

CLR-GB

Newsletter 2/2011

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:

Amidst the gloomy outlook of the global economy, 2011 will probably be remembered as the year of protests and class struggles. From the rise of the Arab Spring triggered by a greengrocer struggling to make ends meet, to the Occupy movement in cities around the World, people have demonstrated the tenacity to resist the forces of inequality as governments attempt to restructure the global economy. It is certainly telling that the *Time* magazine should name the ‘protester’ as the person of the year. In the UK, 2011 has arguably been a tumultuous year for labour relations. The ongoing ‘Sparks Dispute’ has seen electricians regularly engaging in protests since August 2011 against the intention of seven major electrical contractors to withdraw from the Joint Industry Board (JIB) national industry agreement. Whilst not widely publicised in mainstream media, the ‘Sparks Dispute’ have mobilised support through online means (see <http://tinyurl.com/sparksdispute1> and <http://tinyurl.com/sparksdispute2>). Specifically, the protests are rallied against a pay cut of up to 35% and attempts to deskill electricians. Public sector spending cuts and reforms have also led to a series of protests and industrial actions, culminating in the National Day of Action on 30 November which saw up to 2 million workers on strike. Youth unemployment is also on the rise with the figure hovering above 1 million. Anxieties over an uncertain future have perhaps unsurprisingly contributed to the riots that took place across major cities in the UK

over the summer, as the recent *Reading the Riots* study unveiled.

As Professors Richard Wilkinson and Kate Pickett – authors of *The Spirit Level* – argue, an unequal society brings about a range of social problems from health inequalities to increase in crime rates. Despite the political rhetoric of *Rebalancing the Economy*, imbalances still exist between financial capital and labour. Certain groups – e.g. the youth, the aged, women and ethnic minorities, and workers – continue to be marginalised. The protest movement remains a powerful mechanism for such groups to reassert their voice. As such, this edition of CLR-GB newsletter is dedicated to the theme of recovering the ‘voice’ of certain marginalised groups within the UK construction industry. In this edition, a report from a debate session on ‘Equality and Diversity’ at the 27th Conference of the Association of Researchers in Construction Management (ARCOM) is presented. This is followed by a summary of the Blacklist Support Group’s AGM on 29th October 2011 (the Blacklisting scandal was previously reported in CLR-GB newsletter 1/2010 in August 2010). Finally, a brief update will be given of two recent outputs from the Centre for the Study of the Production of the Built Environment (ProBE) – a research project on the oral histories of building workers in Stevenage and a seminar on migrant workers in construction. We hope you find this edition useful, and wish you a joyous festive season and a good year ahead.

Paul W Chan/CLR-GB December 2011

ARCOM Debate on ‘Equality and Diversity’

University of West of England, Bristol, Tuesday 6 September 2011

This debate session on “Equality and Diversity” took place as part of the annual conference of the

Association of Researchers in Construction Management (ARCOM). The session is tied in with the first Professor Dave Langford Memorial Lecture. The late Professor Langford is known for his passion for social justice in the construction industry, and for encouraging early-career researchers to advance in their careers. Delivering the first memorial lecture, Fred Sherratt (formerly a site manager for Laing O'Rourke and currently lecturing at the University of Bolton) recounted her experiences as a female site manager. Fred noted the importance of promoting equality and diversity in such a male-dominated industry as construction. However, she argued that what mattered more than privileging certain gender or ethnicity was the recognition of abilities and contributions made by everyone working in the industry. She stressed that barriers to enter the construction labour market such as long working hours and site conditions were equally disparaging for white men as they are to women and ethnic minorities. Fred's lecture initiated a debate, chaired by Professor David Boyd (Birmingham City University, UK), on the relevance and realities of promoting equality and diversity in construction, facilitated by a panel of discussants including Dr. Catherine Hakim (author of *The Power of Erotic Capital*), Professor Christian Koch (Aarhus University, Denmark) and Dr. Paul Chan (University of Manchester, UK).

Catherine drew from her work on *Preference Theory* to argue that the low participation rate of women working in the construction industry is symptomatic of the fact that women simply do not choose to work in the industry. She argued that this is because the structure of the industry and organisation of work are incompatible with the preferences of many women. Christian disagreed and argued for regulations and legislation to play a role to encourage industry reform and increase participation of women and ethnic minorities in the construction labour market. Paul suggested that the focus on gender categories was probably not helpful as such categories are inherently socially divisive. He argued for a need to consider sexuality, an under-explored area, to unveil social practices at the construction workplace. In the open debate, the jury is still out on progress made by the construction industry in developing more equal and diverse workplaces. Some participants believed that the industry has made great strides in recruiting non-traditional workers into the industry, whilst others consider the agenda of equality and diversity to be futile given the physical nature of construction work. Gaps in the research on equality and diversity in construction were also noted. For instance, it was suggested that concentrating on women in construction meant that researchers and policy-makers were merely picking at the proverbial low-hanging fruit. There are other pressing issues, including how greater equality and diversity in terms

of age and disability can be achieved. Furthermore, the debate considered the possibility of learning from other industry sectors that have relative successes on the equality and diversity front, e.g. the pharmaceutical industry.

