective bargaining would have been deemed illegal.

The Green paper is part of a short consultation ending in March. It promotes *flexicurity* and claims

that “stringent employment protection tends to reduce the dynamism of the labour market”. It suggests that contractor obligations to monitor employment legislation among sub-contractors “may serve to restrain sub-contracting by foreign firms and present an obstacle to the free provision of services in the internal market”. In the language and spin that we in the UK have learned to be suspicious of, Tony Blair recently said “today’s European market has to be less about traditional forms of protection and more about modern forms of empowerment”.

The General Secretary of the union Amicus, Derek Simpson, however, has not fallen for this kind of waffle. His union lost thousands of jobs at Rover and Peugeot. He said “the Green Paper hides behind the language of equality to propose measures to force exploitation and insecurity on to every worker in Europe”. I ask trade unionists to look at the small print, the woeful limitations of the so called “social partnership” promoted by some in the movement and ask themselves what is really going on.

Antony Wardle/PCS

Reports:

CLR-GB, Annual General Meeting

5th December 2006, 5 pm
University of Westminster

2) *Report of CLR-GB activities, critical debate*

The main event in 2006 was the international seminar, the final in the ESRC funded series on People in Construction, held on 17th March 2006 in Brussels on *The Future of the Construction Industry* that drew conclusions from the preceding seminars and tried to discuss priorities for future development. Only two Newsletters were issued, but the second one, with John Grahl’s article on *Bolkestein and the Service Economy*, was an important contribution to the discussion in that it gave a comprehensive understanding of the background to the directive and its importance for employment conditions in EU Member states. In the discussion, a criticism came up, which may be representative for a larger number of members, that contributions to CLR may not be rewarding for academics. On the other hand, for some CLR is a network which supports individual research activities just through the contacts it provides. We have decided to do something to enforce this aspect within our future activities (see below).

3) *CLR research in 2006*

EU funded CLR research on *Undeclared Labour in the Construction Industry* (see CLR Studies 5) in which Linda Clarke and Jörn Janssen were involved was carried out for FIEC and EFBWW. The study, which

includes 10 EU member states, is at the core of the development of employment conditions in the European Union.

4) *Construction Labour Research at Universities*

We know that a number of members in the CLR Network are doing research on labour in construction. But they might benefit much more from each other if exchange would be organised on a regular basis. We decided, therefore, to organise systematic information through the Newsletter. We shall ask the following to send short abstracts (~200 words) on their work to be published in the Newsletter: Geoff Briscoe, Paul Chan, Linda Clarke, Andrew Dainty, Ian Fitzgerald, Chris Ford, George Fuller, John Grahl, Phil Toner. Everybody will also be asked to come forward with their projects.

5) *CLR-GB programme for 2007*

Because of the relevance in particular for Great Britain, we shall organise a seminar in connection with the launch of the book on undeclared labour in construction. We shall invite trade unions (AMICUS, GMB, T&G, UCATT, and TUC, the Construction Confederation, MPs and MEPs and Jan Cremers to contribute to the discussion of the conclusions.

6) Any other business

The CLR-GB Committee for 2007 will be Linda Clarke, George Fuller, John Grahl, Stephen Gruneberg, and Jörn Janssen. This committee will be convened in the course of the year to discuss current matters.

Jörn Janssen/CLR

Construction Industry in London and Diversity Performance

Why doesn’t employment in London’s construction industry reflect the diversity of London’s population? What can be done to improve employment prospects for women, for minority groups, and for the disabled in this sector? Construction firms in London are doing very well from all the projects related to the Olympics and from the continuing success of London’s financial districts – shouldn’t they be offering more opportunities for the London workforce as a whole, not just for white, able-bodied men?

These were the themes addressed by a short conference, sponsored by the Mayor and held at City Hall on 16th February. The conference was chaired by Professor Linda Clarke of CLR who had also contributed to a research project into the construction labour force in London. Professor Steve Jefferys, head of the ‘Working Lives Institute’ at London Metropolitan University where the project was based, reported on its findings.

Some good practice could be found among construction employers, but this was the exception. It was impossible to operate effective diversity policies where employment was in the hands of a myriad of “labour-only” subcontractors, who disguised it as self-employment and relied completely on informal networks, comprising only white males, to provide workers.

Other speakers pointed to other aspects of the same problem; for example, many colleges provided good training in construction skills to women and minorities but their students then found it extremely difficult to get work experience; again, the absence of minority-led businesses in the sector compounded the problems faced by minority workers.

