HesaMag
#13
Construction workers at the mercy of social dumping
New publications

**Carcinogens that should be subject to binding limits on workers’ exposure**

*Henning Wriedt*

Legislation on the prevention of occupational cancers was first adopted in the European Union in 1990. The legislation in question contains provision for only three binding limit values, less than 20% of situations of real worker exposure to carcinogenic substances and procedures are currently covered by a compulsory exposure limit at the European level.

This new ETUI report identifies 71 substances and procedures. The setting of a binding exposure limit value under European legislation would enable a significant reduction in worker exposure levels. Legislative reform along these lines is urgent because the lack of prevention in the workplace currently causes more than 100,000 cancer deaths each year.

**Digitalisation of the economy and its impact on labour markets**

*Christophe Degryse*

This working paper gives an overview of the new possibilities opened up by the 4th industrial revolution and tackles some specific questions in relation to its effects on the labour market, including on the status of employees, on working conditions and on training. It examines the role that trade unions can play in the digital economy and the main initiatives already proposed at European trade union level in this context.

**Work in the digital economy: sorting the old from the new**

*Gérard Valenduc and Patricia Vendramin*

This paper sets out to analyse the digital economy and changes in work by sifting elements of continuity from others that are radically new. Aspects examined are: genuinely new features encountered in the digital economy model; major instances of technological change observable in the working environment; new forms of work in the digital economy; distance and employment relationships; challenges entailed in regulating a labour world shorn of its customary structures. The study concludes with some considerations on the meaning of work in environments characterised by an increasing interplay of the virtual and the real.

---

**Orders and subscriptions**

*HesaMag* will be sent free of charge through the post to persons requesting it either via email: etui@etui.org, or on http://www.etui.org/en/Publications2/Periodicals/HesaMag

All our publications can be downloaded free of charge from: www.etui.org > Publications

---

**Carcinogens that should be subject to binding limits on workers’ exposure**

**Henning Wriedt**

Legislation on the prevention of occupational cancers was first adopted in the European Union in 1990. The legislation in question contains provision for only three binding limit values, less than 20% of situations of real worker exposure to carcinogenic substances and procedures are currently covered by a compulsory exposure limit at the European level.

This new ETUI report identifies 71 substances and procedures. The setting of a binding exposure limit value under European legislation would enable a significant reduction in worker exposure levels. Legislative reform along these lines is urgent because the lack of prevention in the workplace currently causes more than 100,000 cancer deaths each year.

**Digitalisation of the economy and its impact on labour markets**

**Christophe Degryse**

This working paper gives an overview of the new possibilities opened up by the 4th industrial revolution and tackles some specific questions in relation to its effects on the labour market, including on the status of employees, on working conditions and on training. It examines the role that trade unions can play in the digital economy and the main initiatives already proposed at European trade union level in this context.

**Work in the digital economy: sorting the old from the new**

**Gérard Valenduc and Patricia Vendramin**

This paper sets out to analyse the digital economy and changes in work by sifting elements of continuity from others that are radically new. Aspects examined are: genuinely new features encountered in the digital economy model; major instances of technological change observable in the working environment; new forms of work in the digital economy; distance and employment relationships; challenges entailed in regulating a labour world shorn of its customary structures. The study concludes with some considerations on the meaning of work in environments characterised by an increasing interplay of the virtual and the real.
Contents

Newsflash... p. 2

Editorial
Occupational cancers: from outrage to action p. 5

European news
Interview with Esther Lynch: “My real priority is to build a bridge from workers to policy makers.” p. 6

Special report
Construction workers at the mercy of social dumping p. 10
Working conditions in construction: a paradoxical invisibility p. 12
Construction labour, mobility and non-standard employment p. 17
Posted workers: “You always have to fight to get paid.” p. 23
Posting of workers: the view of those losing out p. 26
Asbestos – Not a Problem of the past p. 31
How a handful of women intend to change the face of British construction p. 35
Trade union mobilisation for safer construction machinery p. 39

From the unions
Workers at the root of a bill to introduce a health record p. 43

International news
After Rana Plaza: trade union mobilisation quickly blocked p. 47

Books
Raiders of the inner body p. 52
The damned of electronics p. 53
A quarter of European workers believe that their health is at risk because of their work

In Europe almost one worker in four (23 per cent) believes that their work represents a risk to their health, according to the first results of the European inquiry into working conditions, presented in Luxembourg on 24 November.

This figure has been falling constantly since 2000. At that time, 31 per cent of Europeans saw a link between their work and their health. This apparently positive tendency must be interpreted with caution, however, because perceptions vary strongly according to the gender, country and age of the person surveyed. For example, men are much readier to acknowledge that their work has a negative influence on their health than women (27 per cent as against 19 per cent).

Compared with the 2010 survey, conducted by 35 European countries among around 43,000 workers, there have been falls in exposure to noise and vibrations, tiring or painful positions, repetitive movements and carrying or moving heavy loads. By contrast, exposure to chemical products grew by 2 per cent (17 per cent as against 15 per cent), as did contact with materials that can be infectious. The number of workers whose jobs involve lifting or moving people also increased slightly.

With regard to psycho-social risks, there was also a slight increase: 16 per cent of people declared that they had been the victim of adverse social behaviour. This indicator brings together the responses to questions concerning exposure to verbal abuse, threats and humiliating behaviour, physical violence and psychological or sexual harassment.

As with the previous survey the vast majority of European workers (90 per cent) consider themselves well-informed about the risks to which they are exposed at work. The participants were also questioned about the support they are given at their workplace: 72 per cent believe that they can count on the help and support of their colleagues, but no more than 59 per cent think the same about management.

Several questions also concerned satisfaction in relation to their work. The authors of the survey identified a disturbing development: the number of workers having the feeling of work well done has fallen from 51 per cent in 2005 to 40 per cent in 2015.

Every year on 28 April, the trade unions stage an event to condemn deaths caused by work. This year, the European Trade Union Confederation (ETUC) has chosen to focus on the need to adopt new health and safety laws at EU level. "Workers need better protection. New laws are needed now," said Esther Lynch, the ETUC Confederal Secretary in charge of occupational health and safety issues.

"The best way to protect workers from disease and injury is through laws at EU and national level. Health protection should not be deregulated or privatised. New technology and innovation have created, and medical research identified, new risks. Strong laws should be backed up by strong enforcement and a strong system of workplace health and safety representatives", she added.

The ETUC calls more specifically for the European Union to adopt threshold limit values for occupational exposure to 50 carcinogenic substances. The European workers' movement emphasises that every year 100,000 people die in the EU from cancers developed at work.

Besides dealing with occupational cancers, the ETUC also wants new regulations to be adopted to tackle workers' exposure to nanoparticles, to psycho-social risks (including stress, violence and harassment) and to the development of musculoskeletal disorders such as neck, back and elbow pain.

Life expectancy in France varies widely between different social classes. At 35 years old, a manager can hope to live for another 49 years, compared to only 42.6 years for manual workers. A similar phenomenon can be observed in relation to different levels of qualification.

In February, the French National Statistics Institute INSEE released data on developments in life expectancy over the period 1976-2013. In spite of improvements in life expectancy for the general population over the past four decades, there remain considerable variations between occupational categories. In the late 1970s, the disparity between male blue-collar workers and male managers was 6 years. By 2013, the gap had widened to 6.4 years. Social inequalities are less pronounced among women: life expectancy for female workers is 85 years, against 88 years for female managers.

Similar results were observed when considering qualification levels. In the period 2009-2013, a 35-year-old man with a higher education qualification could expect a lifespan 7.5 years longer than a man without formal qualifications. For women, the gap was 4.2 years.

In explaining the difference in life expectancy between professional groups, researchers pointed to the nature of different occupations ("managers are less exposed to occupational risks such as work-related accidents and diseases or exposure to toxic products") and different ways of living ("obesity is less common among managers than among blue-collar workers").
ILO advocates sufficient rest for domestic workers

According to the International Labour Organization (ILO), more than half of domestic workers worldwide still did not have any legal right to weekly limits on working hours.

An ILO fact sheet, released in early April, shows the grim reality faced by many domestic workers throughout the world, regarding time spent working.

It especially focused on the difficult conditions experienced by live-in domestic workers who, in some countries, work more than 60 hours per week with no legislation regulating their right for adequate rest.

ILO experts stressed the negative impacts on health for domestic workers working excessively long hours with little or no rest, sometimes combined with insufficient and interrupted sleep which could lead to the increased risk of type two diabetes, heart disease and depression, to mention a few.

The research pointed out that physical and mental fatigue resulting from working excessive hours not only affected workers’ ability to perform their tasks but could also lead to increased risks of workplace accidents.

In March, the ILO had published a report criticizing the fact that around 90 percent of the world’s 67 million domestic workers have no access to social security protection, with migrants left particularly vulnerable.

While the largest gaps in social security coverage for domestic work are concentrated in developing countries – with Asia and Latin America representing 68 per cent of domestic workers worldwide – the study finds that social protection deficits for domestic workers also persist in some industrialized countries.

In Italy, for example, some 60 per cent of domestic workers are not registered with, or contributing to, social security systems. In Spain and France, 30 per cent of domestic workers are excluded from social security coverage.

USA: new rules aim to reduce silica exposure at work sites

On 24 March, the U.S. Department of Labor Department announced new rules that sharply reduce workplace exposure to silica, a potentially deadly mineral found in materials commonly used in construction and hydraulic fracturing. The rule will reduce the permissible exposure limit for crystalline silica to 50 micrograms per cubic meter of air, averaged over an eight-hour shift.

Officials estimate that the new silica standard, when fully in effect, will save 600 lives and prevent 900 new cases of silicosis every year. The updated rule amends silica exposure for first time since 1971.

The US Occupational Safety and Health Administration estimates the final rule will provide net benefits of about $7.7 billion per year. It is estimated that in the US about 2.3 million men and women face exposure to respirable crystalline silica in their workplaces.

PSR: ‘operators’ are most affected, according to a French survey

After a survey of around 50 000 French wage earners, workers who perform operational functions are more exposed to psycho-social risk factors (PSR) than others. Operational jobs – administrative employees, unqualified workers and retail and service employees – are most affected by situations of ‘job strain’ because they are extremely demanding and allow little scope for initiative.

By contrast, the professions of executive and engineer, while also characterized by heavy demands and thus stress, nevertheless allow more room to manoeuvre when it comes to meeting these demands.

What concerns both non-manual and manual employees most is lack of recognition: 60 to 70 per cent of wage earners stated that they do not receive the ‘respect and credit they deserve’, are not ‘appreciated at their true value’ or ‘are treated unfairly’.

The sectors most affected by PSR are the public hospital system and industry.

The survey was conducted in 2010 by the Ministry of Labour, with the help of hundreds of occupational health doctors. The results were published last January.
Endocrine disruptors: Commission in breach of EU law

In a judgement of 16 December the European Court of Justice (ECJ) ruled that the European Commission had infringed the European Regulation on the placing on the market and use of biocidal products. This Regulation defines the active substances which, in principle, cannot be approved as biocides. Endocrine disruptors are among the prohibited active substances and, according to Article 5 of this Regulation, the Commission was required to adopt, before 13 December 2013, the scientific criteria for determining properties that disrupt the endocrine system.

Since these criteria had not been adopted by the deadline, Sweden appealed to the ECJ to confirm that the Commission had infringed the relevant EU legislation. Other Member States – France, Denmark, Finland and the Netherlands – were also party to Sweden’s complaint, alongside the European Council and the Strasbourg Parliament.

The resulting judgement should spur the European Commission to adopt as soon as possible the measures that it is legally required to take.

The European Trade Union Confederation (ETUC) welcomed the ECJ ruling. “It considers that the delay game must stop. The European Commission has to respect EU law and adopt criteria for testing based on the intrinsic hazard of endocrine disruptors chemicals. EDCs should be regulated as chemicals of very high concern, to protect consumers and workers”, commented ETUC Confederal Secretary Esther Lynch, in charge of occupational safety and health.

Asbestos-cement manufacturing workers live 20 years less than the general population

Former Belgian asbestos-factory workers who died of asbestos-linked disease lived 20 years less than their counterparts in the population at large. Such is the conclusion of a Belgian demographic study of two cohorts of workers from three asbestos-cement factories linked to the Eternit – now Etex – group.

The demographers of the association for the development of applied research in the social sciences (ADRASS) studied 100 deaths of workers from the Coverit factory in Harmignies in Hainaut and 137 deaths of those formerly employed at the Eternit plants at Kapelle-op-den-Bos (Flemish Brabant) and Tisselt (Antwerp). All the workers in question, most of them manual workers, were born between 1900 and 1970. At Harmignies the average life span of the victims was 61.93 years, as compared with 82.70 among their counterparts in the population at large; in the Eternit factories in Flanders, the difference in life expectancy between asbestos workers and the population at large was estimated at 21 years. Almost all of the deaths studied were male, with just 7 women among the victims.

During the presentation of the research findings in Brussels on 12 December, the demographers and representatives of the Belgian Association for Asbestos Victims (ABEVA) also paid tribute to the late Michel Verniers, a former worker and union delegate at the Coverit factory. Noting a significant number of deaths among his former co-workers in the years after 1987 when the factory closed, Mr Verniers began to compile a list of deceased and sick workers, a list which, according to André Lambert, one of the demographers at ADRASS, ‘was the starting point for our work.’

Endocrine disruptors: Commission in breach of EU law

In a judgement of 16 December the European Court of Justice (ECJ) ruled that the European Commission had infringed the European Regulation on the placing on the market and use of biocidal products. This Regulation defines the active substances which, in principle, cannot be approved as biocides. Endocrine disruptors are among the prohibited active substances and, according to Article 5 of this Regulation, the Commission was required to adopt, before 13 December 2013, the scientific criteria for determining properties that disrupt the endocrine system.

Since these criteria had not been adopted by the deadline, Sweden appealed to the ECJ to confirm that the Commission had infringed the relevant EU legislation. Other Member States – France, Denmark, Finland and the Netherlands – were also party to Sweden’s complaint, alongside the European Council and the Strasbourg Parliament.

The resulting judgement should spur the European Commission to adopt as soon as possible the measures that it is legally required to take.

The European Trade Union Confederation (ETUC) welcomed the ECJ ruling. “It considers that the delay game must stop. The European Commission has to respect EU law and adopt criteria for testing based on the intrinsic hazard of endocrine disruptors chemicals. EDCs should be regulated as chemicals of very high concern, to protect consumers and workers”, commented ETUC Confederal Secretary Esther Lynch, in charge of occupational safety and health.

A coalition of scientists, patients and trade unions demand more effective measures to prevent bladder cancer

On 20 April the European Cancer Patient Coalition (ECPC) presented a white paper to Brussels on the subject of bladder cancer. This document is the result of a six-month-long collaborative working project between patients associations and expert representatives of various relevant medical disciplines. The white paper draws attention to the increase in cases of bladder cancer across Europe, a significant percentage of which are work-related.

In the European Union, almost 125 000 new cases of bladder cancer are diagnosed each year and more than 40 000 people die of the disease. It is the fifth most common cancer in Europe. However, recent years have seen no significant developments in available treatment and mortality rates have remained at the same level, despite declining for other cancers.

The white paper compiles a collection of scientific data concerning prevention, diagnosis and treatments, and it puts forward several policy recommendations to the European Union.

In terms of prevention, two clear priorities emerge: the fight against smoking and the need for better prevention measures in workplaces. Occupational exposure is responsible for between 21 and 27 per cent of bladder cancer cases among men, and 11 per cent among women.
Imagine if an airplane crashed onto the runway of a European airport every day. After a few weeks, the situation would become politically untenable. With 300 deaths a day, and over 100,000 a year, it would become an inescapable priority.

I can already hear the objection: this is hypothetical fantasy. Of course it is. Its only purpose is to better understand what is currently happening in Europe in terms of occupational cancers. The link between fiction and reality is unavoidable: over 100,000 deaths a year. For cancer sufferers, there is nothing hypothetical about these deaths. We can sum up in four words why 100,000 work-related cancer deaths are not a political priority: inequality, visibility, power and freedom.

### Inequality

The privileged classes fly much more than the rest of the population. If there were 100,000 deaths a year from air disasters, this figure would include a high proportion of shareholders, senior managers, politicians, etc. For the 100,000 deaths from occupational cancer, the opposite is true. Breast cancers affect hairdressers exposed to massive concentrations of dangerous cosmetic substances. Lung cancers affect building workers exposed to crystalline silica and asbestos. This list could go on for several pages. Workers are 10 times more exposed to the risk than managers.