Update on the Blacklisting Support Group: Annual General Meeting 2011

Nunn Hall, Institute of Education, London, Saturday 29 October 2011

In August 2010, CLR-GB included an update on the Blacklisting scandal by Dave Smith, founding member of the Blacklist Support Group. The scandal was first uncovered in April 2009 when the Information Commissioners Office (ICO) discovered a secret blacklist kept by Consulting Association, which contained personal information about over 3,200 building workers. This information was covertly shared amongst 44 of the largest employers in the UK construction with the intention of blacklisting and denying employment to workers on the list, many of whom were trade union members. A Blacklist Support Group was formed soon after the revelations as a means to provide practical support and a 'voice' to known blacklisted workers. Progress has since been made to introduce a set of new Blacklisting Regulations – The Employment Relations Act 1999 (Blacklists) Regulations 2010 – that would *inter alia*:

- make it unlawful for organisations to refuse employment, dismiss an employee or otherwise cause detriment to a worker for a reason related to a blacklist;
- make it unlawful for an employment agency to refuse a service to a worker for a reason related to a blacklist, and;
- provide for the employment tribunal to hear complaints about alleged breaches and with a minimum £5,000 award.

The AGM on 29th October was the first meeting following the establishment of the Blacklist Support Group. Around 50 people attended, amongst them: John McDonnell (MP for Hayes and Harlington, Middlesex), Professor Keith Ewing (King's College, London, and author of *Ruined Lives: Blacklisting in the UK Construction Industry*), and Phil Chamberlain (journalist who first broke the story in the *Guardian* that led to the raid on Consulting Association).

The AGM commenced with an introduction by one of the founding members, Dave Smith. This was followed by Gail Cartmail (Assistant General Secretary of UNITE) who reported on trade union

responses to the blacklisting scandal. Gail reassured members of the support group that the trade unions took the collective responsibility of fighting against blacklisting seriously and would investigate all allegations of collusion by union officials. A number of blacklisted workers then shared their personal stories of the scandal.

For victims of this scandal, the experiences were very similar. Their trade union involvement and active participation in campaigning have resulted in their inclusion within the blacklist. Often labelled as ‘troublemakers’, many blacklisted workers remain competent in the skilled work that they do. Colin Trousdale, for instance, stressed that he was “not interested in the money [but] just interested in getting back to work.” His journey is one of the few positive stories in which he successfully challenged his former employer AMEC to give him a job back. In many cases, the ‘trouble’ these victims had caused related to campaigns for safer and healthier working practices. One blacklisted worker discovered that he made it into the blacklist because he voiced safety concerns over the handling of asbestos. Another talked about his campaigns for more social housebuilding that resulted in his inclusion in the blacklist. Frank Morris who worked on the Olympics site was never on a blacklist, but was sacked because he raised concerns over the summary dismissal of another worker who he maintained was diligent and competent but blacklisted. It would seem that these stories run counter to the industry’s claims for the need to retain skilled workers and improve performance.

For many blacklisted workers, getting legal recourse can be extremely challenging even with the introduction of the Blacklisting Regulations, which do not provide retrospective compensation. Even if the Regulations had been in place at the time, the vast majority would still not be protected because they worked for sub-contractors or employment agencies, a common practice in the construction industry. The legislation only applies to ‘direct employees’. In the case of *Dooley v Balfour Beatty*, for example, the company admitted removing Mr. Dooley (an ex-bricklayer) from a building project because of his blacklist file (it was the firm that supplied the file as part of *their* bundle of evidence). However the company successfully argued that they had not broken the law, as Mr. Dooley was employed through a bricklaying sub-contractor and thereby not protected by UK unfair dismissal legislation. Thus, the multi-national companies whose senior managers supplied the often malicious and inaccurate information to the blacklist have escaped justice because they did not employ directly.

The vast majority of Employment Tribunal claims have not been successful. As the incidents often took place decades earlier, most cases have been ruled as

‘out of time’ before even making it to court. A harsh interpretation of Employment Tribunal rules has led to workers who submitted their claims only a few weeks after receiving their blacklist file being denied access to any legal redress. In 2009 Professor Keith Ewing of the Institute of Employment Rights produced the *Ruined Lives* report on blacklisting and identified that the Consulting Association conspiracy almost certainly breached a number of International Labour Organisation standards and Human Rights conventions. To date any reference to UK Human Rights Act in the Tribunal cases has had little impact on decision making of the Tribunals. Instead, retired building workers have been forced to withdraw their claims after being threatened with costs by multi-national companies employing some of the most expensive lawyers in the country.

