

Stop victimisations on Crossrail

Frank Morris – the Unite union safety representative at Crossrail – was dismissed in September 2012. Unite believes his name is on a blacklist because he raised health and safety concerns when he was working at the Olympics site. Unite say Frank is now the victim of blacklisting by the construction consortium Bam Ferrovial Kier (BFK).

Key managers at Crossrail make it obvious blacklisting is an issue. Ron Barron, the head of industrial relations was sacked after an employment tribunal concerning victimisation of another worker found that he introduced the use of the blacklist at the construction firm CB&I, and referred to it more than 900 times in 2007 alone. It has also been revealed that Pat Swift, BFK's head of human resources on the Crossrail project, was the main contact between the construction company BAM Nutall and the Consulting Association.

Unite general secretary Len McCluskey said: "Unite does not subscribe to the view that blacklisting in the construction industry ended when the existence of the shady blacklister the Consulting Association was finally uncovered back in 2009. There is significant evidence that blacklisting continued, even on Crossrail – Britain's most high profile construction project. Frank Morris has our full support."

A claim against BFK, supported by Unite's legal services, had a case management hearing in the London Central employment tribunal on Wednesday 27 February. Several more of these are anticipated before a full hearing finally takes place.

Crossrail says it is among the most significant infrastructure projects ever undertaken in the UK. It is Europe's



Frank Morris: Unite is supporting his claim against Crossrail contractor BFK

PHOTO: BLACKLIST SUPPORT GROUP

biggest construction project. Projected costs were £16 billion. It is supposed to generate £42 billion for the economy.

It should not be allowed to get away with human rights or safety abuses.

Crossrail's poor track record on safety

December 2012: Cross rail explosion in December

On 12th December at the Crossrail site in High Holborn there was an explosion after a worker cut through an electric cable. The London Fire Brigade, the London Ambulance Service and the Metropolitan Police were all called to the accident. Thankfully the next day the worker was reported to be recovering well in hospital. *Construction News* said that the worker was working for Barhale, who were sub-contracted by the BFK consortium.

60% burns in an earlier Crossrail explosion

In February 2012 Fugro Engineering Services were prosecuted in the Central Criminal Court for an accident that

happened in 2008, working on the Crossrail project. A high voltage cable was hit when a hydraulic breaker was being used to create an inspection pit for a borehole in Hanover Street, Central London. A 63 year old worker suffered 60% burns. HSE found the site was CAT scanned but no markings were made on the road to show where they were; and documentation was not kept at the borehole. HSE inspector Lisa Chappell said: "this serious incident could have been avoided." Fugro had to pay £85,000. (*Grant Prior Construction Enquirer* 27 February 2012).

September 2012: Birse Metro £210,000 fine and costs after worker killed

Ioan Bobuk, 22, was a construction worker from who died from burns after an explosion on 2nd December 2008 at the junction of Charing Cross Road and Tottenham Court Road. He died on Christmas Day. The HSE prosecution took place 4 years later at Southwark Crown Court. Birse Metro Ltd had not told their workers there were live cables in the

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Lessons to learn from fires in Pakistan and Brazil

Pakistan

The death toll in Pakistan from fires that ripped through a Karachi garment factory in September 2012 and an illegal shoe factory in Lahore brings the total of Pakistani deaths in these industrial incidents to at least 314.

This is a huge loss and raises concerns about if the health, safety and wellbeing of workers, nationals and visitors are prioritised in work and public places in developing countries.

After the Karachi blaze started, it is said that workers were unable to escape because the doors were locked possibly to prevent them from leaving their shifts early or due to a recent break-in. There were allegedly no emergency exits, doors were blocked with piles of clothes and workers jumped several storeys to escape the fire resulting in serious injuries. This incident should not only shed light on what goes on in developing countries but should remind us that fire is a big killer and adequate preventative measures and suitable and sufficient emergency procedures in place should not be ignored. There were unsafe chemicals which made smoke from the fire even more toxic. This shows inappropriate storage of hazardous substances.

