

# CLR-GB

## Newsletter 2/2005

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 series of seminars funded by the Economic and Social Research Council and organised in cooperation with CLR-Great Britain on 'People in Construction' remains a much respected forum for discussion among the social partners from the construction industry and academics. The last one took place again at the University of Westminster 12<sup>th</sup> May 2005 on the combined issue of 'Social Protection and Health and Safety in Construction in the European Union'. A report from this seminar was published in CLR-News 2-2004 (pp. 58f.). This report does not need to be reprinted in this Newsletter. We wish, however, to discuss a clash that was consciously omitted in that first account: an internal British affair.

A foreign participant when leaving the seminar in the evening to catch his flight back to the continent joked how much he had enjoyed the seminar, including the show of British working class militancy. In fact there were interventions from trade union members and officials as well as the speaker of the Construction Safety Campaign clearly intended to offend representatives of construction employers and their associations.

From the floor, an officer from the London region first challenged the claim that health and safety conditions were exceptional at the Heathrow Terminal 5 site. Later she attacked an individual construction company about their safety record leaving the room before the Director of the company had a chance to respond to

this attack. Being co-responsible for the organisation of the seminar we feel we owe an apology to those who have been attacked personally without any reason being given.

Tony O'Brien in his intervention for the Construction Safety Campaign made a passionate pledge for direct employment, the extension of the public sector, employee representation, improvement of trade union rights, higher fines for breaches of H&S regulations, a reduction of stress at the workplace, better environmental protection, and mandatory safety representatives on public sites. But, when asked from the floor, he declined to give examples of construction sites where health and safety conditions have recently been improved. His message was unmistakable, there are no improvements.

George Fuller in his contribution below tries to put this controversy in perspective. Unfortunately we have not received a response from the GMB officer whom we wanted to ask for a written statement for this Newsletter. It is true that employer and employee are not equally exposed to the hazards of health and safety. But it is also true that employees may themselves put their health and safety at risk, or sacrifice pay for health and safety when paid by results. This is why on this issue, despite an original antagonism, both sides need to cooperate.

We will be happy to publish views on this controversy in the next Newsletter.

Another issue, which has attracted 70,000 workers from across the European Union to demonstrate in Brussels 19<sup>th</sup> March 2005 and has provided one of the prime arguments of the French people against the European Constitution, is the Services or Bolkestein Directive. Little information has come through the British media and even the trade unions have shown amazingly little concern about this EU Directive which

would undermine national labour and social regulations. As the construction industry is particularly vulnerable to social dumping construction unions have been leading the campaign against it. The European Federation of Building and Woodworkers is heavily involved in the attempt to ditch the directive which is also strongly opposed by the European Parliament. You will find a letter from Werner Buelen, political secretary of the EFBWW, to José Manuel Barroso, President of the European Commission, in this Newsletter. We shall try to keep you informed about the development of this insidious draft of a directive. In the meantime you may join the about 60,000 signatures against the directive through the website [www.stopbolkestein.org](http://www.stopbolkestein.org).

*Jörn Janssen, June 2005*

## **Campaign and acknowledge improvements!**

At the recent ESRC/CLR seminar at Westminster University Tony O'Brien of the 'Construction Safety Campaign' (CSC) expressed scepticism of both Philip White's (British Health and Safety Executive Head of Construction) statistics that showed reductions in the number of fatalities and accidents, and claims by representatives of employers' organisations present that some firms were particularly effective at enforcing site safety, for instance at Heathrow Terminal 4. His model for site safety was local authority DLOs.

But even allowing for possible discrepancies in the statistics of the Health and Safety Executive and for employers' complacency I question Tony's stance on this. He sounded unnecessarily defensive, as if these reports attacked the CSC's legitimacy. However I believe that trade unions and safety campaigners, including the CSC, give leadership, which, even though it doesn't get all the reforms it wants, does create dynamic tension resulting in the employers and Health and Safety Executive (HSE) improving the building industry's health and safety record. But it seems to me that the trade unions and CSC give this leadership without knowing it. This is not the best because the lessons learnt through this type of leadership applied solely in safety campaigning could be extended to reform the whole building industry.