### Visibility

An air disaster makes the front page of the newspapers. Deaths from occupational cancer remain invisible. Doctors rarely question their patients about the dangers to which they were exposed throughout their working life. In most cases, they ask just three questions. Do you smoke? Do you drink? Have other members of your family had this type of cancer? Limiting themselves to these three questions perpetuates age-old superstitions that attribute cancer to sin (individual behaviour) or fate (misfortune of having bad genes). Social determinants are ignored. Paradoxically, it is these collective determinants where prevention is most effective.

### Power

Combating occupational cancer requires measures that come into conflict with corporate profits. It is sometimes suggested that the war on cancer could be won by discovering new treatments or perfecting means of early detection. This naive and technocratic vision masks the struggle over public and social control of production choices.

### Freedom

You are free to decide with which airline you want to fly. If there were repeated air disasters, the airlines concerned would soon lose their customers. They would have to make a choice between bankruptcy and effective safety. By contrast, the organisation of work and the choice of processes and substances are imposed on workers by the company’s management.

There are plenty of reasons to be outraged. But if we want to convert this outrage into action, objectives need to be set.

### Strong legislation

Cancers cost the companies that cause them virtually nothing. The costs are borne by victims, social security and public health systems. Without binding rules, no prevention can reach all workplaces. The current European legislation on prevention of cancer in the workplace needs to be comprehensively revised. Its scope is too limited. The number of substances for which exposure limit values have been set covers fewer than 20% of actual exposure situations. It does not provide for health monitoring extending beyond the period of exposure. Rules are also needed to reduce the quantity of carcinogenic substances produced for the market. This requires the European regulation on chemicals (REACH) to function better, particularly by imposing the authorisation procedure for all carcinogenic substances. The specific legislation on pesticides and cosmetics must be reviewed, because it was drawn up under pressure from industrial lobbies.

### Strong inspection

Work inspection systems have been weakened throughout Europe. Bosses who expose their staff to the risk of cancer know that they are unlikely to be inspected or sanctioned.

### Strong trade union action

Within companies, it is the mobilisation of the workers concerned that makes the difference between pretend prevention and real prevention. It ensures a balance of power. The replacement of substances and processes that cause cancer must be accelerated. We must ensure that all dangerous exposures are avoided or reduced as far as possible. We must get involved in the drafting of the risk assessment document and check that effective preventive actions are planned and monitored.

Over the next few months, the European Commission will define an action plan for occupational cancer. Will it settle for a facelift, or will it implement more ambitious legislative reforms? We need to be vigilant: since 2004 it has been the Commission that has deliberately blocked any improvement of the legislation on the protection of workers from occupational cancer. The response will depend on our capacity to convert cancer into a political priority. With over 100,000 deaths a year, there is an urgent need to mobilise.

---

Four words explain why 100,000 work-related cancer deaths are not a political priority: inequality, visibility, power and freedom.

---

**Laurent Vogel**

ETUI
“My real priority is to build a bridge from workers to policy makers.”

In October 2015 Esther Lynch took over responsibility for occupational health and safety issues at the European Trade Union Confederation. The enthusiastic and energetic Irish trade unionist wants to shake up the European Commission’s complacency in an area that has remained stagnant for the last ten years. She is determined, in particular, to speed up real progress in the fight against occupational cancer.

Interview by
Denis Grégoire
ETUI
My main objective is to make sure that workers’ voices are heard earlier, and that the message conveyed is clear.

To give one example, the first campaign we’re involved in relates to our demand to have the carcinogens directive amended to include proper occupational limit values. We are doing what we can to ensure that the Dutch presidency delivers in this area.

We have just published a list of 71 carcinogens for which we want binding occupational limit values to be adopted; we are going to make sure that workers’ voice, in relation to what is important to them in terms of limit values, is clearly understood and is communicated directly to policy- and decision-makers. My real priority is to build a bridge from workers and their unions to policy makers.

Occupational cancers will be at the heart of the ETUC strategy in the field of health at the workplace…

Occupational disease has been something of the poor relation within many national and European approaches. After all, when a workplace accident causes a death, this is something that is very easily visible, you can actually visit the scene of the crime. Occupational cancers, on the other hand, even though they cause over 100,000 deaths, still constitute a phenomenon that is virtually invisible.

If we can introduce forms of protection that will reduce the numbers of deaths from work-related cancer, and if the Dutch Presidency creates an opportunity to this end, we should be sure to mobilise our resources to seize this opportunity.

Esther Lynch — My primary aim will be to promote workers’ voice in relation to health and safety matters. All too often the approach at EU level is to think first about the business aspects, what will benefit companies, what’s good for the euro, and only at the last minute to turn to the likely impact on workers and to what workers think.

---

**Bio express**

*1991-1993*  
Political Advisor to the Irish Minister for Social Affairs.

*1993-2015*  
Legislation and Social Affairs Officer and part of the senior team of the Irish Congress of Trade Unions (ICTU).

*2000-2015*  
Worker delegate for Ireland at the International Labour Organisation.

*2005*  
BSc in management and law from Dublin Institute of Technology.

*2014*  
Senior Adjunct Lecturer in Law at the National University of Ireland, Maynooth.

*October 2015*  
Elected Confederal Secretary of the European Trade Union Confederation (ETUC) at the Paris Congress.

1. Amending the European Carcinogens Directive is one of the main priorities of the current Netherlands Presidency of the Council of the European Union in the social policy field. From 23-25 May 2016, the Dutch government will hold a conference on prevention of work-related cancer in Amsterdam.

2. This list is downloadable from www.etui.org > Topics > Health-Safety > Chemicals.
"There is a large community who are almost invisible. If I can do anything in the next couple of years to promote actions for these people I will do it."

Employers frequently take measures without giving proper thought to the consequences for workers. Such measures could worsen an existing condition, could speed up a cancer, could exacerbate a basic cancer. Work-related cancers affect a lot more workers than is generally believed. Sometimes, in people’s minds, the risks apply only to workers in heavy industries exposed to complex chemicals. Yet there are many other jobs which could entail a risk of exposure to carcinogens. It’s just that workers have not been properly empowered to talk about it.

Because employers continue to think “this is nothing to do with me”, it’s good to raise awareness by talking about it, to give people tools and to promote the trade union health and safety agenda at the same time.

In recent years, the hairdressing agreement between the trade union representing the hairdressers and the organisation representing the employers was forwarded to the Commission which should have forwarded it to the Council where it could have been made into a directive. Yet the Commission decided not to do anything with it, or to put it on some kind of invisible merry-go-round.

They have also decided to take no action in the field of endocrine disruptors. And what is very interesting about this is it has been criticised by the Court of Justice of the European Union. The Court told the Commission in no uncertain terms that they cannot require impact assessments if the directive does not provide for them, and even if the directive did provide for them, they could still not use the fact that an impact assessment has not been carried out as an excuse not to take action. This is a very important case for workers and trade unions and at the moment we are looking at how we can use it to make sure that the Commission lives up to its responsibilities in this field and takes legislative action to protect workers.

The other arena in which some of our affiliates have highlighted the need for action is stress management. It seems that what happens in many workplaces is that employers say, “we’ll have a wellness programme, we’ll have a mindfulness programme, we’ll have a healthy-eating programme”; but that at no stage is the employer willing to look at the organisational factors that are contributing to the stress. So further legislative action is definitely needed here.

The need to improve working conditions, in particular in the context of the raising of the retirement age in many EU countries, will be also at the heart of my mandate.

Finding new ways to make ageing workers’ work less burdensome, whether physically or psychologically, and to find a better balance between private and professional life, is crucial.

In his speech at the ETUC congress in Paris, Jean-Claude Juncker issued a plea for "a kind of cordon sanitaire" to protect social standards; yet at the same time, Mr Barroso’s deregulatory agenda has been extended...

We can expect to find out whether we have been successful within a very short time, by June in fact. I think it’s an achievable target, and at the same time it is a meaningful target for workers and their families. Sometimes workers experiencing concerns about work-related cancer find that they are not taken seriously enough. I know that a lot of women workers are aware that a direct link has been established between shift work and breast cancer; but it’s very hard to get information about how soon shift work begins to represent a risk. In other words, how much shift work is too much?

3. To find out more: Endocrine disruptors: Commission in breach of EU law, ETUI news article accessible on www.etui.org

Europe. What I took his meaning to be was that Europe had to be credible to the workforce and the citizens of Europe. One of the ways in which Europe needs to be credible is in determining that there are areas in which member states will compete and others where they will not compete.

One of these matters on which they must not compete – constituting a kind of 'threshold of decency' – is health and safety. We will not allow companies, enterprises or member states to gain advantages through lower standards on health and safety. Yet I don't know that the whole of the Commission has woken up to that realization; I think that because the euro was in such a crisis situation, voices were increasingly saying “we have got to improve competitiveness; we have got to reduce standards”. I think that this became exaggerated in all arenas; and I think health and safety is one of those arenas. Yet never should the importance of health and safety to workers and consumers be underestimated.

So it is important that the decision-makers show that the direction has been reversed from a worsening, or freezing, of standards; that the European institutions are now responding to workers' real demands for improved health and safety; and that Europe is capable of representing improved standards for the future and not just for the past.

With the crisis, finding a job or keeping a job is becoming a challenge, even for skilled workers. In this context, is it really possible to mobilise workers in favour of improved working conditions?

One of the most regrettable consequences of the crisis was the cut-back in labour inspectorates and in health and safety inspection. Workers frequently believe that if they put up their hand and say ‘I don’t think that’s safe’, they could lose their jobs, particularly with so much unemployment. And so they keep quiet about these effects.

That’s why it really is important to have strong labour inspectorates. Employers need to believe that they are likely to be caught, and that if they are it will lead to severe penalties. Otherwise they will do the following mental arithmetic: “I am unlikely to be caught and, even if I am, it won’t cost me much; therefore, if I can make this amount of money, I am just going to ignore the workforce health and safety concerns”.

Many workers have been blacklisted because they spoke up for health and safety. Nor can we deny that there is a consequence for the workforce as a whole. The message that sounds out to all workforces is: “if you speak up, not only will you lose this job but you will never get another one. I don’t think that the threat has been properly understood, and I certainly don’t think that it is being properly punished.

One measure that could be taken is to offer workers proper protection, to ensure that they cannot be dismissed in the first place. It should be made tremendously financially punitive for an employer to attempt to penalise someone who speaks up about health and safety.

Workers should have a recognised ability to identify an unsafe practice and to communicate the danger directly by means of an order to put it right. We will give thought to the coming years to the type of measures that could better empower workers. We are hoping to set up a sub-group of the newly formed health and safety committee. It would be mandated with formulating recommendations to put to the ETUC executive on measures that will empower workplace safety reps to raise issues.

When you were working as Legal and Legislative Officer of the Irish Congress of Trade Unions (ICTU), you represented the Irish workers’ movement at the International Labour Organisation (ILO). From the international perspective, is the situation in Europe, including debates on psychosocial risks, for instance, not regarded as a rich person’s problem?

If your life is cut short by your work, it does not matter where you live. No person’s life should be curtailed by the need to earn a living. That is utterly unacceptable. The situation is not at all rosy in Europe when it comes to the health and safety of workers, especially if you look at the long-term effects of poverty on workers.

Large numbers of workers suffer from severely reduced life expectancy. Often they do the type of work that compounds other disadvantages: from being born and growing up in poverty, not having access to a properly nutritional or varied diet, being frequently bullied, and often working in conditions with poor access to information.

This is not acceptable. The consequences of poverty on human lives, among those occupying the lowest positions in society, are more widespread in Europe than we tend to be aware. There is a large community who are almost invisible in the structures of our more fortunate lives. If I can do anything in the next couple of years to promote actions for these people I will do it. There are still a lot of invisible health and safety issues that are connected with poverty and class.

There is a danger of a shift internationally towards voluntary rather than mandatory standards. In the health and safety arena, that would be an utter disaster for workers. It seems that some employers consider that providing their workers with a safe and healthy work environment has more to do with employer generosity, some kind of gift to their workforce, rather than being a right of the workers, something which they are entitled to demand.

It’s a human right to be able to work in a safe and healthy environment, to feel that one’s life will not be curtailed by one’s working activity, not to have to suffer ill health on account of one’s job.

Any attempt to say you can achieve this through voluntary standards is tantamount to ignoring 300 years of labour history.
Construction workers
at the mercy
of social dumping

Special report coordinated
by Rolf Gehring (EFBWW) and Laurent Vogel (ETUI)

Construction jobs are dangerous. The sector continually tops the table for the number of accidents at work. Despite occupational illnesses being generally invisible, who would downplay the numerous health risks facing many of these workers?

Although far from extensive, technical progress and ergonomic improvements have nevertheless helped to reduce the physical burden of these jobs. In spite of everything, however, masculinity is still an almost permanent hallmark of the professional identity of construction workers, and it continues to be an obstacle to women working in the sector.

This masculine attitude can also be interpreted as an attitude of resistance among workers who increasingly resemble soldiers in a citadel under siege. For a long time, the harsh nature of the work was offset by guaranteed job security and recognition by society of undeniable technical skills.

For workers in high-wage countries, the competition from workers from the east and south of the continent has upset that balance. The notion of the breadwinner is being eroded.

The European Union often gets the blame, to the extent that a leader of a construction trade union confided, when this special report was being drawn up, that he no longer dares refer to it at their annual conference for fear of the reaction from the members in the room.

Europe is a precious scapegoat in counterbalancing the inability of the national authorities and their competent administrations to ensure that their own legislation is respected. However, there is no doubt that the spread of abusive practices, commonly known as ‘social dumping’, is a crucial test for the European institutions. Many citizens are waiting for them to demonstrate their desire to put an end to it.
Working conditions in construction: a paradoxical invisibility

Every day we pass a building site. The work being carried out can seem rather mundane: who has not done some painting, plastering or odd jobs while doing DIY? And yet work in the building industry is shrouded in mystery. The coordination of multiple human activities gives rise to impressive structures. Under what conditions?

Laurent Vogel
ETUI

Work in the construction sector is affected by a paradoxical invisibility. Both familiar due to its close proximity and yet full of mystery for all those who have never experienced life on a building site, it combines age-old skills and know-how with ultra-modern technical devices. It is expressed in a richly layered language that conveys the emotions of the body, tames the dangers and masters the techniques with metaphors drawn from everyday life. It remains, however, out of sight. Although many building sites are in public places, they are hidden from view and from control. Above all else, construction employers value absolute discretion about the working and employment conditions that allow them to make their profits. The police tend to turn a blind eye when workers are exposed on building sites to fatal risks because corners have been cut on preventive measures.

In the European Union, over 14 million workers are actively involved in construction. There are over 3 million construction companies, which are traditionally divided into three groups: construction of buildings, public works and specialised construction activities. Large companies dominate the public works sector: they employ 40% of the workers, compared to 7% for specialised activities. Over 90% of construction workers are men. Added to this gender segregation is a significant ethnic division of labour. Throughout Europe, the percentage of migrant workers in construction is higher than in the workforce as a whole. But this is not just about migrant workers. Ethnic lines do not stop at a worker’s nationality or country of birth. They are just as much about the generations resulting from previous waves of migration, and even minor- ities or ethnic groups from different European countries. As a result, “being a Malian” on a building site in France does not necessarily mean that you were born in Mali or even that you are the son of a Malian. The division of labour is “racialised”, with work being given to groups supposedly better suited to a particular trade. From one country to the next, the stereotypes can vary enormously: the “Malians” on a French building site can be “Punjabis” on an English site, “Ecuadorians” in Madrid or “Poles” in Berlin.

**Organisation of work**

The organisation of work in construction differs hugely from industrial activities. The extreme variability of tasks has made it impossible to precisely define work activities. Attempts to Taylorise construction have generally been slow in coming and limited to specific segments such as the use of prefabricated elements to cheaply construct public buildings (schools in working-class districts, in particular) or social housing. Towards the end of the 1950s and throughout the 1960s, the same trend developed in Europe on both sides of the Iron Curtain: the social neighbourhoods of the West were built using very similar methods to the housing built during the Khruschev era in the East.

It has not been possible to intensify the work through the production process by using assembly lines or rates set by machines. This is, in fact, one of the attractions of the building trades: workers have real autonomy over their work, and the control of individual productivity remains approximate.