The cause of the fire is yet unknown but there were speculations it could be due to faulty wiring. Again this highlights the need for basics: carrying out gas and electrical safety checks PAT testing and carrying out maintenance.

There have been other lives lost in recent fires in clothing factories in Bangladesh.

The international clothing industry needs more stringent enforcement of minimum safety standards throughout the supply chain.

Brazil

A fire swept through the packed, popular nightclub in Santa Maria early Sunday 27th Jan 2013 killing at least 233 people. Many died from smoke inhalation. Others were trampled in the rush for the exit. More than 90 people were hospitalized, including 14 patients with severe burns.

Local reports suggest that at the start the security guards blocked the exit to prevent people from leaving. The club had a capacity for 1,000 people and allegedly had only one fire exit. For this number of people, one fire exit is clearly not sufficient

These deaths in Pakistan and Brazil are preventable and makes one wonder if profit has been placed at a higher value than human lives or if people are just ignorant about safety?

If unsure about Fire safety and what to do in an emergency, please contact the London Hazards Centre on 0207 794 5999 for free advice or training at a small cost for yourself and employees.

Bangladesh

A multi-stakeholder meeting in Dhaka convened by IndustriALL in February underlines the need for urgent progress on workers' rights, minimum wages and fire safety in order to secure a sustainable future for the garment industry in Bangladesh.

On 24 February 2013 Prime Minister of Bangladesh Sheikh Hasina handed out compensation to the families of fire victims at Smart Fashion Factory of 26th January 2013. The agreement was negotiated by the IndustriALL Regional Office, IndustriALL Bangladesh Council

of trade unions (IBC) and brands Inditex and New Look.

Families of the deceased female workers Nasima (28), Josna (19), Laiju (18), Fatema (17) and Nasima (17) gathered in the Prime Minister Office in Dhaka where a disbursement ceremony took place. According to the agreement, each family receives 1,049,000 BDT (13,300 USD), and one family with two minor children gets an additional 10 per cent to meet educational costs for minor children. The injured workers as well as those who lost their employment will also receive a compensation. The workers earned an average monthly wage of 4,000 BDT (50 USD).

▲ www.industrialunion.org/textiles
Regular information from Labour Behind the Label
▲ www.labourbehindthelabel.org

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excavation and an 11,000 volt was damaged. (See Chris Berkin, *Construction News*, 21 September 2012).

Birse Metro is part of the Balfour Beatty Group. According to their website: "Birse Metro have been carrying out work for LUL for a number of years and have undertaken in excess of £300 million of work on the Underground Network."

(See page 4 for more on the Consulting Association, and Boffey, 2 December, 2012, Observer, for more on Ron Barron.)

London Workplace Deaths 2012/13

10/4/2012	David Heath <i>Hillingdon</i>
14/4/2012	Maria Michel <i>Barnet</i>
21/4/2012	Dhah Tasleem <i>Croydon</i>
7/5/2012	Noel Pickering <i>Bromley</i>
22/5/2012	Andrew Peter Ward <i>Haringey</i>
30/5/2012	Roman Kohut <i>Lambeth</i>
14/6/2012	Wayne Crerar <i>Southwark</i>
2/7/2012	Grant Dunmall <i>Kensington & Chelsea</i>
29/8/2012	Gary Cracknell <i>Greenwich</i>
30/8/2012	Amanda Telfer <i>Chelsea</i>
23/9/2012	Erena Louise Wilson <i>Richmond</i>
11/10/2012	Robert Cretu <i>Lambeth</i>
2/10/2012	Alan Soard <i>Waltham Cross</i>
29/10/2012	Justas Kopicka <i>Wandsworth</i>
29/10/2012	Laurence Crossan <i>Haringey</i>
14/11/2012	Alfie Perrin <i>Redbridge</i>

All from HSE database.