Leadership can take different forms. Working on the sites in the 60's and early 70's I recruited members into the union, was a site steward and took part in industrial action to defend or further working class ends – as I saw them – and I supported the leaders with a proven record of militancy.

But by the early '80s the situation on sites had been reversed: 'self-employment' with a labour-only sub-contractor became the only form of employment. And in conditions of mass unemployment many building

jobs were driven by fear, with 'revolving door' 'job security'. For many (though some were just plain cheats) 'doing-the-double' - signing on the dole and working – was the only way they could get a degree of financial security for themselves and their family. It was an option encouraged by many labour only sub-contractors. The subcontractors in effect 'laundered' the project's evasion of tax and National Insurance charges and employment rights for the main contractors and clients who turned a blind eye – as did the government.

With the industry's joint employer/trade unions Working Rule Agreement, trampled in the mud, 'heavies' were around to sort out, through intimidation or actual violence, anyone a bit awkward – slow to catch on. All this, plus the laws against picketing, made effective industrial action almost impossible.

As I experienced it, we came to be campaigning on the streets, because the struggle for human dignity, let alone decent standards of employment, was next to impossible behind the building site hoardings. There wasn't a preconceived intellectual decision to work in a different way. It was hoped that public activity – like invading a client's head office - would serve as a worker's rallying point and launch pad in accordance with the ingrained industrial action idea of leadership. But the public campaigning went in a different direction and it potentially develops ideas of leadership and how it is exercised by building workers.

The most plausible example of this different sort of leadership I can think of is the campaigning around fatal site accidents that turned the Coroners Courts, and the street outside, into a public platform for a whole range of people, including unions, next of kin, workmates, safety campaigners, lawyers, and media people. Powerful images and messages, especially from the fatal accident victims' relatives, reached the public – including building workers - via the media. Hundreds attended benefit concerts for accident victims' dependants. The site hoardings that usually sealed the site in corporate and bureaucratic confidentiality were breached. The consequences of the employers' and government's anti-union, deregulating policies were exposed. This is the sort of campaigning the CSC and Tony O'Brien does to this day.

The Coroners Court campaigning went some way towards creating a public mood, or common sense in society at large, that something was badly amiss with the way the industry was being run: that building contractors and the Thatcherite experiment were killing people. This potentially brought a big increase in support (political resources) for safety campaigners and unions. Site accidents became a theme in popular culture featuring in TV dramas and documentaries. The leading Thatcherite elements amongst the employers and in the government were put on the

defensive. The safety campaigners – including relatives' groups - were in a strong position to demand legal reforms: e.g. corporate manslaughter, safety reps, committees and regular canteen meetings on all jobs, the right to stop the job.

But such collectivist reform would have challenged the control and production process of the leading section of building capitalists and the Thatcher government. Therefore to avert such reform, and – they hoped - regain their leadership role and legitimacy in society, an alternative way of improving site safety was brought in. Laws were enacted that, amongst other things, enforced the use of PPE (Personal Protective Equipment). They professionalised site safety through firms employing their own safety officers (sometimes thought of as cover-up officers) as an alternative to an increase in the numbers and power of trade union safety reps.

It's under this reform that on-the-job site safety activity now takes place, with trade union safety reps on a few big jobs, but it is tightly contained (still, after 8 years of New Labour) so as not to challenge the system/shambles. These measures nevertheless have a positive, though limited, effect on site health and safety. But the legitimacy of the safety campaigners and CSC remains intact because they give leadership that connects most effectively with the public and building workers; their campaigning helped bring about the partial reform and keeps the pressure on to extend it.

So according to my argument we should not be on the defensive – we can acknowledge and claim some of the credit for improvements made by employers and the HSE. Instead of being defensive we should look to widen the application of this type of leadership: massive projects like the Olympic Village, Stratford City, and Thames Gateway have a high political profile and already communities are demanding contract compliance that includes skills training and decent wages on these sites. Building unions and all right minded citizens could link-up with them. To campaign like this would not be a denial of trade union organisation on the site but to the contrary would help to prise open the sites for renewal and reform: humanise the production process.