The exploitation of workers is based as much on the employment structure as on employer control of the organisation of work. This explains two main characteristics of the sector. Subcontracting chains and heavy reliance on temporary work result in jobs being extremely insecure. This is the main lever used to increase productivity. It is presented as a commercial requirement in order to meet the deadlines set by clients. The hidden face of this labour mobilisation is the huge and varying profits. In 2012, according to Eurostat statistics, the sector’s turnover rose to over 1 500 billion euros, with an added value corresponding to around one-third of that sum. Wages and other staff costs accounted for only around 350 billion euros. However, the significant added value is in no way distributed equally among all the businesses in the sector. Most of the small and medium-sized enterprises have limited profit margins. They are under constant pressure from a competitive market that forces them to accept work with uncertain profitability, even if this means using subcontracting chains and skimping on safety expenditure. The profits are concentrated in the companies that dominate the sector, which are mainly involved in public procurement and major construction projects.
The other characteristic of the organisation of work is its "racialisation". Far from being a folkloric or anachronistic phenomenon, it goes to the very heart of the relationships between capital and work in construction. We have all become dizzy looking at the famous photos by Lewis Wickes Hine showing workers sitting on a steel beam overhanging New York during construction of the Empire State Building in 1930. Many are unaware, however, that the construction of numerous skyscrapers in New York between 1930 and 1970 relied on the recruitment of Mohawks (often referred to as Mohicans) from the Indian reservations of Quebec and the United States of America. Their wages were lower than those of other workers. It was said that they did not suffer from vertigo, which enabled them to work at height without needing safety harnesses. Racialisation plays a dual role. The ethnic fragmentation of the workforce serves to counteract forms of collective resistance. In this respect, large building sites all seem to be inspired by the biblical story of the Tower of Babel. Its construction was meant to open the door to heaven for a unified humanity who spoke a single language. To counteract this plan, the divine authority decided to "confuse their language, so that they will not understand one another's speech". Racism is a way of putting constant pressure on groups of workers. Among workers, it also serves as an outlet for the multiple tensions associated with both the fear of dangerous work and the anxiety of job insecurity. Furthermore, the ethnic division of labour also justifies low wages. Important professional skills are "in the blood". They are naturalised as if they automatically stemmed from belonging to a particular ethnic group. Physical strength, accuracy of work, stamina for repetitive work and the capacity to properly prepare for difficult work are supposedly ethnic characteristics. The paradox in this naturalisation is that it constantly varies: the role of the "Portuguese" in construction in France has shifted in under half a century from manual work to management work.

**Job insecurity**

The construction sector is very sensitive to the economic situation. Both private demand and public work tend to drastically reduce during crisis periods. In certain European countries, the drop in construction employment has been catastrophic. At the end of 2015 in Spain, the volume of jobs was only 65% of what it had been in 2010, due to the combined effect of the general crisis and the bursting of the property bubble. The consequences of this situation are aggravated by the employment structure: heavy reliance on temporary work, use of undocumented workers and self-employed workers, and fragmentation of subcontracting through the large number of micro-businesses that can be quickly shut down. These are all factors that increase the job insecurity of construction workers. Job insecurity also has consequences in terms of workplace accidents. Prolonged periods of unemployment result in a loss of understanding of working conditions. They interrupt the informal passing on of safety know-how between workers, and the fear of losing your job is an important factor in risk-taking.

**Workplace accidents and occupational diseases**

Construction has the highest frequency rate of fatal workplace accidents. More than one fatal accident in five occurs in construction. In the European Union, there were on average 2.44 fatal accidents per 100 000 workers in 2012. The risk is 10 times higher in the construction sector, which appears to be the most exposed of all the sectors. For non-fatal accidents, the risk level also appears to be high, but less markedly so. However, it is difficult to determine what is actually real (a high frequency rate of non-fatal accidents in other sectors) and what is due to the under-declaration of accidents. This phenomenon is widespread in construction due to the reliance on undeclared work, pressure put on temporary workers and the high percentage of micro-businesses. There are numerous safety certification systems that require the frequency rate of workplace accidents to be reduced in order to obtain a certificate. However, these have the perverse effect of the under-declaration of accidents, due to fear that failure to obtain the safety certificate will rule the business out of invitations to tender.

Accidents are just the tip of the iceberg. The medium- and long-term effects are much more worrying. They result from a combination of harmful exposures: carrying of heavy loads, vibrations, awkward working positions, standing work, bad weather and chemical risks.

In recent years, the high number of cancers caused by occupational exposures in construction has been highlighted in numerous studies. Construction materials, substances and processes are mainly chosen on the basis of cost, ease of use and client demands, without the risks being systematically assessed. In this respect, the lessons of asbestos still tragically apply. Construction involves a cocktail of exposures to carcinogens that have long been known about, with new products being regularly added that have not been assessed, particularly nanomaterials.

An epidemiological study published in 2015 highlighted the increased risk of lung cancer among bricklayers. This trade exposes workers to a cocktail of carcinogens. A major role is played by the crystalline silica that is found in sand, clay and stone, and that is released in large quantities when materials such as ceramics are cut. The painting profession has also been identified by the International Agency for Research on Cancer as posing increased risks of respiratory and urinary tract cancers as well as a risk of leukaemia for the children of women employed in this profession.

The particular conditions of use contribute to this situation. Building sites are not industrial establishments where it is possible to organise production so that exposures are avoided (using vacuum production systems) or reduced to very low levels. On a building site, numerous activities take place at the same time without being physically isolated.

---


faced with the impossibility of achieving the required production rate at the same time as safety, must surreptitiously deal with this contradiction by neglecting one or the other. When they challenge the contradictory commands that they are given, they come up against the power of the management and then have to try and overcome the division of labour caused by the formal fragmentation implemented by employers6.

The organisation of work is rarely regarded as an essential variable for prevention. The choice of substances and manufacturing processes only rarely involves an assessment of the risks that have delayed consequences. I recall the astonishment of a group of construction workers in French-speaking Switzerland when, in order to prevent cancer, the insurance body for their branch supplied them with fresh fruit once a week. They would have preferred collective prevention against the numerous carcinogens to which they were regularly exposed.

On large building sites, there are often boards proudly stating: “We have gone 25 days without an accident. Safety is our priority”. The message here is twofold. Seemingly, it is simply a statement written in the indicative and in the past: so many days without an accident. But, in reality, it is also a command: “Please don’t declare any minor accidents”. A whole range of pretexts is used: virility (men don’t declare trivial incidents; a small scar is a professional tattoo); competition (if our company declares too many accidents, it will lose access to certain contracts); costs linked to increased insurance premiums (we prefer to slip you an envelope).

Official prevention measures are an instrument for discipline. This is based on the idea that superiors understand the work better than workers and have the right to impose rules7. The experience of workers goes against this claim. Safety can only be ensured in their real work through a series of informal practices, which are often concealed, that allow workers to regain control over their working conditions.

Prevention requirements

Construction has been regarded as a priority sector for prevention activities for more than a century. But the results have been rather limited. Whether looking at accidents, cancers or many other pathologies, the official prevention measures are often a sham. To a large extent, this stems from a contradictory command. On the one hand, there is no lack of notices and instructions obsessively confirming that safety is the number one priority. As Nicolas Jounin puts it, “workers, when from each other. Mixing concrete, welding, painting, using particle boards coated with harmful substances, cutting materials that release crystalline silica and many other activities expose workers to risks, and not only those workers directly involved, but also those in the vicinity. The millions of tonnes of asbestos used in Europe throughout the 20th century continue to pose a huge risk in renovation and demolition (read the article on p. 31). Work in the open air also results in exposure to solar radiation, which significantly increases the risk of skin cancers.

The division of labour is "racialised", with work being given to groups supposedly better suited to a particular trade.

Unsustainable conditions

Although, across Europe, governments are rethinking retirement ages and early retirement schemes, working conditions in the construction industry are not compatible with most workers continuing beyond the age of 60. To the question: "Will you be able to do the same work when you’re 60?", only 30% of manual workers in construction aged 45 to 49 answered yes. This was the lowest percentage among all the professional groups in the European survey on working conditions. Only around 20% of manual workers in construction are aged 50 or over. For more than half of them, their work is adversely affecting their health. The most common complaints are back pain (three out of four workers aged 50 or over), excessive work rates (over 60% of complaints) and awkward working positions (nearly 60%).

While buildings are designed to last, the conditions under which they are constructed prevent the workers concerned from keeping going throughout their professional life. A survey conducted in Geneva, covering the final third of the 20th century, revealed that 15% of disabled persons were men aged 45 to 65. The highest percentage (40%) was observed among construction workers. Yet among architects, engineers and technicians – in other words, in the category of those responsible for organising building sites – this percentage was only 3.9%. Growing social and health inequalities in our societies suggest that this huge disparity has hardly changed.

Further reading


Braud Cl. and Jounin N. (2016) Chantier interdit au public, Casterman.


Braud Cl. and Jounin N. (2016) Chantier interdit au public, Casterman.


In her doctoral thesis, Anne Thuret analyses premature mortality and assesses occupational exposures in construction. Her work reveals a significantly higher death rate from cancer and accidental falls.

The University of Westminster conducted a fascinating project involving the oral histories of construction workers in Great Britain between 1950 and 1970. The project was coordinated by Linda Clarke and Christine Wall. Various monographs focused on the history of certain major building sites and the labour struggles that occurred there: https://www.westminster.ac.uk/probe/projects/constr-cutting-post-war-britain

All the publications of the CLR (Construction Labour Research), a project between various European countries involving trade unionists and university researchers, are available at: http://www.clr-news.org


Construction labour, mobility and non-standard employment

Construction industry workers were long regarded as enjoying not unfavourable working conditions. While their work was hard, the rewards included a high level of job security, decent pay, and various bonuses. This state of affairs was knocked off balance by the free movement of labour in an eastwards enlarged Europe where job competition among European building workers triggered a downward wage spiral as well as deteriorating working and safety conditions.

Jan Cremers
Amsterdam Institute for Advanced Labour Studies (AIAS)

European legislation put an end to the idea that accidents are inevitable in the construction sector. However, job competition between European workers has undone much of the progress made with regard to prevention measures.

Image © Belga
The Treaty of Rome, which, in 1957, stipulated the building blocks for the foundation of the European Economic Community stresses, in its Article 117, the member states’ aim of working towards an upward harmonisation of the living and working conditions of citizens and workers throughout the Community. The goals are clearly stated; the free movement of its citizens, and the labour mobility to which this is expected to lead, calls for Europe-wide, streamlined, and common social standards.

Although, from the outset, the EEC experienced collisions between its financial rationale and economic targets and the requisite social policies, progress was able to be achieved in, for instance, the field of Europe-wide occupational safety and health legislation (hereafter OSH). This progress was possible on the basis of strong consensus among the experts involved within, and outside, the European institutions. Moreover, for a long period, during successive Treaty revisions and the related European Council ceremonials, lip-service was paid to the need for continuing regulation to ensure the ongoing improvement of working conditions and OSH policy.

By the end of the 1990s, however, the political tide had turned as EU policy was increasingly dominated by the primacy of the economic freedoms, with absolute priority now being accorded to competitiveness and free trade. The UK, with its policy of blocking common initiatives, bore part of the blame for the watering down of law-making insofar as the search for consensus remained a diplomatic goal of the other member states. The eastern enlargement led to the entry of countries whose social policy tradition existed on paper only (in former times, the Eastern Bloc countries were always among the first to ratify ILO conventions), while the globalisation and free trade lobby groups had started to push for a deregulation of social standards. From that moment on, a single piece of social legislation was tabled and finalised in either the social policy area or the OSH field in particular. This change of paradigm has led, in recent years, to the dogma of deregulation being imported also into existing legislation.

Nowadays, the Internal Market legislation that underpins the economic freedoms in the EU represents a direct interference with national regulatory frames in the fields of social security, working conditions and labour legislation. Freedom to provide services, and transnational operations of the world of finance, have become of paramount importance, and EU social policy has failed to keep pace with these developments. In labour-intensive industries like construction this has led to side-effects that currently threaten national labour and employment standards.

Drawing on evidence from the construction sector, it is possible to document the occurrence of rule circumvention through the establishment of letter-box companies, and to point to the risks of social dumping that arise as soon as a cross-border dimension enters the market strategy of businesses. Practices that are typical and accepted in one country (because there is no rule and hence nothing to comply with) may be atypical in another country where labour markets are, to some extent or in some respects, more regulated. Market liberalisation has paved the way for new types of ‘social engineering’ and, in the search for cheap labour, decent labour regulation is nowadays regarded as an ‘administrative burden’. This label has, in recent years, come to be applied even to elementary prescriptions and provisions in the occupational safety and health field.

The rise of non-standard employment relations

The post-World War II period, with its unprecedented growth, development and close to full employment, created for quite some time, especially in the OECD countries, a climate favourable to the establishment of a ‘standard’ or ‘typical’ employment relationship. During this period – to which historians refer as the golden decades – labour legislation and collective bargaining developed around and on the basis of this employment relationship, remaining stable and taken-for-granted. Collective agreements and direct employment relationships thus contributed to a general feeling of justice and fair treatment, simultaneously providing effective mechanisms for social peace. For the construction sector the golden decades brought a range of collectively funded joint arrangements, negotiated and governed by the social partners and designed to guarantee continuity and stability for the construction workforce. In a sector characterised by temporary and mobile work sites the need was felt for industry-wide provisions (on vocational training, health and safety, pensions, and bad weather).

Later, after the Berlin Wall had come down, neo-liberal thinking gained momentum and the digital revolution, world-wide delocalisation of production, and intensified global competition between high-wage and low-wage countries, altered the perspective and induced significant changes in the world of work. The resulting corporate restructuring has had adverse effects on workers, with corporate managers treating labour increasingly as a commodity, thereby shifting risks away from firms and on to the workers themselves. The ‘reform’ policy, in recent years advocated by international organisations such as the IMF, World Bank...
Labour is not like an apple or a television set, an inanimate product that can be negotiated for the highest profit or the lowest price.

and OECD and which has, in the meantime, also entered the ‘mainstream’ of EU policy, has been pursued in ways that are selective, resulting in increasingly precarious labour practices. The new agenda – placing sole emphasis on ‘flexible’ work patterns – was initially inspired by the strong growth of the low-paid services sectors on the US market. The consequence in some new forms of services (health care, domestic care and the like) is a serious downgrading of occupational profiles combined with a deterioration of workers’ status.

In labour-intensive traditional industries like construction the standard model is no longer the undertaking with its skilled and unskilled workers contributing their labour under the supervision and disciplinary control of an employer. The possibility to outsource parts of the process, and the intensification of sub-contracting, driven by a strategy to reduce costs and/or by the aim to avoid direct employment of workers, have created a new playground for numerous forms of (commercial) service-supply contract that do not fit into the classical model.

Early in 2006 a group of researchers published a study on undeclared labour commissioned by the European social partners in the construction sector. The outcome of that research represents exemplary documentation of the developments of different forms of labour in labour-intensive industries that depend or rely on cheap unskilled labour. The conclusion was that, right across Europe, similar patterns had emerged. After introduction of the internal market and when freedom to provide services became the guiding principle in the business environment, two fundamental developments significantly altered the landscape:

— the introduction of management contracting and externalisation of labour, leading to intensified cross-border subcontracting, for the sole purpose of recruiting cheap labour;

— freedom of establishment and, in the slipstream, the introduction of easier access to the status of self-employment.

As from the beginning of the 1990s the volume of direct labour began to shrink. On larger sites (in civil engineering, infrastructure, utilities, and new housing developments) the trend has been for less direct employment on the part of the main contractor. Rather than small numbers of specialised staff became responsible for procurement and management on site and, for the execution of work, a chain of specialised contractors was engaged. In this way, the supply of cheap, unskilled labour has become an integral part of lower-level subcontracting, such that exploitative and fraudulent labour-only subcontracting is nowadays seen as a permanent feature of the industry.

Free movement and OSH – construction as a pilot

Several studies offer evidence that special measures are needed for newcomers and for

Arrival of labour inspectors to monitor the presence of illegal workers on a hospital building site, Arras (northern France), 2007.

Image: © Belga

temporary and mobile workers, often with a migrant background. The reasons for this need vary from language problems to a lack of education and OSH training; yet the most important reason of all is that these insecure workers are frequently employed in sectors and workplaces with higher safety risks and work pressures. Inadequate language skills, combined with insufficient or no induction, increase the probability of exposure to work-related accidents. Moreover, there is evidence that elementary instructions are frequently missing for newcomers and workers hired on a temporary contract (with an increased accident risk of up to 50%).

The literature and statistics indicate a negative relationship between temporary employment and occupational health and safety. Temporary migrant labour works at sites and in jobs where there is no time to be lost, either for safety instructions, or for preventive introduction (‘let’s get the job done’), with sometimes severe consequences.

According to the European agency for safety and health at work (EU-OSHA), three major problems give cause for concern:
— work that has to be pursued in high-risk sectors and functions;
— communication problems attributable to language and culture;
— too much overtime, often combined with poor physical living conditions.