In addition we have:

16/1/2013 Peter Barnes, 50, helicopter crash, pilot, Vauxhall, Lambeth

16/1/2013 Matthew Wood, 39, helicopter crash Member of the Public, Lambeth

28/1/2013 Jacob Marx, 27, hit by a falling betting shop sign, Member of the Public, Camden.

Save our fire services



Matt Wrack, FBU General Secretary, at one of many rallies outside the LFEPA HQ.

Cuts cost lives

Mayor Johnson wants to reduce the number of London fire fighters by 520, to lose 18 fire-engines and to close 12 fire stations in 2013/2014.

FBU members have been holding regular protests outside the London Fire and Emergency Planning Authority, LFEPA, meetings where a majority of representatives from Labour, Liberal Democrat and Green parties have been united against these closures.

In an unprecedented move, the mayor recently overturned a democratic decision of LFEPA to reject the cuts. Mayor Johnson instructed the fire commissioner, Ron Dobson, to ignore the vote and begin a public consultation exercise, but LFEPA members resisted this, only to have the Mayor issue a Mayoral Directive ordering a public consultation that will run from 4 March to 28 May.

It is important that as many Londoners as possible respond and object to these cuts. The consultation papers are here: http://www.london-fire.gov.uk/lsp5.asp#.UTTPMzd_WEd



Safety Reps rights are Human

This is some of the evidence Dave Smith of the Blacklist Support Group gave last year to the Scottish Affairs Committee in the House of Commons which investigated blacklisting in construction:

Dave Smith: My name is Dave Smith and I was originally a construction worker from London. I trained as an engineer and was a member of the construction workers union, UCATT, where I was a shop steward, a safety rep and a branch secretary for many years during the 1990s. I was blacklisted by an organisation called the Consulting Association, which was a conspiracy of 44 of the biggest construction firms in the country.

Since 2009, I have been the secretary of the Blacklist Support Group, a network of blacklisted construction workers who have been blacklisted primarily because of their trade union activities.

I have taken an employment tribunal claim against Carrillion. Very few of the cases have ended up in full tribunal; my case did end up there. As part of my particular case, the court granted us a court order that allowed me to view the entire unredacted Consulting Association blacklist, so I have seen every single document on individuals that is in the files of all 3,200 workers. I am one of the few people who have seen them.

Chair: Can I clarify a couple of things? You mentioned 3,200 files. Is each of those on individuals?

Dave Smith: Yes.

Chair: Could you tell us about the impact that having been blacklisted has had on you and your family? Has it made any difference to your lives?

Dave Smith: Yes. My blacklist file starts in 1992 and runs through to 2005. Virtually everything in my file relates to where I have raised concerns about health and safety, asbestos, toilets overflowing on building sites and a young lad falling off the third floor of scaffolding. In one page in my blacklist file-[are]-my union health



Dave Smith and his legal team after his tribunal against Carrillion

PIC: BLACKLIST SUPPORT GROUP

and safety rep's credentials, which are meant to give an individual union rep certain legal protection and certain rights, were photocopied with the company office stamp on them and sent off to my blacklist file. Throughout my file, there is nothing that mentions my doing anything other than raising concerns about health and safety, conducting normal trade union activities, giving interviews to various organisations and raising concerns about unpaid wages. Nowhere am I accused of doing unofficial strikes or anything like that; that just isn't the case.

You ask how it affected me. During the first period in which I was on the blacklist, I found it almost impossible to get a job directly with a company. I could get work through employment agencies and sometimes through small subcontractors, but I could not get a job directly with any major contractor. I am trained and qualified as an engineer, and most engineers work for the main contractor rather than for small agencies.

During the building boom of the late '90s onwards, to a certain extent that did not really make a lot of difference. I had the normal ups and downs of any construction worker.