Can the public sector, which hands out enormous sums of money in contracts for the sector, act to promote fair employment practices? Sarah Ebanja, from the London Development Agency, threatened to get tough with contractors who refused to change their employment practices and to introduce effective moves towards diversity.

But some in the audience displayed a measure of scepticism. They had been here before and heard many promises of a change in the culture of the industry. It remains to be seen whether the Mayor, the Greater London Authority and the LDA, all in principle committed to diversity and fair recruitment practices, will be able to drive them through.

John Grabl/Middlesex University

Future Events:

Undeclared Labour in Europe - Employment Flexibility in Britain?: The Case of the Construction Industry

International Seminar of the European Institute for Construction Labour (CLR) Research

Thursday 29th March 2007, 1.30 p.m., University of Westminster, 35 Marylebone Road, London NW1 5LS, Room CG79

1.30pm	Welcome	<i>Prof. Linda Clarke</i>	University of Westminster
1.45pm	Summary of the report 'Undeclared labour in Construction'	<i>Jan Cremers</i>	European Institute for Construction Labour Research (CLR)
2.15pm	The trade union perspective	<i>Tom Hardacre</i>	Lead Industrial Officer Construction AMICUS
2.45pm	The employers' perspective	<i>Gerry Lean</i>	Construction Confederation
3.15pm	Tea/coffee		
3.30pm	A European perspective: the implications of undeclared labour	<i>Prof. John Grabl</i>	Middlesex University
4.00pm	The Political perspective on agency labour	<i>Paul Farrelly MP tbc</i>	
4.30pm	Panel Discussion Forum: What does it all mean? Shifting Employment relations	<i>Chair: Prof. Joern Janssen</i>	European Institute for Construction Labour Research (CLR)
5.30pm	Reception and launch Shifting Employment	<i>Prof. Len Shackleton</i>	Head of Westminster Business School

If you would like to attend, please contact:

Linda Clarke: 0207 911 5000 x 3158 or clarkel@wmin.ac.uk

CLR Annual General Meeting

Thursday 29th 2007,

9.30am – 12.30pm

University of Westminster, Room CG79
35 Marylebone Road, London NW1 5LS

Agenda:

1. Introduction of the participants.
2. Annual report 2006
 - CLR-News
 - CLR-Studies
 - Workshops, seminars, research
 - Financial report
3. Ongoing research and projects - brief presentation by the participants
4. New projects for discussion to be presented in advance on paper
5. Activities in 2007
 - CLR-News
 - CLR-Studies
 - Workshops, seminars, research.
6. Any other business.
7. Lunch (12.30-1.30 pm)

Members of the network who want to present a project for discussion (point 4), mail us a brief outline on paper so that we can distribute it.

If you are looking for cooperation with other CLR-participants or have anything else to announce or communicate please let us know.

Jan Cremers, CLR coordinator

Equal Rights for Agency Workers

Lobby Friday 2nd March 2007

A Private Members Bill sponsored by Amicus member Paul Farrelly MP will have its second reading on 2nd March.

“The *Temporary and Agency Workers (Prevention of Less Favourable Treatment) Bill* will introduce into UK legislation the principles contained in the EU Temporary Agency Workers Directive which has been mired in Europe. There are over 1.4m agency workers in the UK. This means there are thousands of agency workers in your constituency. Some of them are well treated. But many are not. For them agency working means discrimination in the workplace, in particular worse conditions on:

- Pay
- Holidays
- Sickness

To protect agency workers they need new legislation, as promised by the Warwick Agreement between unions and government and backed by Labour party and TUC conferences 2006. Amicus MP, Paul Farrelly, is introducing a bill that will give protection to agency workers. It is backed by Amicus, T&G, the GMB, Unison, UCATT and the CWU as well as the TUC. This bill could improve the lives of thousands of your constituents. On Friday March 2 it receives its Commons Second Reading.”

National Construction Demonstration

Wednesday 28th March 2007

“Amicus is to hold a national demonstration and lobby of parliament to protest against the exploitation of migrant workers by rogue employers and to ensure that all publicly funded projects such as the *Aspire and Debut Prime Contracts of all MoD site across the South West* comply with trade union demands – that sites employ workers covered by union negotiated national agreements and are directly employed. We will be urging MPs to ensure that all publicly funded construction projects use workers who are directly employed and covered by union negotiated national agreements.”

www.Amicustheunion.org

To Our Readers:

The CLR-GB Newsletter is the organ of exchange for CLR in Great Britain. This function depends on the co-operation of its readers. The editors ask everybody who is interested in construction labour to contribute with information and commentaries. Please send your suggestions, articles, information, letters, etc. to

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