Given that access to local health care is not straightforward and in some cases not even allowed, the consequences are predictable.

A British case study concluded that ‘calling in sick’ is not an option for the lower echelon of agency workers and migrants. It would mean an end to their current job; it would diminish the chance of being recruited again; and it would signify a loss of income, often without any guarantee of sick pay. The result is ‘gritting the teeth and going to work’ accompanied by an attitude whereby less attention is paid to safety or health. The authors of the study observed a lack of the necessary induction and instruction, with all the resulting risks for workers.

Construction remains the sector characterised by, on the one hand, a large segment of migrant workers and, on the other, the appearance of temporary and mobile worksites with flexible, short-term contracts. In the sector as a whole, a broad range of labour contracts can be found including an unstable and flexible layer of (bogus) self-employed, temporary workers and day labourers recruited via gang masters, agencies and other middlemen.

Mandatory OSH coordination between all relevant actors on a construction site, as prescribed by the European Directive on temporary and mobile worksites (92/57/EEC), is of great significance precisely because of the high incidence of subcontracting and employment through intermediaries. This Directive was intended to regulate enhanced cooperation in the OSH field, starting from the concept phase. A crucial condition is the mandatory duty of mutual exchange of information, from which it can be deduced that full registration of all necessary information related to OSH aspects during the entire construction process should be considered part of normal procedure (‘business-as-usual’; in REFIT-terms).

However, we must conclude that the view taken by the business consultants engaged by the European Commission to assess the implementation of the directive is

[The supply of cheap, unskilled labour has become an integral part of lower-level subcontracting.]

---

6. Article 5.c Directive 92/57/EEC states that the coordinator has to prepare a file appropriate to the characteristics of the project containing relevant safety and health information to be taken into account during any subsequent works.
somewhat different since the conclusion reached on the basis of their interviews is that this mandatory coordination is, from the employer standpoint, one of the most irritating OSH topics. Moreover, the outcome of the consultants’ calculations (based, N.B., on attitude measurement) is that 73.38% (an unexpectedly precise figure, considering the methodological doubts to which their so-called research gives rise) of existing administrative work falls into the category of ‘administrative burden’. Finally, in their treatment of this item, the consultants come up with remarkable differences between countries, ranging from those where employers are not required to ‘waste time’ with the burden in question and others where at least 40 hours of work are invested in dealing with it.\(^7\)

As indicated by several statistics, it highly doubtful whether the flexible layer of the workforce (newcomers, temporary workers and labour migrants) has sufficient knowledge of occupational risks and the necessary prevention procedures. It is therefore of the utmost importance that all links in the chain should comply with the basics of OSH policy and that liability should be able to be established along the whole chain. This notion is completely absent from the reasoning of the EU proponents of deregulation and burden reduction. In the former strategic plan (2007-2012) the European Commission listed four priorities (demographic development and ageing of the workforce; new forms of labour relations including self-employment and outsourcing; the development of SMEs; and migrant work). In the current plan, demographic change is regarded as crucial, as if labour mobility were a thing of the past.\(^8\) The change is all the more remarkable in that the promotion of cross-border labour mobility is still accorded primacy in the general Europe 2020 Strategy.\(^9\)

**Convergence or taken for granted**

Specific OSH risks in different sectors display great similarity irrespective of borders; it was for this reason that the 1989 OSH framework directive and its associated directives referred to the need to assist the member states in further developing and improving their OSH policy. The term harmonisation was initially used cautiously; most experts at the time saw it as their task to create uniform or similar conditions as far as possible across the EU. This approach has indeed led to a substantial degree of convergence – a positive result, undoubtedly, against the background of growing mobility and externalisation of the workforce. For instance, it emerged during a project of the joint labour inspectorates that the existence of an OSH coordinator, as prescribed by the temporary and mobile worksites directive, was relatively well known (though not always ascribed to EU law). British research, meanwhile, has revealed that migrants (from EU countries) had basic OSH knowledge as a result of the provisions of EU legislation, because the legislation had been implemented in their home countries.

However, an analysis of the content of the existing national websites for posted workers made it clear that the provision and distribution of OSH information among migrants is at best in its infancy and at worst completely absent. Labour inspectors noted that, during inspections, compliance with the OSH rules is poor and migrants are excluded from their application. Especially lacking is the necessary cooperation between the many (sub)contractors on site. The inspectors therefore argue for training from a European perspective and for strengthening the chain of liability, with the customer or the main contractor being responsible for the necessary and timely disclosure of OSH information in the required languages.

The EU posting of workers Directive states that the OSH legislation of the country where the work is being performed has to be respected. A first evaluation of compliance in this respect showed that little or no information was provided to posted workers. National enforcement services, generally operating with too few people, had their hands full with the control of construction sites with foreign posted labour. There was frustration that the appropriate legal means were missing. Besides, for the sanctioning of different breaches inspectors could not

---


\(^{8}\) The change is all the more remark -

\(^{9}\) As indicated by several statistics, it highly doubtful whether the flexible layer of the workforce (newcomers, temporary workers and labour migrants) has sufficient knowledge of occupational risks and the necessary prevention procedures. It is therefore of the utmost importance that all links in the chain should comply with the basics of OSH policy and that liability should be able to be established along the whole chain. This notion is completely absent from the reasoning of the EU proponents of deregulation and burden reduction. In the former strategic plan (2007-2012) the European Commission listed four priorities (demographic development and ageing of the workforce; new forms of labour relations including self-employment and outsourcing; the development of SMEs; and migrant work). In the current plan, demographic change is regarded as crucial, as if labour mobility were a thing of the past. The change is all the more remarkable in that the promotion of cross-border labour mobility is still accorded primacy in the general Europe 2020 Strategy.

---

act immediately and had to rely on the judiciary in the country of origin. It is not easy for the negative consequences of economic freedoms to be taken to court by workers, as the eligibility of posted workers to take such steps in the host country is highly restricted. Even more complicated is the situation of third-country workers who are recruited via letterbox companies or other bogus middlemen. Excessive overtime and non-respect of rest periods cause additional risks; fatigue, ignorance of the dangers, failure to understand regulations, inadequate or no protection, and an unhealthy work environment do the rest.

Finally – fundamental right or production factor

The EU encourages flexible work patterns and labour mobility and the European Commission expects net immigration in the coming years. In the presence of an ageing population, labour migration could become a key factor for the functioning of large parts of our labour markets. So far, a majority of migrant workers are employed in labour-intensive, poorly paid and dangerous 3-D (‘dirty-dangerous-difficult’) jobs. Recruitment takes place in the shady segment of the market, with no commitment to OSH issues. The EU internal market, based on economic freedoms (notably the freedom to provide services and the freedom to establish firms), endangers the health of the people who actually embody the ideals behind this internal market.10

This is in itself a strong argument for the further improvement of the OSH framework. Safety and health should not be sacrificed to the holy cow of competition (between member states), let alone to plain commercial or business interests. Since WWII the International Labour Organization (ILO) has advocated a progressive OSH policy, with special attention paid to migrant workers and vulnerable groups. The labour prospects for workers in vulnerable jobs have to be more than a future of functioning as a commodity, as a willing, readily available, international, mobile, second labour reserve. In the ILO’s Philadelphia Declaration of 1944, the international community recognised that ‘labour is not a commodity’; labour is not like an apple or a television set, an inanimate product that can be negotiated for the highest profit or the lowest price.

The EU must prevent labour from becoming a simple factor of production to be deployed at will wherever profit is greatest. Permanent action in the OSH field is accordingly both necessary and wise. Restraint in this area is a poor counsellor. The improvement of occupational safety and health must not become a paper tiger; it has to remain a fundamental right, as the 1989 Community Charter of the Fundamental Social Rights of Workers states: ‘Every worker must enjoy satisfactory health and safety conditions in his working environment. Appropriate measures must be taken in order to achieve further harmonisation of conditions in this area while maintaining the improvements made. (...) The provisions regarding implementation of the internal market shall help to ensure such protection.’10

Posted workers: “You always have to fight to get paid.”

Poles form one of the largest contingents of European posted workers in the construction sector. What are their working, living and housing conditions? Why do they continue despite the insecurity and cheating? Testimony of Piotr, a Polish crane operator.

Rachel Knaebel
Journalist and Germany correspondent for www.bastamag.net
Piotr is a crane operator. He lives in a medium-sized town in the northeast of Poland. But only for part of the year. Because Piotr only works abroad, always in the building sector. "In Poland, in my field, the wages are so low, they are not enough to survive", explains the 60-year-old. He was 26 when he started to work far from his home country. In 1982 he left for an Iraqi building site in Baghdad. Then, when the communist regime ended in Poland, the country opened up to the common market and the status of posted worker was created, it was in Western Europe that he offered his services. Until recently, he mainly operated his crane on German sites. He therefore worked in Frankfurt on the construction of the European Central Bank headquarters and on the emblematic Main Tower skyscraper.

Latterly, Piotr has worked in Sweden and Belgium. He has just returned from a four-month stint constructing a retirement home near Anvers. "Once again I was cheated", complains the crane operator. "At the end of each month, they tried to pay us for fewer hours than we had actually worked. There are always disputes over payment. You always have to fight. And at the end of it all, you always receive less than you expected.” The abuse does not stop at the amount of the wages. "On a recent contract in Belgium, we were even housed in Polish zlotys, not in euros. So then we had to change our zlotys into euros in order to buy what we needed there.“ So then we had to change our zlotys into euros in order to buy what we needed there.

"On a Belgian site, we were housed in a residence that was not yet finished. We were breathing in all the chemical products on site.” Piotr relates having experienced even worse housing conditions in Germany. And never having seen any checks of the housing of posted workers.

From posted worker status to forced self-employed

Poland is the source of one of the largest contingents of European posted workers, with over 260 000 workers sent to the other Member States. Poles therefore form one of the largest groups of migrant workers in the construction sector. There are estimated to be 200 000 working on German, Swedish, Belgian, French and other sites, with three-quarters having posted worker status. In the leading economic power in Europe – Germany – the number of posted workers in the construction sector has constantly increased in recent years. The German social insurance fund for the building industry recorded around 57 000 in 2010, nearly 89 000 in 2013 and over 98 000 in 2014. Among these, 26 000 were Poles, over 10 000 Rumanians and 9 500 Hungarians. Some 90% of these posted workers in the German construction sector are hired for postings of less than six months.

This is also true for Piotr. His postings generally last a few months. Most of the time he finds his employers through internet adverts. "Work also comes through colleagues. Sometimes they call me directly. In fact, yesterday, I received a call about a site in Sweden. You needed to speak English, so I refused. But for crane operators, there is always work.” Although the conditions are becoming increasingly insecure: on one of his last Belgian building sites, Piotr was no longer even a posted worker, but treated as a self-employed worker. He had to set up his own company, of which he is the sole member and employee, and which is registered in Poland. "Here too in Germany, we are increasingly seeing this new model being used”, complains Ilona Jocher, the Frankfurt adviser for the European Migrant Workers Federation of Building and Woodworkers, European Construction Industry Federation.

"Employers are attracting people here through adverts promising a job. But once they arrive in Germany, they are told: 'in order to work for me, you have to set up your own company'. In this way, employers avoid having to pay any social security contributions ...” When Piotr sells his crane operating services under this imposed status of self-employed worker, he himself has to pay his social security contributions in Poland. A good part of the 16 euros an hour that he can earn on a site is therefore lost in the form of contributions. Once again, he always has to fight to get paid. "I have to send invoices, and reminders, always. It takes a lot of energy. So sometimes I let it go.”

On one of his last Belgian building sites, Piotr was no longer even a posted worker, but treated as a self-employed worker.
This type of nomadic and temporary work, with its increasingly insecure legal status, prevents any form of collective organisation of these migrant workers in the building sector. At each new site, Piotr finds himself with new colleagues. "They are never the same. Many come from remote villages. They do not always understand that they are being cheated. That's why they do not defend themselves. They take what they are given and don't argue", regrets the Pole. "For Rumanians or Bulgarians, for example, given the standard of living at home, amounts such as 500 euros are already huge. So they do not really complain, even if they should have been paid much more", confirms Ilona Jocher. "The problem is that they always convert everything into their own currency, which is then a lot of money." Piotr, however, is fighting. He has brought legal proceedings in Poland against a former employer who should have paid him nine euros an hour, but only paid him four.

"The problem in the construction sector is this chain of subcontracts. The company managing the site subcontracts to another, which subcontracts to another, which subcontracts to another ..." assesses the advisor whose mother tongue is Polish. "There is plenty of money flowing at the top of the chain ... but the Poles, Bulgarians and Rumanians at the bottom don't see the colour of it. So they come to see us. Unfortunately, some of the subcontractors will have already disappeared to heavens knows where. So the workers often win, the companies appeal. The delay in the workers receiving the money owed to them can be very long. It's counted in months, and even in years."

No retirement in sight at the age of 60

For posted workers, the time spent away from their families is also very long. "Sometimes, when there are no public holidays, as I am the only crane operator on site, I have to work for three or four months without going home", says Piotr. The crane operator does not have much contact with the population in the host country, wherever it is. Even after more than 10 years spent on sites in Germany, he has never had the occasion to learn the language. "I have always worked for Polish firms. What I know of German, I have learnt by myself. I know a few everyday phrases and a bit of site vocabulary."

Why then does he continue with this migrant worker life, exposed to all the cheating and insecure working conditions? He refuses to say how much he earns on average in a month. But he confirms that, without his wife's salary, who is a laboratory technician in a Polish hospital, the couple could not make ends meet. That is also why he is going to have to wait a bit longer before retiring. In principle, he is eligible for retirement. But his pension would not be enough, because his career has been intersected by periods when he was regarded as not working: periods without a job in between two sites, or because certain employers simply did not pay him, or did not contribute to his pension. "So I continue", concludes the crane operator.
Posting of workers: the view of those losing out

Relative to its total population, Belgium is the European country that has seen most posted workers in recent years. How do Belgian construction workers view this “competition”? What are its consequences in terms of pay, working conditions and mental health? The view of union representatives and leaders.

Denis Grégoire
ETUI

Construction work in progress on a hospital in Liege (Belgium). Until last January, workers from India (but registered in Italy) were employed on a large scale construction project. They have since been fired, officially due to defects in the work.

Image © Martine Zunini
"The construction sector is silently dying a slow death, amidst general indifference." Gery Vandendoren, 55, works for the cement manufacturer Holcim. Every day he criss-crosses the Charleroi region (western Belgium) in his cement mixer, delivering tonnes of concrete to different sites. Suffice to say, he knows the building world like the back of his hand.

"In recent years, our customers have been asking us to deliver the concrete earlier and earlier, sometimes before 5 a.m. When I arrive on site, workers from eastern or southern Europe are already there. I have watched the gradual exodus of Belgians from building sites", he reports.

According to trade union figures, since the end of 2011, 20,000 jobs have been lost in the building sector, i.e. more than one worker in eight, even though construction companies saw a 1.8% increase in business between the end of 2011 and the end of 2014.

The unions attribute this drop in employment to the influx of foreign workers. In Belgium, the number of foreign workers temporarily posted to the building sector more than tripled between 2009 and 2014, from 28,646 to 94,165. These official figures, which are already staggering, clearly do not take account of those working illegally on building sites.

"Race to the bottom"

"The documentary Race to the bottom¹ accurately summarises the situation that we have been experiencing for a few years. Hundreds of underpaid, badly housed and poorly fed workers turn up to work for a few months on building sites in Brussels and the other main cities. I can only describe them as the ‘new slaves of the 21st century’, complains Robert Vertenueil, manager of the Centrale Générale section of the FGTB socialist union federation.

Eric has worked for 23 years as a bricklayer for the company Lixon. For a long time, this company, which has been based in the Charleroi region since the late 19th century, favoured local labour, but a few years ago it began copying its competitors and now also uses subcontractors.

"Previously it was sporadic, but in 2014 the plasterers and drywallers started to arrive, particularly Brazilians and Portuguese, followed by Polish and Romanian window carpenters with their own products, as well as Spaniards, initially mainly carpenters but more recently also bricklayers", states the union representative.

"For those from eastern European countries, this specialisation is theoretical. Often they are essentially agricultural workers, who are very brave but totally inexperienced. They learn on the job, under the supervision of a team leader", he adds.

Several testimonies criticise the key role played by these team leaders, who are generally the only ones that speak a bit of French or English. All contacts not only with the "client", but also with the local authorities and population (owners of the housing where they are accommodated, for example), therefore automatically go through them. They may also give the workers their wages directly.