But there was a point around 1999 when the blacklisting was very persistent; even my blacklist file talks about needing to check whether I was trying to get on to jobs... Employment agencies used to call me on virtually a daily basis, but that completely dried up overnight. When I did ring [an agency] to ask whether they had

any jobs for me, I remember [being told]: "There is no point in you ringing us ever again ... because on our system you are coming up as code 99." When I asked what code 99 was, they just said, "One of the big firms has rung us up and told us never to employ you or put you anywhere." Nowhere in my blacklist file am I accused of poor workmanship or of not being competent at my job; I was quite good at my job. From 1999 onwards, it became absolutely obvious that I could not get a job.

In 1999, my income was in the region of £36,000; in the year 2000, my gross income, before tax, was £12,000. Within a 12-month period, my income was cut by two thirds. This was in the middle of a building boom, when the industry was crying out for skilled labour. There were adverts in the newspapers all the time, but if I ever applied to get a job I could not get one at all. I was a qualified engineer in the middle of the building boom, and my kids were on milk tokens.

It had a major impact. Inevitably, it puts pressures on your family life and on trying to pay the mortgage. In the industry that I had trained to be part of and I wanted to be part of and where I was quite good at my job, I couldn't do that any more. In 2001, it reached a point where, physically, I could not pay the bills. I made the decision that I could either carry on in the building industry, trying to fight this, or try to do something else. In 2001, I got a job working in further education, where I now teach.

Rights

Human Rights Campaigners of the Year

The Blacklist Support Group were nominated for Human Rights Campaigners of the Year Award at the awards ceremony in November. And raising the issue of blacklisting on BBC TV Shami Chakrabarti, Director of Liberty, said: "Phone hacking wasn't the only privacy or information scandal of recent years and it's very sad that the construction worker blacklist scandal has really not attracted the same attention.

Something similar [to hacking] happened with the Consulting Association that was storing up the names of people on a blacklist.

They were blacklisted because they were trade unionists or they were raising concerns about health and safety; but health and safety on a building site is potentially a life and death matter."

Legal breakthrough

The Employment Appeals Tribunal in Blackfriars (Tues 26th Feb) ruled that Carillion must face human rights claims over its role in the construction industry blacklisting scandal. Justice Singh ordered that a High Court judge should hear a 2 day hearing at the Employment Appeal Tribunal in the case of Dave Smith v Carillion.

Dave Smith was originally denied the opportunity to appeal but his lawyer argued that the decision was potentially in violation of the Human Rights Act and the European Convention on Human Rights - Article 8 (the right to privacy) and Article 11 (the right to freedom of association). Dave Smith is represented by John Hendy, David Renton and Declan Owens from the Free Representation Unit.

▲ **For all of Dave Smith's evidence to the Scottish Affairs Committee see: <http://www.publications.parliament.uk/pa/cm201213/cmselect/cmscotaf/uc156-ii/uc15601.htm>**

Home in on a tax refund – builders due cash back



RIFT advising workers about tax refunds

EXTRA cash could be winging its way to construction workers who are owed money by the taxman, say the experts at tax refund specialists RIFT.

Workers are currently seeing average tax rebates of around £2,500 for a 4 year claim – a welcome windfall to help with the rising cost of living expenses - and RIFT have already helped more than 28,000 construction workers throughout the UK claim back more than £45million.

Ventilation engineer Steven Woodburn, 23, works for Galloway and used RIFT to get his tax refund of over £2,400.

He said: "If the RIFT guys hadn't come on to the site I was working on, I never would have known that I was eligible for a refund, never mind how to go about starting to make a claim. I wouldn't have known where to start with the paperwork either so RIFT's help was great, they did it all for me and dealt with taxman on my behalf. And the icing on the cake was I got

a big lump sum to spend. It couldn't have come at a better time."

Mr Woodburn is one of hundreds of thousands of construction industry workers who end up being owed money by HMRC because of the nature of their job. Working on different sites in different locations all over the country as they often do can involve a lot of travel and accommodation, and it is these costs that can be reclaimed.