*George Fuller:*

Brussels, 17 June 2005

To the President of the European Commission  
Mr. José Manuel Barroso

*RE: Open letter to the President of the European Commission on the future credibility of the European Institutions that will depend on the strategic decisions of the European Commission on the proposal for a Directive on services in the internal market*

The recent powerful blow of the people in the Netherlands and France, not just against the EU Constitution but against the way the current European project is being managed and the lack of a real social dimension was a very strong signal towards the European Institutions. This signal reflects the concern of many ordinary European citizens and was certainly not a surprise to the trade union movement and the civil society.

As you know very well the ongoing strong controversial discussions in the European Council, the European Parliament, the civil society, the trade union movement and the media on the proposal for a directive on services in the internal market played a major role in this event.

The response of the European Commission and in particular your office to these discussions was that the Commission would not withdraw the draft Directive and that the European Parliament should further discuss the draft Directive as proposed by the European Commission. In the mean time it is clear that there is a fierce opposition in the European Parliament against the “country of origin principle”, which is the corner stone of the draft Directive. The large amount of amendments introduced by the European parliament (more than 900 amendments!) proves clearly that there is no broad political, social or public support for the draft Directive.

We believe that further discussions will not lead to a broad consensus and will only create a downward spiral to the image and credibility of the European Union as a whole. Why should the European Parliament discuss a text for which there is no general consensus, neither political nor social. The non realistic approach of the draft Directive to create a European Internal Market by dismantling the existing national regulatory mechanisms – which are called administrative burdens or red tape – and by promoting a race to the bottom competition between Member States is not a European Union desired by the ordinary European citizens, but by a handful technocrats and companies.

If the European Union wants to regain its credibility in the eyes of the European population we recommend that the European Commission withdraws the proposed Directive and reformulates a new proposal,

## Concerning the Draft of the EU Services Directive



EUROPEAN FEDERATION  
OF BUILDING AND  
WOODWORKERS

which takes into account the critical remarks formulated by so many politicians and citizens.

Respectfully yours,

Werner Buelen, Political Secretary

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## **On the next ESRC/CLR seminar:**

### **Skills and Training in the Construction Sector in Europe**

#### **Thursday 6<sup>th</sup> October 2005**

The next seminar in the 'People in Construction' series will be held at the University of Westminster (35 Marylebone Road, London NW1 5LS) on Thursday 6<sup>th</sup> October and will be on the *Skills and training in construction in Europe*. This seminar will include contributions on:

- *New training initiatives*, including research on the training of site managers in Germany and Britain and bricklayers in Europe and the development of the British Construction Skills Certification Scheme;
- *Training and regulation*, including industry-wide approaches through paritarian organisations in particular European countries and the relation between training and collective agreements;
- *The transition from college to workplace* including the development of a European skills framework and the question of training and the market.

The seminar will provide an opportunity to hear the latest research on training and skills in the construction sector and to discuss key questions not just in Britain but throughout Europe, including "Is apprenticeship dead?" and "What payment for skills?".

The seminar series was due to have run until the end of 2005. Its aims have been: to examine and identify the key levers of social change in the construction industry in Europe, and particularly in Britain; understand and compare the employment of labour, whether operatives, administrative and technical staff, technicians or professionals, male, female or ethnic minority, past or present; provide a forum for discussion of research from different perspectives – social, historical, economic, international and comparative; contribute to the improvement of industrial relations and working conditions by discussing current issues with relevant policy-makers, the social partners (trade unions and employers), practitioners and academics; consolidate and extend the network of researchers in cooperation with CLR; and produce a book.

Many of these aims have been met and the seminars have been notable for their international participation and debate. What is missing however is an overall conclusion on the role of labour now in the construction industry in Europe, given the changes taking place. Fortunately the Economic and Social Science Research Council has agreed that we can extend the series and hold a final session on this theme. This will be scheduled for early 2006 after which time key contributions will be published in a new book in the CLR Studies series. Shorter contributions have been scheduled to appear in *CLR News*.

Anyone interested should contact:

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## **To Our Readers**

The CLR-GB Newsletter is the organ of exchange for CLR in Great Britain. This function depends on the cooperation 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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