The European Directive on the posting of workers stipulates that posted workers must receive at least the minimum wage in the host country, that the regulations on working time and health and safety must be observed, and that accommodation and food must be provided to them free of charge². These principles are freely flouted, if we are to believe the testimonies of Belgian workers and the rare "posted workers" who dare to speak out (see the article on p. 23).

"I have seen posted workers pouring concrete in the snow ... When they’re worn out, they return home."

A union representative

¹. This Danish documentary describes the practices of temporary employment agencies, particularly the Irish company Atlanco Rimec, which recruits and supplies large companies with thousands of low-paid workers from European countries. Race to the Bottom, Poul-Erik Heilbuth and Georg Larsen, 2014, 58 minutes.

². In early March 2016, the European Commission presented a draft reform of the Directive on the posting of workers, which proposes to extend, to posted workers, the benefits laid down by the laws and collective agreements of the host countries, for example a 13th month payment, bad weather allowances, etc. However, the proposal maintains the controversial principle of social security contributions being paid in the country of origin.
A climate of tension

While they recognise that "posted workers" bear the brunt of these abuses, the competition between "national workers" and "posted workers" is creating an increasingly palpable climate of tension.

Aside from the pay differences, the fact that teams of posted workers fail to comply with the Belgian law on well-being at work is also a source of friction. "When it is very bad weather or icy, the law allows us not to work. But foreign workers are on site in all weathers", notes Youssef, a 41-year-old bricklayer and crane operator.

"I have seen posted workers pouring concrete in the snow, while their boss watched them from the comfort of a heated office. When they're worn out, they return home", complains Gery Vandendoren.

The Belgian workers also point to the lack of a safety culture, particularly among eastern European workers.

"During a visit to a site where they were building a nursing home, we discovered posted workers in jeans, t-shirts and trainers. They do not hesitate to remove guardrails and scaffolding if they feel that these are in the way", reports Jean-Yves Ruykens, who is responsible for the building sector in the Liège region for the Confédération des syndicats chrétiens (CSC), a Christian trade union confederation. In this context, workplace accidents are almost always brushed under the carpet.

"They keep working despite their injuries, without complaining. As a result, this makes Belgian workers look idle, which is an image that our bosses obviously like to point out to us", complains a union representative, who prefers to remain anonymous, from one of the largest European construction groups.

Between light grey and dark grey

"There isn’t just one form of social dumping, but a whole range, some of which just bend the rules, while others are borderline illegal, or even downright criminal", assesses Robert Vertemueil. Although the union leader believes that it would be desirable to improve European legislation – he calls for the principle of social security contributions being paid in the country of origin to be abolished – he particularly wants the national, regional and even local authorities to take more effective action against the abuse.

The system of public procurement is in the trade unions’ sights. In Europe, until recently the competitive bidding system was mainly used. Its guiding principle is to award the contract to the tenderer submitting the lowest bid. To win contracts, the major Belgian construction companies set prices artificially low.

The result is that they subcontract part of the work to more modest companies, which often in turn entrust certain tasks to other even smaller companies. The expression "subcontracting chain" is used to describe these practices. The further down this "chain" you go, the more you venture into the opaque areas of the economy, between light grey and dark grey. This mechanism has the advantage of diluting the responsibility of the client and main contractor, who hide behind the fact that they are not the direct employers of the exploited workers.

Carlo Briscolini, Secretary-General of the FGTB’s Centrale Générale section for the Charleroi region, describes a system of subcontracting that involves "ethnic strata". He cites the example of a major building project that is ongoing in the heart of his city: "Site coordination is the responsibility of the Italian posted workers, whose wage conditions are similar to the Belgians. The various trades are then distributed among the Portuguese, Poles, etc. At the bottom of the ladder are the Kosovars, and even workers of Egyptian origin, who are recruited by an Italian company to which the structural work has been subcontracted (see also the box, p. 30)."
"To avoid their responsibilities, many local officials hide under the European umbrella."
A union leader

Complaints have been filed with the auditeur du travail, but the cases are making slow progress. Several union leaders have complained about the labour inspectorate’s failure to look at these cases, with the lack of human resources not being the full story. Some trade unionists talk about leniency, particularly when these practices concern huge projects carried out by the leading construction companies.

A charter against social dumping

Laurent, a 41-year-old bricklayer, is going through a difficult period. Since September 2015 he has worked only one week in five. The other weeks he has been in "temporary economic unemployment", which is a procedure that allows a construction employer to temporarily lay off his employees while his order book is quiet. According to this union representative, his employer freely bends the rules. "He lays us off and justifies this by saying that we do not have the necessarily skill set to carry out certain tasks, which he then entrusts to subcontractors who use posted workers. He uses us at his convenience", he complains.

The union activist is even more disgusted as many of these sites are publicly funded: social housing, publicly assisted nursing

From northern Portugal to the heart of Europe

Manuel Moreira Da Costa is only in his early thirties, but has already clocked up tens of thousands of kilometres on the road looking for decently paid work. For 10 years he has been working for a major Brussels construction company. He has a permanent contract with a reputable company that has a full order book. As things currently stand, but particularly in light of how his career started and the situation of many of his compatriots, Manuel regards himself as privileged.

“When I left school at the age of 16, I was employed to do welding work by a company in my home region in the north of Portugal. I liked the work and it fitted with my qualifications, but, at the end of the month, I would find myself with 520 euros in my pocket. I couldn’t plan for the future on that.”

He very quickly started to look for another job. At the time, Spain was experiencing a property boom that seemed limitless. After initially working on a site in Asturias, he signed a contract with a Portuguese company that had been subcontracted work as part of a major cement plant construction project in southern Spain. So he moved 1 200 kilometres from his roots. The document was partly written in Portuguese, and partly in Spanish. He and his 15 other colleagues, all Portuguese, had to share four bunk beds, which the night shift and day shift occupied alternately. He worked for 12 hours a day. But the important part was that his wage was nearly three times higher. With money, his horizons opened up. He could finally think about building a life. For a time …

After two months, the Portuguese workers were no longer welcome in the local restaurant, and one day the police knocked on their door. "Our boss had stopped paying the rent, and the restaurant owner with whom he had negotiated an agreement to offer us meals free of charge was no longer receiving the promised payments", remembers Manuel. The Portuguese subcontractor had also forgotten that he had promised to allow them to spend one weekend a month with their families. His wages – he is still waiting to be paid for his last month of work – were used to pay for the food of his colleagues who had nothing left, and to meet the rent.

“One day I’d had enough. At the time I had a 9-seater Vito van. I said to my workmates: who wants to come with me, as I’m going home. I went to Spain to earn more money. On my return to Portugal, I had fewer savings than when I left”, he says.

But, at home, the wages were still just as low. His father and brother had gone to Brussels three years earlier. He decided to join them. This was in August 2005. “I went on the basis of what my brother said. He had talked about me to his boss. I had to wait a month before I was hired”, he remembers. He started as a simple labourer: “the work was a bit tough for me”.

“You had to buy your own tools and personal protective equipment. The boss’s work involved finding sites where his men could live as he had no premises.” Out of curiosity, he went to the address of the company’s registered office. He found an empty piece of land, a “potato field”, hemmed in between two buildings. “But I was happy. Every month I had my envelope. I was used to much worse than that. Every fortnight I had 800 or 900 euros. I didn’t ask any questions and, in fact, I couldn’t have asked any because at the time I didn’t speak French.”

The problem was that none of his income was being declared by his boss. So when he went to the municipal offices to complete the steps in order to remain in Belgium, the official, who refused to speak to him in English, asked him to sign a document. “I was quite happy to do so because I thought that it was my residence permit. In fact it was an order to leave the country within 30 days.” A few hours before the deadline, the building company Louis De Waele employed him as a welder. He could remain in Belgium.

He has recently purchased a little terraced house in the Centre working class region, around 50 kilometres to the south of Brussels. His father, who is 60, and his older brother still work in Belgium. They all dream of returning home. But do they really think they’ll manage it before they retire? “My younger brother, who’s 18, is leaving to work in Luxembourg in a week’s time”, he confides.
An obscure Italian company and its Indian workers build one of the largest hospitals in Belgium

Eight gigantic cranes tower over the road that leads into the centre of Liège. At the top are huge boards bearing the logos of the four main companies that are carrying out this 360 million euros project as a consortium. On this broad strip of black earth, previously occupied by a coal mine, the second stage of one of the largest new hospitals in Belgium is already standing, barely eight months after the first block was laid.

"Fewer than 10 of my work colleagues, particularly the crane operators, are currently working on this site. That’s not many compared to the 800 employees in my company", Joseph angrily complains (forename changed at the worker’s request). Like many Belgian construction workers, he dislikes the fact that they have lost out on this major project to workers from abroad. In Liège, this scenario has kept being repeated in recent years. The impressive tower of the Ministry of Finance, the extension to the university campus, the construction of the new research centre for a flagship Walloon pharmaceutical company: each time “posted workers” supplant the local workforce.

When you walk along the public path beside the site, you can see, between the mesh of the fence that prevents public access, around 20 workers who, under their white hard hats, seem to have faces with dark complexions.

“These workers are originally from India, but now apparently have Italian nationality. They are employed by an Italian company to which some of the structural work has been contracted by the consortium of Belgian companies", we learn from a trade union source.

The reason is not difficult to understand. You only have to ask the residents who are strolling near to the 30 hectare site.

“You get the impression that they never stop“, says a former Moroccan miner who lives in this working-class district in the northern suburb of Liège. “They are on site very early in the morning, and they sometimes even work late into the evening. Some residents complain because they can’t sleep. The site has shut down for a long period only once, which was during the Christmas holidays. It seems that they returned to their families in India for two weeks”, he explains.

The Belgian trade unions conducted an investigation to find out how these Asian workers can manage to work in temperatures close to zero, more than 7000 kilometres from home. They are apparently employed by the Italian company Consorzio Edile C.M.

The Belgian trade unions contacted their Italian counterparts to get more information about this very discrete company. The result was not much at all. The name Consorzio Edile was unknown to them and is definitely not one of the big names in the Italian construction industry. With little time and few resources, the trade unions have not been able to take their investigation further, but suspect that Consorzio Edile is simply a letterbox company that does not have any real business activity in Italy. The firm has an address in Belgium, in the suburbs of Charleroi. “This information has been provided to the labour inspectorate”, our trade union source confirms.

On 19 April, just before going to press, we learned that two managers linked to Consorzio Edile have been charged with trafficking in human beings, and infringements of social legislation and well-being at work obligations. A few days earlier, seven Egyptian workers expressed their anger at not having been paid for several months by climbing to the top of one of the Rive Gauche cranes in Charleroi. As in Liège, the main contractors of this ambitious building project have delegated the structural work to this problematic Italian subcontractor.

5. For more information: Van den Abeele E. (2014), Integrating social and environmental dimensions in public procurement: one small step for the internal market, one giant leap for the EU?, Working Paper, Brussels, ETUI.
Asbestos – Not a Problem of the past

Though asbestos has been banned in the European Union since 2005, it continues to represent a considerable threat to the health of workers and the population at large. The former are particularly exposed when working in buildings that were constructed using asbestos products, and the older the building, the greater the risk. To halt perpetuation of this health scourge, and prevent the risks from being passed on to younger generations, immediate and vigorous steps to tackle asbestos removal must be taken by European and national authorities.

Stephen Schindler
European Federation of Building and Woodworkers
Once hailed as an almost magical material, praised for its unique qualities in terms of durability and resistance to heat, fire, electricity and chemicals, along with the low cost of mining and production, asbestos was the raw material of choice for an almost infinite range of applications. Although asbestos was already used in ancient Greece to create fireproof cloth, pottery and lamp wicks, it was not used on a large scale before the end of the 19th century. The material qualities of asbestos made it ideal for solving the many technical challenges arising from industrialisation, for example in gaskets for moving machine parts that needed to be durable and heat-resistant at the same time. The medical community quickly became aware of the adverse health effects of this deadly substance in the early 20th century when cases of asbestosis-related mortalities were diagnosed and documented. Despite this knowledge however, the use of asbestos continued, reaching its heyday only after World War Two, when it was used in even greater amounts in a continuously growing number of products in industry and building construction. However, as the number of applications grew, so did awareness of its adverse health effects, leading to a shift in public opinion and the gradual ban of the substance in many EU Member States throughout the 1980s and 1990s, followed by a full EU-wide ban in 2005.

Despite the ban on its production and use in the EU, asbestos continues to pose a significant health threat to this day. This is particularly the case for workers in the construction sector, but also for private “Do-It-Yourself” workers, inhabitants of asbestos-infested buildings and workplaces, and the general public. With an estimated 47 000 annual asbestos-related deaths in Europe alone, the substance takes its toll on human life than traffic-related deaths (25 000–30 000 a year). Yet public awareness is dwindling and knowledge about the dangers of asbestos is fading away as older workers retire and a new generation with little experience of the dangers of the substance take their place. Considering the relatively low rate of asbestos removal in the EU today, it is evident that the existing asbestos stock will continue to claim a significant number of lives for decades to come.

**Challenges for the construction sector – no end in sight**

Identifying asbestos-containing products can be a tricky business. Sometimes they are easily detectable and located in plain sight, such as in the case of asbestos-cement roofs. All too often however they remain hidden in virtually every part of a building or structure, such as its flooring, windows, insulation and heating and cooling systems. This puts workers conducting maintenance, renovation or demolition at risk of exposure to asbestos fibres on a regular basis, yet they are often unaware of the dangers and in most countries lack the necessary awareness training and safety precautions.

Awareness training is highly important as it is the only way for workers conducting maintenance, renovation or demolition tasks to identify potential sources of asbestos visually in order to protect themselves. Nonetheless, it is of the utmost importance that building owners and employers make an assessment of harmful substances through sampling and lab analysis before commencing major works. This is necessary to protect workers and inhabitants as asbestos fibres, once released, cannot be detected without technical equipment. In practice this is not done consistently.

Even when the amounts of inhaled fibres on a given day might be small, the scientific community agrees that there are no safe exposure limits and, together with the accumulated exposure over a working career, the risk of falling ill with mesothelioma, asbestosis or another asbestos-related disease is very high. Given the long latency period of asbestos-related diseases, which can last for up to thirty or forty years, employers and employees alike often perceive asbestos as an abstract threat without immediate consequences and therefore pay too little attention to potential dangers until it is too late. In addition, some could argue that there is little incentive for employers to take appropriate safety measures since they will not be held accountable after the typically long latency periods, especially since many countries leave the burden of proof with the victims.

In light of these dangers, the construction sector will have to face the challenge of eradicating asbestos from the European building stock and protecting workers from its hazards during the course of their working career. Currently, lack of awareness and asbestos removal planning mean that the issue of dealing with the problem is postponed to a later time. For example, maintenance workers sometimes rely on old stocks of asbestos-containing spare parts that they continue to install in buildings. Likewise, painters, electricians and floor tilers conducting renovation on parts of a building may accidentally encounter and handle asbestos-containing products, exposing themselves and potentially leaving elements behind that will continue to pose a risk for the next generation of workers and inhabitants.

**Situation in Europe today**

Today the situation varies widely across Member States. In many Central and Eastern European countries, the widespread use of asbestos cement roofs is considered the biggest concern. Urgent action is needed to replace these, as the material deteriorates over time as a result of outdoor weather conditions, releasing fibres into the environment. This makes asbestos cement roofs and other outdoor applications a main source of so-called environmental exposure for inhabitants, workers and the general public. The Netherlands faced a similar situation, and put in place a programme for the removal of asbestos cement roofs. However, Poland is currently the only EU Member State with a national action plan for the total eradication of all asbestos by 2032.

---

The situation is different in many Western European countries, where a wider range of asbestos-containing products entered the market. The greater product range means that attention has shifted towards other sources of exposure that are more difficult to detect, such as ceiling and floor tiles, floor glue, window putty, textured paints and a multitude of other applications that can affect workers, especially during maintenance, renovation or private ‘Do-It-Yourself’ work.

In France, the issue has received more attention than elsewhere. There is now legislation in place that requires mandatory awareness training for all workers in the construction sector, and requires homeowners to conduct an asbestos assessment before selling their property. Attention has also been placed on roads, another source of environmental exposure, especially in densely populated urban areas where asbestos was used to improve the durability of road surfaces. French labour inspectors who took fibre counts also found that road-sweeping vehicles cause the same level of fibre release as cutting the road surface, and consequently made systems using water to bind and collect asbestos fibres mandatory for these vehicles.