RIFT managing director Jan Post said: "We are very proud of the work we do and are extremely thorough in our assessment, validation and calculation of our clients' claims. To ensure that they have complete peace of mind, we offer the RIFT Guarantee, which means that each claim is fully protected from any enquiries by HMRC.

"To make a claim, you don't have to pay any money up front; just leave it to RIFT to do all the work for you. But don't delay; get in touch with us now to make sure you get back the cash you are owed."

▲ **Call 01233 628648, text RIFT to 80010 or visit riftuk.com**

London Hazards 2012 AGM

was held on Thursday 29th November 2012, at Conway Hall, Holborn.

Guest speakers

Greg Edwards, Fire Brigades Union, talked about the FBU campaign against the threatened closure of London Fire Stations, and loss of jobs, the way this will lead to longer average response times and other cuts and safety matters.

Kingsley Abrams, UNITE National Executive Council member, talked about the importance of the not-for-profit sector in London and the effects of the cuts to services such as ours. He said he hoped that London Councils would continue to commission health and safety advice services.

Elections

Chair: Peter Farell, Construction Safety Campaign

Treasurer: Jennie Twydell, Unite Clerkenwell & St Pancras Branch

New Trustees

Ismail Buyukakan, Unite North London Branch

Jas Dhaliwal, UCU City and Islington

Dil Joshi, PCS and SERTUC

Philip Lewis, UNISON Camden

Re-elected Trustee

Chris Best, UNISON Thames Waste

they join the following Trustees (not up for re-election this year)

Steve Ballard, London Shrewsbury Campaign

Mick Gilgunn, Islington TUC

Monica Gort, London WEA

Mick Larkin, Walworth/Construction Unite

Ian MacDeson, Camden TUC and Camden UCATT

Other business

Gromans and Company were reappointed auditors.

The AGM discussed work done in the last year particularly the large number of training sessions for community groups throughout all the London Boroughs; the development of our website; Mesothelioma Action Day events in 2011 and 2012, an asbestos conference in 2011, work with Construction Safety Campaign for Workers Memorial Day, briefings about developments following the Lofsted report; a briefing on Crane Safety; production and distribution of the Newsletter.

Fundraising

The meeting agreed to raise affiliation rates and organise an affiliation drive among London trade unions and community groups; and to ask national unions to show support by affiliating for £200. They agreed a plan to try to raise £20,000 in the next financial year.

Emergency

The AGM agreed that now is not the time to close the London Hazards Centre. However since the AGM the London Councils Grant Committee decided to accept their officer recommendations and agreed that they will not provide financial support from March onwards. It was noted that the work was valuable and that the Centre could be eligible for funding in two years time.

The Centre has put in a bid to Trust for London to try to gain funding for a Migrant Worker Health and Safety Project and has some other plans to raise funds. But without an injection of significant funds soon, the Centre will have to be wound up.

Please consider making a donation to help with running costs and if you have not affiliated please consider this at your next meeting.

We are posting regular updates about our financial situation on our website.

International Workers Memorial Day

Rally with speakers at the Statue of the Building Worker

Organised by Construction Safety Campaign and London Region UCATT

11am Sunday 28th April 2013

At Tower Hill EC3N 4DJ opposite Tower Hill Underground

In London the latest HSE figures show 19 people died from unsafe workplace activities in 2012/13. 8 were construction, 4 other industries, 7 members of the public.

Blacklist Support Group AGM

Saturday 23rd March 2013

Faraday House 48–51 Old Gloucester St WC1N 3AE

Confirmed speakers:

Len McCluskey, General Secretary UNITE
John Hendy QC

Professor Keith Ewing

Gail Cartmel, AGS UNITE

Frank Morris, blacklisted UNITE safety rep

For more see the following posts on our website:

- ▲ Blacklist Support Group – a year of blacklisting
- ▲ Blacklisting Motion at the London Assembly
- ▲ Chuka Umunna secures debate in parliament