Nevertheless, the scandal and knowledge of the existence of a blacklist have gone some way in offering answers to many blacklisted workers. Victims have often lived through long periods of time with the insecurities of being denied employment. On the one hand, many present at the meeting talked about the support their families have given them as they dealt with the material insecurity of not having a job. On the other hand, they also talked about the mental insecurity of not knowing why they were repeatedly denied employment in the first place. The Support Group is certainly one way for healing the wounds of such discrimination. As Brian Higgins, who was denied employment since 1975 by the industry he still felt so passionately about, stressed, “If we are determined and organised enough, then we would be able to get rid of such horrendous, evil and corrupt practice of industrial blacklisting.”

Written with Dave Smith

Founding member of the Blacklist Support Group

Update from the Centre for the Study of the Production of the Built Environment (ProBE)

University of Westminster, Thursday 15 December 2011

ProBE is a joint research centre established in February 2010 between the Westminster Business School (WBS) and the School of Architecture and the Built Environment (SABE), co-ordinating and instigating research into the planning, production, social processes and people creating the structures and spaces that frame the urban and rural built environment, nationally and globally. The Centre was officially launched on 20 May 2011, following a symposium on “An Integrated System of Education for the Built Environment” (reported in CLR-GB newsletter 1/2011). An Advisory Committee meeting

took place on Thursday 15 December to discuss progress made to date.

One notable achievement is the production of a pamphlet entitled *Building a Community: Construction Workers in Stevenage 1950 – 1970* (ISBN 978 0 903109 31 4). This 40-page pamphlet is the result of an ongoing Leverhulme Trust funded project “Constructing Post-war Britain: Building Workers’ Stories, 1950 – 1970” which began in August 2010. Based on the oral histories of eleven ex-workers, the pamphlet tells the stories of how their work contributed to the building of Stevenage, the first of the new towns designated under the New Towns Act of 1946. The building of Stevenage is a significant milestone in the history of Britain as it offered the vision of a brave new world after the War years and the promises of radical solutions to urban sprawl and associated social problems in London. The pamphlet is therefore instrumental in giving the workers who built Stevenage a voice as it illustrates the contribution building workers made in developing a community. Reflections are also made on the difficulties of workers relocating to Stevenage, their struggles in trade union organisation and fighting for decent pay and working conditions.

Another aspect covered in the pamphlet is the contribution of Irish migrant workers to the development of Stevenage. In turbulent economic times, the role of migrant workers can at times be overlooked. Following the Advisory Committee meeting, a seminar on “Migrant Workers’ Impact on the Construction of the Built Environment” took place. The discussions included the folly of public perception on the usefulness of migrant workers (Ian Fitzgerald, Northumbria University), the Polish construction vocational education and training system (Stephen Cruse, University of Westminster), difficulties of recognising Polish qualifications resulting in migrants entering low-paid-low-skilled jobs (Kasia Bobrzak), and migrant representation (Justyna Deidda and Paulina Burzynska, RIFT). The seminar closed with the showing of Spanish film *En Construcción* (Directed by José Luis Guerín, 2000). This documentary film narrates the construction of an apartment block over 18 months in El Chino, a working class, migrant neighbourhood in Barcelona, and includes the stories of building workers, some of whom are migrants.

Often, discussions about sustainable communities have ignored the role of building workers – indigenous or migrant workers – play in constructing these communities. For George Fuller, an ex-bricklayer, reading *Building a Community* reminded him of how the Amalgamated Union of Building Trade Workers (AUBTW) used to play a vital role in discussions on the expansion of new towns, most notably Ipswich and Peterborough. George

commented, “This history of this type of activism should be made more of to draw lessons for the future; it could be used to develop locally grounded but widescale reforms.” Dr. Christine Wall, the principal investigator on the Leverhulme Trust research project, also noted that “The idea of investigating other local histories of housebuilding, activism and expansion in the same historical period is really critical. There has been so much written on the history of housing and so little on the role of building workers.” For more information about the research project and/or the pamphlet on Stevenage, please visit www.buildingworkersstories.com.

Professor Linda Clarke and Dr. Christine Wall

University of Westminster

CLR News 4/2011 on Climate Change and Construction Labour

A new edition of *CLR News* is now available to download on www.clr-news.org. This edition focuses on the topical issue of climate change and its implications for construction labour, with articles on developments from outside Europe including Canada and the Gaza Strip.

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 would like to wish our readers a joyous festive season and a good year ahead, and 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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