Maintenance, renovation and demolition are some of the most common sources of occupational exposure today. However, construction workers are not the only occupational group at risk. In the United Kingdom, for example, teachers suffer over-proportionately from asbestos-related diseases as many schools are infested with the substance. This is not just a health risk for teachers, but also for pupils who spend a significant portion of their lives in these buildings. Not just in the United Kingdom, public buildings are a general concern throughout Europe, especially when they are used by children – such as schools and sports facilities. However, restraints on public spending often postpone necessary measures to remove remaining asbestos.

In addition, illegal imports that continue to enter the EU further frustrate efforts towards eradicating asbestos in Europe. In 2012, Italian authorities identified an illegal shipment of more than 1 000 tonnes of asbestos from India, which reportedly continued at least through to 2014. While these imports are currently under investigation by Italian prosecutors, suspicion is mounting that asbestos continues to enter the European market in a range of products, including construction material, thermos flasks, baby powder and children’s toys.2

In order to free Europe safely from asbestos, policy makers must work together with social partners in the construction sector to develop holistic strategies that include a range of policy areas, sharing responsibility at different stages. These include, for example, occupational health and safety, public health, workers’ skills and qualifications,
Asbestos Campaign
“Europe 2023 – Asbestos Free”

The issue of secondary exposure has been rather neglected by legislators in the European Union and its Member States, which on average have done too little to protect workers and the general public from this significant health threat that continues to linger in homes and workplaces. This is why the European Federation of Building and Woodworkers (EFBWW), with support of the Nordic Federation of Building and Woodworkers (NBTF) launched its campaign “Europe 2023 – Asbestos Free” in March 2010. Given the broad scope of the issue at hand, the campaign has focussed on various aspects of the fight against asbestos over the years, building networks with a wide range of stakeholders including policy makers, victim support groups, and labour inspectorates.

The campaign focusses on action in five different areas that include:
1. Registration, notification and medical surveillance;
2. Safer working conditions;
3. Training of workers;
4. The recognition of asbestos related diseases;
5. Recognition procedures and compensation of asbestos-related diseases.

To find out more, log on http://www.efbww.org

Energy performance in buildings and asbestos removal

Current policy initiatives at European level prompt an additional sense of urgency to tackling remaining asbestos. In the context of the Energy Union, which is part of the EU’s Europe 2020 growth strategy, the energy performance of buildings plays a crucial role in facilitating the transition and fighting climate change. In light of the growing need to improve the European building stock in terms of energy performance, it is evident that asbestos will be handled in greater quantities. Considering that the type of renovation work to increase energy performance in buildings typically involves parts of the building where asbestos was used extensively in the past, such as the building’s electric plant, roofing, or walls, there is a significant complementarity between the European Commission’s policy and the safe removal of remaining asbestos and other hazardous substances. This is particularly the case when conducting works on buildings dating back to the heyday of asbestos use in Europe, which is reaching an age where it increasingly requires such renovation.

The European Parliament has already proposed to combine energy performance in buildings with asbestos removal in its resolution on “Asbestos-related occupational health threats and prospects for abolishing all existing asbestos” (2012/2065(INI)). The report calls on the European Commission to integrate asbestos removal with other policy areas such as energy efficiency. The European Economic and Social Committee also recently published its opinion on "Freeing the EU from asbestos" (CCMI 130), which recommends similar measures.

To deal with the momentous task at hand, European policymakers – including the European Commission – must go further in designing a holistic strategy to deal with asbestos. Priority could be given to the renovation of public buildings, social housing and to infrastructure projects such as roads, where asbestos has been used extensively. Appropriate financial support should also be available to private home-owners.

Another important area concerns the improvement of working conditions as well as safety and health at work, through innovative technology in asbestos removal, and by ensuring that the relevant workforces are enabled to develop an adequate and appropriate level of skills and qualifications. Asbestos awareness training for all workers in the construction industry is a must in this regard. One promising innovation comes from France, where robots are used for asbestos removal. The European Commission can play a key role in promoting research and development in the framework of its Horizon 2020 funding scheme in order to develop innovative practices and techniques for prevention of asbestos-related diseases and for the removal of existing asbestos.

Another accompanying measure is the geographical mapping and registration of asbestos, with a view to gaining greater clarity about what types of buildings and asbestos-containing products prevail in different geographical areas. This would then allow stakeholders to devise tailored strategies and awareness training for the affected workforce. Building owners and companies could then also benefit from reliable information on the patterns of asbestos use and take the appropriate precautionary measures.

Whilst not a substitute for sampling in individual cases, surveys and registering existing asbestos is an important step towards devising an effective EU-wide strategy for asbestos removal by providing an overview of the existing building stock and patterns of asbestos use.

Based on existing experience in Member States, it is important to explore the strengths and weaknesses of different models and promote examples of good practice. The goal is not to implement uniform European standards, but to raise political awareness of the issue in order to facilitate implementation of the appropriate measures at local, regional and national level.

To end, it is up to policymakers at national level to implement a coherent asbestos strategy that would include the above-mentioned elements. Already in 2011, the World Health Organisation (WHO) called for national action programmes for the elimination of asbestos-related diseases in Europe. Trade unions support this call and believe that the efforts of the European Commission should result in the Member States formulating national action programmes with sufficient funding, including relevant EU funds, to tackle asbestos.
How a handful of women intend to change the face of British construction

Initially conceived as a short-term project attached to the construction of the London Olympic Park, Women Into Construction has developed into a permanent organisation encouraging the employment of women in construction. Its challenge? To reverse centuries of male domination of the most segregated industry in the United Kingdom. While the results are promising in the public sector, women are still facing a sexist, inflexible and highly conservative industry.

Emmanuel Sanséau
Journalist and correspondent for www.bastamag.net
The shoes of hurrying employees, the black taxis with their tinted windows and the bank façades stretching skywards are all sombre and shiny. We are in Canary Wharf, among the glass buildings of London's business district. From the 28th floor of the Citybank tower where Kath Moore has her office, only the red roofs of the double-decker buses pierce the grey. Kath Moore, a small delicate woman aged around 50 with a piercing look, could have built these imposing structures. She has been working in construction for 30 years, and has been managing Women Into Construction (WIC) for seven years. This British association aims to promote the employment of women in construction. The administration of Crossrail – a new and mammoth railway project for Greater London – graciously offered her team a home.

Up to 2008, Kath was among the 1% of the female workforce carrying out manual work on British building sites. At the age of 19, after training in carpentry, she was "naively" surprised that there were no other women among her colleagues. In one darkly humorous anecdote, she tells how, in her first job, the small changing room that also served as rest room was papered with posters of nude women. "Once they got to know me, they removed them", she recalls. "I moved around, worked on different sites, but I felt isolated. Even on huge sites, I was the only woman! During my career, nothing changed." In construction as a whole, including administrative posts where women are least under-represented, men account for around 89% of the workforce. This same level of male domination cannot be seen in any other industry.

An opportunity presented itself in 2008 with the construction of the London Olympic Park. Kenneth Livingstone, who was mayor of the capital at the time, was less interested in sport than in the capital that would flow into the city’s poorer districts. The Labourite’s key word was "regeneration". In a famous speech, he later admitted having supported London’s bid for the Olympic Games because it was "the only way to get the billions of pounds out of the Government to develop the East End". The project aimed to be "inspirational, safe and inclusive". Targets were set to employ "more diverse" and local labour and to "combat occupational gender segregation in construction". That was why the WIC project was set up, under the leadership of the Olympic Delivery Authority (ODA), which was in charge of the site: to encourage the employment of women.

"I said to myself: ‘finally, it’s time that someone realises that there’s a problem!’", says Kath.

The WIC proved to be very successful. It arranged 87 work placements, helped women work on different sites, but I felt isolated. Even on huge sites, I was the only woman! During my career, nothing changed." In construction as a whole, including administrative posts where women are least under-represented, men account for around 89% of the workforce. This same level of male domination cannot be seen in any other industry.

An opportunity presented itself in 2008 with the construction of the London Olympic Park. Kenneth Livingstone, who was mayor of the capital at the time, was less interested in sport than in the capital that would flow into the city’s poorer districts. The Labourite’s key word was "regeneration". In a famous speech, he later admitted having supported London’s bid for the Olympic Games because it was "the only way to get the billions of pounds out of the Government to develop the East End". The project aimed to be "inspirational, safe and inclusive". Targets were set to employ "more diverse" and local labour and to "combat occupational gender segregation in construction". That was why the WIC project was set up, under the leadership of the Olympic Delivery Authority (ODA), which was in charge of the site: to encourage the employment of women.

"I said to myself: ‘finally, it’s time that someone realises that there’s a problem!’", says Kath.

The WIC proved to be very successful. It arranged 87 work placements, helped women to get jobs on the site — there is where realising their proportion compared to the industry average — and evenboasts having "changed the culture of construction". Although, four years later, the number of women employed in the industry was still stubbornly low, the WIC had forged a reputation for itself and had been recognised by the British Government as an example to follow. After the Olympic Park was delivered, the WIC was for a time managed by the construction giant Lendlease, but then became a not-for-profit organisation in January 2015. It is exclusively funded by the Construction Industry Training Board (CITB), which receives most of its income from employers in the sector. "It's unusual", says Tessa Wright, from the Centre for Research in Equality and Diversity at Queen Mary, University of London. "Many voluntary projects promoting gender equality lose their funding after a certain amount of time. The WIC has a successful model and, with the industry's support, can continue indefinitely."

Back-up labour

Men have almost totally dominated the industry since at least the 19th century. It was in the middle of the Industrial Revolution, and in the absence of regulations, that employers and trade unions almost systematically excluded women from apprenticeships, which were the main way of accessing the industry. The idea of women doing "men's work", which was therefore synonymous with competition for wages, explains the "intensity of the resentment and abhorrence" among men.

Having said that, in the last century, women worked en masse in construction during the two world wars, only to be laid off as soon as the men came home from the front. This reduced them to cheap back-up labour, with wages on average 40% lower than men’s. Even during the period of reconstruction, they accounted for only 0.5% of the work in the building sector. It was not until 1955 that the construction unions called for equal wages and recognised women as skilled workers. Since then, however, their presence has remained "stubbornly low". And this is not for lack of will. "When you tour the universities that offer training in the industry, you find that they have a higher proportion of women and people from immigrant communities than on building sites", explains Linda Clarke, Professor of European Industrial Relations at Westminster University. "As a result, even if they complete their training, they cannot get jobs in construction."

The everyday sexism that permeates the industry certainly does not favour greater diversity. Studies also point to difficult working conditions, informal and discriminatory recruitment methods, and a frenetic production rate as the main obstacles to women entering the industry. But this is not the full story: in the health sector, where there are just as prohibitive working conditions (long days, family-unfriendly hours, etc.), women are largely over-represented. Whilst the number of recognised cases of occupational disease has been slowly falling over the last decade, there have continued to be more fatal accidents in construction than in other industries: 35 people died on building sites in the last two years, with the majority involving falls from heights.

Subcontracting and "self-employment" are increasing job insecurity, accentuating "sectarianism" in the industry and reinforcing the exclusion of women.

More recently, the rapid rise in subcontracting via temporary employment agencies and "self-employment" have been responsible for increasing job insecurity, accentuating "sectarianism" in the industry and reinforcing the exclusion of women. "If you are lucky enough to work for a large company, you can move from one project to another", notes Kath. "Otherwise, when a building project is completed, you lose your job." Women's wages are on average around 23% lower than those of their male colleagues, compared to a 19% difference on average at national level. While women account for around 7% of students on vocational training courses in construction, women account for around 7% of students on work placements or jobs. In Sarah's case, the WIC ensured that she had the appropriate safety certification, which is a vital key for accessing building sites, and covered the costs of her protective equipment. "It's a huge boost", she confirms. "Once you have a foot in the door, you can find more opportunities, gain experience and really become more hopeful."

The WIC therefore acts as an intermediary between candidates and employers, carrying out niche work that British employment agencies are reluctant to do as a result of austerity and gradual budget cuts. "The problem with Job Centres is that they are not really bothered about the nature of the job", adds Kath. "They simply want to get people off the unemployment list. So if a woman comes to them and says 'I am trying to be an electrician and someone has offered me a work placement', they are not really interested. From their point of view, it is simply another six weeks of unemployment benefits to pay. They would prefer to see them working in sales, for example."

The WIC's support has helped to "remove the barriers to work" for hundreds of women. The organisation can also pay for their tools, protective equipment and childcare costs, which can be prohibitively expensive if they are dependent on welfare benefits. The WIC also monitors candidates on site and approaches employers again once work placements have ended. Result: whereas around 80% of candidates were unemployed before presenting themselves to Kath's team, over half have secured a job following their work placements.

"It is still very difficult in the private sector"

Perusing the handful of studies on the profession reveals some delightful nonsense. Women apparently have amazing psychic powers, with the ability to "soften the environments" at work, "inspire innovation, challenge the norms and enhance collaboration". According to the Chartered Institute of Building (CIOB), employing them in construction "is no longer simply a nice thing to do; it has become a necessity."

Faced with such a sparkling argument, the industry is slowly becoming aware of the problem. However, only "isolated cases of best practice" have been observed by Tessa Wright. Yet the construction industry urgently needs to rethink its recruitment practices: since 2007 there has been a severe shortage of labour on the horizon. During the financial

"With the construction boom at a low ebb, the industry must rethink both itself and its work organisation."

Linda Clarke, University of Westminster
crisis, when construction order books suddenly shrank, around 400,000 workers left British building sites. Now that the cranes are reappearing in London and the provinces, around one worker in five is approaching retirement. The Construction Industry Training Board estimates that 182,000 new recruits will be needed by 2018.

The shortage is particularly acute because the number of apprenticeships is “at an all-time low.” “The industry is heavily reliant on better trained workers from Eastern Europe,” observes Linda Clarke from the University of Westminster. “With the construction boom at a low ebb, the industry must rethink both itself and its work organisation”, she adds. “It is almost no longer a manual job, therefore the argument that women are not physically strong enough no longer stands up. It is now much more a question of qualifications, which in many respects plays to the advantage of women.” As a result, while it is not a “magic wand that just needs to be waved” against the ills in construction, the wider and potentially better qualified recruitment pool offered by the WIC could soon prove to be indispensable.

In major public projects, however, progress is less dependent on the goodwill of employers. That is why the WIC sends a quarter of its candidates to Crossrail sites. The Equality Act 2010 and the Public Services (Social Value) Act 2012 have in fact reinforced the control of public authorities over the social impact of their activities. The first requires them to ensure that discrimination is reduced and equal opportunities are promoted in the performance of their duties. This allows them to impose specific recruitment criteria on companies responding to their invitations to tender, as was the case with the London Olympic Park. The second requires them to look at improving economic, social and environmental well-being in the areas of their activities, including through the services that they commission.

“Public projects set criteria that must be met”, explains Kath. “They do not necessarily impose a requirement to employ women, but they often recommend hiring local workers or a more diverse workforce. It can even happen that companies come directly to us when they realise that they may lose contracts if they do not meet these criteria. We say to contract-ed companies: we can help you with that. If you need a woman who lives, for example, in Lambeth [editor’s note: south London], a female trainee or an electrician, we can consult our database and find you someone. The idea is to facilitate the work of these companies.”

Promising results have also been achieved among the direct workforce of public authorities, where the construction union (UCATT) is also better represented. As a result, around 13% of the workers responsible for maintaining Leicester City Council’s rental stock are women. “Many of them are realising that it is cheaper to employ someone directly, rather than subcontract the work,” adds Linda Clarke. “They are also more open to employing a mixed workforce, and to encouraging and training women. But it is still very difficult in the private sector.”

Kath often quotes a comment, made by a company boss who shall remain nameless, which summarises the “spirit” of construction: “There are more people on our Board of Directors called Geoff than there are women.” For how much longer?

Electrician and only woman on a huge building site

Jenne is an electrician. Previously she was a plasterer... and a plumber, mason and carpenter, although she has nearly forgotten her first job: graphic designer. “You know what, I am very creative. In fact, I think I should have been an interior designer, or something like that.” Jenne lives in south London, in the residential district of Streatham. Her parents were born in Jamaica. She has only a slight accent left, overlaid with an entirely British politeness. “My job? Yes, it’s pretty good... at the moment. You’re never really sure.” Around 30, she turned to construction because she needed to “pay for daycare” and because she has “good practical sense.”

Jenne also works for Women Into Construction (WIC), part-time as a project manager. The other half of her week is spent on a site at Battersea Park, 30 minutes from Westminster: “it’s a huge building site, with 500 apartments, where it’s very cold, so you must never stop moving”. She is the only woman there. Her first work placement was offered to her by the WIC in 2012. The three-month stint allowed her to land a job on a railway site, and then in underground stations. For the WIC, she finds work placements for women who are plumbers or electricians. “It’s practical because I know the network. And I went through the same problems as the candidates...”, she explains.

The main downsides: job insecurity and arbitrary decisions. “If you’re sensitive, it can get on your nerves.” On a Crossrail site, she once “said what she had to say” to her employer when he was having a go at one of her colleagues. A few weeks later she lost her job. “You rarely know when your job’s going to end; you can only estimate how much time you have left. If there’s overtime, of course you’re going to take it because you have to anticipate the time when you’ll no longer have a job. You often work Saturdays and Sundays, because you never know when you’ll be ‘on holiday’.” Her partner and three children do not see her very often.

When asked about the working conditions, which are said to be tough in the industry, Jenne immediately dismisses the question. “You often hear people say that ‘safety is poor in construction’. But you don’t carry much and there’s a lot of mechanical help nowadays. It’s not such a hard job!” Aside from the constant uncertainty of finding work... or not.
Trade union mobilisation for safer construction machinery

Every year construction workers lose their lives in accidents involving machinery. Many of these accidents could have been prevented if the design of this machinery had taken better account of users’ opinions. A German expert in standardisation, who is a former building worker, has recently managed to convince the European institutions to amend two technical standards in order to improve the safety of construction machinery.

Rolf Gehring
European Federation of Building and Woodworkers (EFBWW)
“Everything that technology allows us to do must be done.” This paradigm, which was in vogue during the first half of the 20th century, marked the golden age of technological euphoria and faith in progress. Whereas knowledge, technology and social life formed a single entity in ancient societies, the “Baconian” period gave rise to a kind of dualism between the world of knowledge and technology on the one hand, and the social life of individuals on the other. In the 19th century, the concept of progress was linked with a positivist view of science that regarded technological development as the way to build the future. Belief in the possibility of the future and in science/technology as the ideal way formed the backdrop to the “technological command” mentioned above.

The frenetic development of industry confirmed the hopes placed in increasing know-how as the main driver of knowledge building, and announced an age of technological euphoria. Knowledge and technology were at the time judged to be neutral in moral terms, and regarded as a world in itself. Technology was seen as a Leibnizian monad. The technologist’s task was not to meet the demands of practical life that would prove useful for that purpose, but to find ways of allowing the “blessing of technology” to be expressed. In this context, the technologist represented neutral and proven know-how, which could not be challenged.

Generations of technologists have been trained along these lines. The image that many engineers have of themselves, namely as individuals above the fray, has led to a somewhat elitist attitude among technologists towards their contemporaries, of which they have often made no secret. It was the American sociologist William Ogburn who defended, in this context, the “cultural lag” theory that social changes occur some time after technological developments.

**From the building site to the world of experts**

Rudi Clemens sees things differently. He worked for 40 years in the building sector operating construction machinery. He then became an approved site manager where he was in charge of the economic and safety coordination of staff and equipment on building sites. He is currently still a safety manager with the building firm Frauenrath in Heinsberg (a German town on the Dutch border).

For Rudi Clemens, “technology is constantly developing: each new machine is better than the last one, because that’s what the customer demands. This is the case, for example, in the automotive sector. However, in the field of safety, we are using standards that are based on criteria set years ago. It is widely acknowledged that these standards are several years behind the current state of the art. It’s simply a question of price, like the manufacturers say. But the customer puts pressure on us for every cent.”

For a number of years the safety manager has been gathering information, from the internet or specialist journals, on workplace accidents involving construction machinery. These accidents have been caused by the equipment itself, the organisation of work or human errors by machinery operators. This is how he discovered in particular that there are serious design faults in terms of the health and safety of the equipment used. He has compiled photographs of serious accidents involving passers-by and workers, and has studied the circumstances of these accidents. By analysing these, he has come to understand that poor visibility in the majority of earth-moving machinery is a decisive factor: “You often hear people say: I can’t see anything behind. That’s precisely the heart of the problem. But there are also blind spots on the right side of backhoe loaders, because of the lifting arm, and to the front, particularly for wheel loaders due to the scoop. And ultimately, this poor visibility in terms of the operator seeing what is happening around his machine regularly causes serious, and sometimes fatal, accidents.”

He has identified another example of a design fault in quick hitches: “The quick hitches fitted to excavators have become the norm in just a few years. They allow the operator to attach six or eight different accessories, using a hydraulic locking mechanism, without having to leave the cab. But what happens if the operator makes a mistake and does not correctly attach the accessory? It can fall and crush a person, as actually happens fairly often. Given the stressful conditions under which machinery operators work nowadays, mistakes are human and cannot be ruled out. The European Machinery Directive, however,
requires any foreseeable incorrect operation to be precluded. In Switzerland, for example, only new machinery that does not compromise safety in the event of an operating error has been permitted since January 2016. This requirement will apply to all quick hitches from 2020.”

As an expert, Rudi Clemens is responsible for checking the construction machinery on behalf of the contractor. The excavators and other large machinery under his control are kept in service for no more than five years. They are then replaced. Safety is a priority when machinery is being purchased, and missing safety equipment is also ordered. Thanks to these measures, serious workplace accidents have become a thing of the past for the Frauenrath company. But Rudi also draws attention to two other problem areas: the organisation of building sites and the level of qualification.

"Qualifications are also a disaster area. Movement around sites is total anarchy. That’s what an expert said before a court in a case involving an excavator that caused a fatal accident 40 years ago. Since then, nothing has changed", he complains.

**Petitions and technical standards**

His professional work and his involvement as an active trade unionist within the IG BAU – the German construction union – prompted Rudi to also raise the issue at a political level. After contacting several prevention and standardisation bodies, he turned to politicians and parliaments with a view, in particular, to improving monitoring of the area behind machinery.

Following two petitions to the European Parliament, he finally got the European Commission to issue a formal objection to standard EN 474 setting out the technical requirements with regard to the field of vision of operators of earth-moving machinery. The current standards provide for the first step to be placed 70 cm from the ground. Rudi Clemens believes that this height is not ergonomic and poses a risk to the operator’s health. He recommends that this be reduced to 40 cm.

Following the petition by the German worker, the European Commission invited the European Committee for Standardization (CEN) to re-examine the two standards with a view to the height of the first step being set in accordance with ergonomic principles and the installation of retractable steps being recommended.

These petitions provide us with another example of the way in which social demands can influence technological design. In this regard, it is to be congratulated that the new version of the Machinery Directive affords greater importance to ergonomics because, as a result of demographic change, the population is ageing and working lives are becoming longer as a consequence.

"Technological development must not lead to hasty solutions that are in stark conflict with the procedures instinctively used by workers."

Pierre Picart, French Ministry of Labour
Design of machinery and continued use

Pierre Picart is also interested in the issue of design. Throughout his career as an engineer, he has not only designed technology, but also monitored and assessed its implementation, and studied it from every possible angle. Pierre Picart is now an expert advising the French Ministry of Labour. He leads projects to improve the ergonomics of machinery. He regards the issue of the development and design of technology as a social process.

"Technological development must not lead to hasty solutions that are in stark conflict with the procedures instinctively used by workers. We need to take account of behaviours, and sometimes monitor transition phases, so that new technologies can be properly taken on board. A site experiment allows us to assess the actual conditions of use of this equipment", says Pierre Picart.

Construction machinery perfectly illustrates the relationship between technological processes and work tools. Even more so than many fixed machines, mobile construction machines are tools whose ergonomics and general design have a direct impact on the health and safety of workers.

Pierre Picart explains this as follows: "The design of machinery must therefore allow the oldest workers to remain in employment and good health, both in manufacturing companies and on building sites. The addition of functions to machinery must lead to a reduction in repetitive and constraining tasks throughout the machinery’s lifecycle, which therefore means from the construction or assembly phases to disassembly, not forgetting maintenance or repair. This involves taking account of proposals — whether from manufacturing workers and foremen, maintenance technicians or design engineers — to arrive at a consensus that is favourable to everyone. We go to great lengths to encourage the regular involvement of users as well as site visits in order to improve the ergonomics of machinery."

While it is true that the period of generalised technological euphoria is far behind us and that we have become more critical in our assessment of the possible negative effects of a technique or technology, this period has, despite everything, left traces in our societies and their structures. The most striking products of that era are the standardisation bodies, which remain the preserve of circles of engineers and designers who meet to try and find solutions. While this offers a historical legacy, it also results in a structure that is difficult to modernise.

One interesting point to note in this context: William Ogburn, who was mentioned at the beginning of this article, was himself in fact involved in the early relativisation of naive technophilia. In the 1960s, he led programmes assessing technological choices for the US administration in order to determine, in advance, the negative effects of using technology. In Europe, it was not until the 1970s that this debate began. But there was still a long way to go before a point of view prevailed that allowed us to formulate an appropriate approach to technological development for the future.

Technological design is an interlinked process, combining the social aspect with technology. Our social traditions, but also our social demands for tomorrow, are both obstacles and drivers in terms of technological requirements. Only the coordinative involvement of the various stakeholders (designers, manufacturers, users, maintenance operatives, etc.) will allow the various technological and social requirements and expectations to be appropriately integrated within the development process. The European social partnership for construction machinery project (see box) could therefore become one of the components of social technological design.

A partnership between employers and workers for safer machinery

In 2015 the European Federation of Building and Woodworkers (EFBWW) and the European Construction Industry Federation (FIEC) set up a working group responsible for examining the problems associated with the design and use of construction machinery.

The working group brings together those involved on the ground in the construction sector, both workers and employers. Together with Pierre Picart, an expert adviser to the French Ministry of Labour, and Stefano Boy from the European Trade Union Institute, the working group has been fortified by two outside experts who are accompanying the discussions. Without, however, ignoring European standard EN 474, this working group has refused to become involved in the long process of revising this standard and has instead turned to the Committee for European Construction Equipment (CECE) to look at possible solutions together. This collaboration has led to a joint social partnership project supported by the European Commission. In addition to the three organisations already mentioned, IndustriAll is also supporting the project. As a result, the employees of manufacturers are also represented in the discussions.

Problems specific to construction machinery will be tackled in workshops on monitoring the area behind machinery, general ergonomics of construction machinery, use of quick hitches on excavators, general safety, and also issues relating to the qualification of users and the organisation of work.

It is planned that the conclusions of these workshops will be documented in guides to be distributed to both manufacturing companies and operating companies. The objective is to improve communication between manufacturers and users and to explain to engineers working on behalf of manufacturers the conditions under which the technology that they develop is used. Another objective is to better explain to users the best practices for using the equipment and the necessary organisation of work.

For further details, please contact Rolf Gehring (EFBWW): rgehring@efbh.be
Workers at the root of a bill to introduce a health record

In Belgium, a former union representative has uncovered a cluster of cancers in a telephone plant closed 15 years earlier. The mobilisation of former employees and the media coverage of their case have drawn the attention of two MPs to gaps in the legislation on the health surveillance of workers. Or how to shake things up through a local fight.

Denis Grégoire
ETUI

October 1993, Colfontaine (Belgium). Striking workers block the entrance to Alcatel Bell to protest against planned lay-offs. Over the 20 years that followed the factory’s closure in 1997, at least a third of its past employees died or suffered from serious illnesses.

Image © Belga
Harry is 67. In 2008 this keen sportsman, who watches his figure and has never touched a cigarette, was diagnosed with colon cancer. “I used all sorts of products: my first job involved drilling into the cases of transmitters for the army’s tanks. We used petroleum and oil for this drilling, and then I had to clean the part with compressed air, which generated a cloud of oil. Later on, I worked in electroplating4, where I was responsible for cleaning the parts. I used perchlorethylene and trichlorethylene and I also plunged the parts into baths of cyanide and hydrochloric acid, which were used to clean the aluminium. When you placed a part in the bath, a violet vapour was released”, this worker remembers. Out of the 12 workers in the electroplating unit, at least four are already dead, according to their former colleagues. Harry also remembers the cadmium: “It looked like pétanque balls, which we plunged into acid baths ...” The worker was equipped only with safety goggles.

Franco was taken on by Bell Telephone when the plant opened in the late 1960s. An industrial designer, he was not in direct contact with the hazardous products, but still believes that his thyroid problems may be related to his 30 years of working in the plant: “We were all bathed, manual workers and white-collar workers alike, in a polluted environment. There were hoods above the acid baths that sucked up the vapours, but, once discharged outside, these vapours were driven by the wind towards the ventilation equipment situated on the plant’s roof. This foul air ...
was therefore returned inside the plant”, says this former member of the company's Health and Safety Committee.

At the time, few employees voiced any concerns. “We were unaware of the harmful effects of the products, or we pretended not to know”, François reports. He remembers how he celebrated when he was hired by Bell Telephone: “People had a clean apron; it was totally different from what I had known when I worked as a mechanic in a garage.”

“Bell Telephone was regarded as a little piece of paradise for those of us who had known our fathers coming home from work with their faces completely black. Most of the Bell workers were sons of miners. For us, having a ‘clean’ job represented progress on the social scale. And our salaries were 30% higher than the regional average”, explains Willy Ray.

“Many of the people affected by cancer think that this is just part of the natural order. They make no connection with their work”, he adds.

**Tongues start to loosen**

For Willy and the CAPD activists, who were already seasoned media users as a result of their previous mobilisation for the victims of asbestos, there was no question of burying their heads in the sand. They alerted the press who, between May and December 2012, published around 10 articles on the case. Following this media coverage, tongues started to loosen.

A former maintenance engineer invited the group to investigate the aspect of chemical products and ambient air pollution, particularly at the welding posts, whereas the CAPD activists had mainly focused on the asbestos contained in the plant’s fire doors.

A general practitioner, in particular, came forward. As part of a prevention programme organised by a regional public health body, between 1985 and 1987 he carried out cancer screening consultations among some of the female staff at Bell Telephone. In an email sent to the group, this doctor recalls “having noted at the time an abnormally high proportion of cancers in this company, including thyroid cancers.” The doctor confirms in this email that he alerted his managers to the worrying results of his examinations of the female workers. The following year he was not re-appointed to carry out the screening at this plant …

These revelations clearly reinforce the belief of the former workers in the link between their medical condition and their working environment.

Table 1 **Substances used by the company and their health effects**

<table>
<thead>
<tr>
<th>Substances used by the company</th>
<th>Health effects</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Solvents</strong></td>
<td></td>
</tr>
<tr>
<td>Hydrochloric acid</td>
<td>Acute toxicity (oral, dermal, inhalation)</td>
</tr>
<tr>
<td>Sulfuric acid</td>
<td>Acute toxicity (oral, dermal, inhalation) Neurotoxic substance</td>
</tr>
<tr>
<td>Cyanide</td>
<td>Risk of release of hydrocyanic acid Cyanides are highly toxic products by ingestion, inhalation and skin contact, and can quickly lead to death.</td>
</tr>
<tr>
<td>Methanol</td>
<td>Damage to the nerves Affected systems: Respiratory and Gastrointestinal - liver</td>
</tr>
<tr>
<td>Trichloroethylene</td>
<td>Carcinogenic to humans (IARC* = group 1; CLP** = category 1B) Suspected of causing genetic defects</td>
</tr>
<tr>
<td>Acetone</td>
<td>Neurotoxic substance</td>
</tr>
<tr>
<td><strong>Metals</strong></td>
<td></td>
</tr>
<tr>
<td>Nickel</td>
<td>Possibly carcinogenic (IARC, CLP) Corrosive product by contact, inhalation and ingestion: irritation, burning, lesions, ulcerations (skin, respiratory tract, eyes, digestive tract)</td>
</tr>
<tr>
<td>Cadmium</td>
<td>Carcinogenic to humans (IARC* = group 1; CLP** = category 1B) Substances with possible mutagenic effects in humans Neurotoxic substance (level 1)</td>
</tr>
<tr>
<td><strong>Mixtures</strong></td>
<td></td>
</tr>
<tr>
<td>Tin-lead solder</td>
<td>Soldering fumes are classed as possibly carcinogenic to humans by the CIIRC (group 2B)</td>
</tr>
<tr>
<td>Cutting and petroleum oils</td>
<td>Skin conditions Studies show an association between cutting fluids and several types of cancer (rectum, bladder, skin, scrotum, larynx, pancreas)</td>
</tr>
</tbody>
</table>

Sources: Risctox database, IARC, INRS

* International Agency for Research on Cancer

** European Regulation on classification, labelling and packaging of substances and mixtures (CLP)
In February 2016 she tabled a bill to allow compensation for lung cancers caused by asbestos, to allow legal proceedings to be brought on behalf of those having received compensation, to increase contributions to the Fund for convicted employers, and to increase the time-limit between exposure to asbestos and appearance of the disease.

The comprehensive medical record brings together all of a patient’s medical information: operations, ongoing treatments, vaccinations, hospitalisations, test results, etc. It should be pointed out that the existence of such a record is not mandatory; it is established only on behalf of those persons who have specifically requested it from their general practitioner.

Willy Ray bemoans the situation as follows: "We have filed around 20 cases, mainly involving cancer. All have been refused by the FMP. There is nothing medical about this organisation. They are just officials who put on a medical hat to justify their lack of action, and they never recognise anything. Their main concern is to ensure that as little money as possible leaves their coffers".

The trust of the former Bell Telephone employees in the compensation organisation has been lost. The CAPD is now concentrating its efforts on improving the regulatory framework. "There has been a failure to implement and comply with the workers’ health surveillance system", they claim.

**Improving the legislation**

In order to bring about change, they have not shied away from contacting politicians. Two MPs, Catherine Fonck and Muriel Gerkens, responded to their call. These two women have been interested for a long time in cases involving the intersection between work and health. The former is a doctor by training, while the latter has been trying to improve the operation of the *Fonds amiante*, a fund designed to compensate victims of asbestos-related diseases.

They took the initiative of setting up a working group responsible for preparing a bill to improve the 2003 Act on the surveillance of workers’ health. An initial meeting was organised in October 2014. In addition to the CAPD representatives and the two MPs, medical specialists – in particular a pulmonologist – FMP doctors and representatives of associations combating inequalities in access to health were also present.

The workers and the MPs agreed to acknowledge the merits of the 2003 Act, which provides for a "health record" to be drawn up. The problem lies in the transfer of information from this record, particularly to general practitioners. The bill, which was introduced to the Belgian Parliament at the end of April 2016, will make it automatic and mandatory for the general practitioner, or the specialist if the worker is not being monitored by a GP, to be provided with the worker’s health record. The text also provides for the occupational health record to be incorporated into the patient’s comprehensive medical record. If workers change employer, the bill makes it mandatory for the medical information to be transferred to the new occupational doctor. Another major advance in terms of transparency is that the bill states that the worker has a right "to consult the personal medical information and exposure data included in their health record".

"For too long the labour movement has focused on compensation for damage to health caused by work. The experience of the Bell Telephone employees, whose cases for recognition of their occupational diseases have not yet been successful, shows that action must also be taken further upstream and more generally. Our goal is to ensure that information on workers’ health is shared, that it is no longer the sole preserve of employers and institutional representatives", concludes Willy Ray.
After Rana Plaza: trade union mobilisation quickly blocked

After the Rana Plaza collapse in 2013, a window of opportunity opened for the trade unions. But it was quickly closed. And although fire safety standards have been improved and the minimum wage increased, working conditions at the world’s second largest textile exporter still remain poor.

Elsa Fayner
Journalist

Photographs:
Axelle de Russé
On 24 April 2013 managers at the Rana Plaza textile workshops, in a Dhaka suburb, forced workers to go back into the building, despite the appearance of large cracks in the walls. Moments later the building collapsed, killing 1,135 people and injuring thousands. Six months earlier, at the Tazreen factory, also situated in the suburbs of the Bangladeshi capital, workers had been ordered to stay at their posts despite fire alarms going off. One hundred and twenty died. Neither of the two companies had trade unions representing the workers and helping them to resist the demands of management, which proved fatal.

In July 2013 new staff representation rules were adopted in Bangladesh. Prior to that, employers had to give their consent for a trade union to be created. This is no longer the case. The accreditation process has also
been simplified. "In 2011 and 2012 just one trade union was set up in one factory; in 2013 there were 96", celebrated Srinivas B. Reddy, Country Office Director for the International Labour Organization (ILO), one year later. "Workers are no longer afraid of banding together!" was the delighted statement of the National Garment Workers’ Federation (NGWF), one of the main trade unions in the sector.

However, it was more the actions of the ILO and international trade union and NGO groupings that led to the signature of two major agreements on building safety and fire standards: the Accord on Fire and Building Safety, signed by around 180 mainly European multinationals, and the Alliance for Bangladesh Worker Safety, initiated by the two US giants, GAP and Walmart. These two initiatives have enabled the inspection of 3 500 factories supplying foreign brands. As a result of these inspections, over 600 factories have been closed and the rest must carry out work, in some cases extensive. At the same time, the minimum wage in the sector has been increased from 35 to 60 euros per month, which corresponds to the rent for a room measuring around 10 m².

However, working conditions have not been tackled. It must be said that the "window of trade union opportunity was quickly closed", laments Ben Vanpeperstraete from the global union federation for the service sector, UNI Global Union, who notes "a deterioration between 2014 and 2015; a clear step backwards". In April 2015 Human Rights Watch (HRW) published a damning report stating that workers in the textile industry in Bangladesh still "face poor working conditions and anti-union tactics by employers including assaults on union organizers". According to evidence gathered by HRW, workers attempting to form trade unions have been dismissed for these militant activities. The NGO points out that fewer than 10% of the garment workshops in Bangladesh currently have trade union representation.

"Trade unions often face problems registering", adds Amin Amirul, President and co-founder of the NGWF, whose optimism has fallen since 2014. "The Ministry of
Labour, which accredits trade unions, does not always grant accreditation, or does so slowly. While trade unionists suffer threats and even intimidation …

"There is one trade union in the factory, but it was set up by our employer", state three young men in the humidity-laden offices of the NGWF, which are crammed with files on various suppliers of major Western brands. "Co-workers who wanted to form another trade union were kicked out." After the closure of their factory, the workers demonstrated. "But the boss called the police and we were beaten and then dispersed." Arifa was the only one to make a statement. Determined in her red sari, she has discovered a new vocation: staff representative. At the age of 19 she was dismissed when she founded a trade union in her company to denounce not only the unpaid overtime and
The list of progress includes the organisation of collective bargaining in around 30 factories, notes Ramesh Roy, President of the United Federation of Garment Workers (UFGW), another organisation in the sector. In addition, workplace health and safety committees have to be set up by suppliers of Western brands that have signed the European Accord. Who will be the members and what will they do? At the moment, nothing is being said. The Bangladesh Garment Manufacturers and Exporters Association (BGMEA), which is based in a modern tall tower in the centre of the city, demands that there are no "activists" involved in the discussions, which they understand as "NGO members". As regards the trade unions, it is quite simple: just saying their name causes all the employers met to roll their eyes. "Trade unions mean riots, without a doubt!", they usually retort.

lack of drinking water in the building, but also the beatings dished out to workers by foremen. "I myself was beaten twice", the young woman calmly explains, who, since losing her job, has spent almost every day helping out at the trade union. This morning she is rushing to go and demonstrate in front of Parliament, as she does every Friday, even though there is only a handful of demonstrators.

Around 30 young women leave the building, with documents under their arms, to join the procession. The trade union is also teaching workers – those who can read, which is a minority – about their rights and how a trade union works. Most of the students are around 20, know their subject and are astonishingly tenacious given the extent of the task facing them. "This is something new", encourages Amin. "This is progress!"
Many chemicals are endocrine disruptors. These substances alter the production of hormones, which are the chemical messengers coordinating various functions in the human body. Stéphane Horel offers an illuminating metaphor: these are "tiny raiders of the inner body". The number of items containing them is growing exponentially. The list seems infinite: from cosmetics to pesticides, not to mention baby bottles and seemingly innocent items such as receipts. They have many severe health impacts: diabetes, lower quality of sperm, developmental problems such as autism, breast and prostate cancers, and so on.

Journalist and documentary maker Stéphane Horel is all too familiar with what is termed the "Brussels bubble": this little world where European Commission officials and lobbyists come together on a daily basis to develop most of the European legislation. Her highly detailed book, based on a wealth of documentation, shows the extent to which this power is escaping democratic scrutiny.

The investigation began in 2009. Adopted in 2006, REACH — the European regulation on chemicals — did not contain any definition of endocrine disruptors. Further regulations followed in the wake of REACH. They concerned pesticides, biocides and cosmetics, products that contain numerous molecules suspected of interfering with our hormones. Under pressure from the European Parliament, the Commission was forced to formulate a definition of endocrine disruptors before December 2013. Without this definition, the regulatory mechanisms introduced were ineffective.

The Commission lacked a unanimous approach. The Directorate-General (DG) for the Environment favoured a definition based on scientific criteria and wanted to enshrine the precautionary principle. The DG Health, which is very susceptible to influence from industrial lobbies, tried to gain new ground within the Community bureaucracy. It was able to rely on the British and German governments, and on the European Food Safety Agency (EFSA), which has a symbiotic relationship with pesticide producers.

The development of the scientific criteria was entrusted to a team led by one of the top experts in endocrine disruptors, Professor Andreas Kortenkamp. The conclusions of the report published in early 2012 caused panic among manufacturers. A countereffusive was quickly launched by the organisation of pesticide manufacturers (ECPA, European Crop Protection Association) and many employer organisations in the sectors concerned. Certain multinationals such as Bayer, BASF and Syngenta took determined action. The aim was to circumvent the DG Environment. The centre of power, i.e. the inner circle of the Commission President, Mr Barroso, therefore had to be reached. The manufacturers were able to rely on his Chief Scientific Adviser, Ann Glover, and the Secretary-General of the Commission, Catherine Day. Various scientists were recruited. In the summer of 2013, 14 scientific journals published a common editorial undermining the credibility of the Kortenkamp report. Seventeen of the eighteen editorial writers had ties to industry.

The manufacturers’ aim was to get rid of the precautionary principle. They wanted the definition of endocrine disruptors not to be based on the intrinsic properties of these substances. They proposed what they termed a “potency” criterion to indefinitely delay preventive measures. As it was impossible to accurately measure this “potency criterion”, most of the endocrine disruptors that had not been extensively studied could remain on the market.

The investigation details the manoeuvring, alliances and low blows that enabled the endocrine disruptor producers to gain the upper hand. The Commission deliberately decided to infringe its own legal obligations. It did not develop a definition of endocrine disruptors, but instead launched an impact study as if severe human health effects could be tolerated under the pretext of generating corporate profits.

In the autumn of 2014, the formation of the new European Commission, presided over by Mr Juncker, consolidated the victory of the industrial lobbies. Core issues were taken away from the DG Environment. The powers of the DG Health were reinforced. The new Commission has assumed, without mercy, that it can infringe Community law to satisfy industry. Stéphane Horel soberly concludes: "The problem with lobbying is not just that industry defends its own interests. It is that public authorities cannot maintain the integrity of their decisions."

This book reads like a detective novel. There is a commendable quality to having analysed the symbiosis between lobbyists and Eurocrats by following a single issue day after day. It achieves a depth that many scholarly works on political science might envy. It unpicks the fundamental meaning of what Community jargon calls "Better Regulation". If the workings of policy making can be tackled using criminal investigation techniques, does this not mean that the same cynical brutality and the same indifference to human suffering may be values shared by both the economic and political elites and the criminal world?

— Laurent Vogel

Perturbateurs endocriniens, lobbyistes et eurocrates: une bataille d’influence contre la santé
by Stéphane Horel
Éditions La Découverte, 2015

A summary in English of Stéphane Horel’s investigation can be downloaded from:
http://corporateeurope.org/food-and- agriculture/2015/05/toxic-affair-how-chemical-lobby-blocked-action-hormone-disrupting
The damned of electronics

At a time when the battle for market share is raging between Samsung and Apple, and when new pretenders to the throne are emerging, most consumers are unaware that, despite the different logos, their smartphones and tablets often come from the same factories.

Half of all the electronic equipment sold around the world is in fact manufactured by the firm Foxconn. Founded in the early 1970s by a 23-year-old Taiwanese, the company established itself on the international market in the early 1980s by manufacturing parts for the legendary Atari game consoles. Since then its list of customers has grown considerably. It would be too tedious to list them all, but certain names hint at the power of this discreet industrial group: Dell, Hewlett-Packard, Microsoft, Nintendo, Nokia, Sony and, last but not least, Apple. The firm with the apple logo has long been a Foxconn partner. The various generations of iPhone and iPad have been manufactured in China, where the Taiwanese group, with its 1.4 million workers, is the largest private employer in the country.

This privileged relationship with the Californian company undoubtedly had a part to play in the appearance in the headlines in 2010 of the name Foxconn, which had previously been confined to the financial pages of leading newspapers. The reason for this emergence from anonymity: no less than 18 young workers had jumped into the void in the space of just a few months. Among them were four "miracles", including Tian Yu, a 23-year-old Taiwanese, the company established itself on the international market in the early 1980s by manufacturing parts for the legendary Atari game consoles. Since then its list of customers has grown considerably. It would be too tedious to list them all, but certain names hint at the power of this discreet industrial group: Dell, Hewlett-Packard, Microsoft, Nintendo, Nokia, Sony and, last but not least, Apple. The firm with the apple logo has long been a Foxconn partner. The various generations of iPhone and iPad have been manufactured in China, where the Taiwanese group, with its 1.4 million workers, is the largest private employer in the country.

This privileged relationship with the Californian company undoubtedly had a part to play in the appearance in the headlines in 2010 of the name Foxconn, which had previously been confined to the financial pages of leading newspapers. The reason for this emergence from anonymity: no less than 18 young workers had jumped into the void in the space of just a few months. Among them were four "miracles", including Tian Yu, a female worker who on 17 March 2010, after just 37 days of working for the company, jumped from the fourth floor of the dormitory at the Foxconn Longhua plant in Shenzhen (to the north of Hong Kong). Paralysed in her lower limbs, the young woman confided in an NGO that defends workers’ rights.

She spoke about 12-hour working days, impossible production rates, and humiliation by supervisors. There is nothing surprising in that. However, her testimony is particularly interesting because it reveals the utmost Orwellian dimensions of work in these Chinese electronic factory towns. "I was hired on 8 February 2010 as a production line worker. Foxconn gave me the number F9347140... They also gave me a small colour-printed book, The Foxconn Employee’s Guide. This book starts with some galvanising words: ‘Don't waste a minute in achieving your wildest dreams’, ‘Embark on a magnificent life’, ‘Foxconn will allow you to expand your knowledge and gain experience’, recalls the young survivor.

The "guardian" figure of the founder, Terry Gou, also keeps a watchful eye over his army, while rolling out his expansion strategies: at the beginning of April, he took over the Japanese television manufacturer Sharp. “Displayed on the factory walls are the CEO’s philosophical maxims, which are regarded as sacred words and symbols of the spirit of enterprise and a relentless work ethic: ‘To succeed, you must be quick, accurate and precise’; ‘Growth, your name is suffering’” states La machine est ton seigneur et ton maître. This last phrase, reproduced on the hard cover of the short collection of worker testimonies, did not come from Mr Gou. It was said by someone whose name we don’t know, just that he was one of Mr Gou’s workers. This unknown person describes, in intense and chilling words, the process of mental alienation and depersonalisation that occurs when in contact with the machinery on the production lines where it is forbidden to talk to your colleagues or express any emotion: “The machines are like strange creatures that suck up the raw materials, digest them inside and then spit them out in the form of finished products. The automated manufacturing process simplifies workers’ tasks, which means that they are no longer an important part of the process. Instead they are slaves to the machines. We have lost the value that we should have as human beings, and instead have become an extension to the machines, their appendage, in fact their servant.”

Since 2010 and the revelations in the Western media about the “wave of suicides”, Foxconn has installed nets over the windows of its dormitories, reduced overtime, authorised wage increases and brought its despotic supervisors into line. Apple applauded, before deciding to entrust the manufacture of its iPhone 6 to a Chinese company whose workers earn lower wages than those of its Taiwanese competitor. Since 2010 the suicides have continued, but are just less concentrated.

Xu Lizhi, a Foxconn worker, committed suicide in Shenzhen in September 2014. A lover of literature, he left Foxconn to try and get a job in a bookshop, but, when he was unsuccessful, had to return to the electronics giant. In his (rare) spare time, he wrote poems: "Even the machine is nodding off / Sealed workshops store diseased iron / Wages concealed behind curtains / Like the love that young workers bury at the bottom of their hearts / With no time for expression, emotion crumbles into dust / They have stomachs forged of iron / Full of thick acid, sulfuric and nitric / Industry captures their tears before they have the chance to fall." (Source: libcom. org/blog/xulizhi-foxconn-suicide-poetry)

— Denis Grégoire

La Machine est ton seigneur et ton maître
Yang, Jenny Chan, Xu Lizhi

Read also
Flexible workforces and low profit margins: electronics assembly between Europe and China
Jan Drahoš Koupiš, Rutvica Andrijašević and Devi Saracheta (eds)
ETUI, 2016, 240 pages
Free download: www.etui.org > Publications > Books