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# CLR News

## Bricklaying is more than Flemish bond

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# Note

from the editor

Jan Cremers,  
AIAS,  
19-03-2010

The subjects of the 2009 issues of our quarterly were all more or less related to the financial crisis, its origins and effects and the existing gap between the real economy and the world of the "haute finance". In the number 4 issue of 2009 we saw the dramatic consequences in one specific country, the Celtic tiger. As a follow-up of our debates on the crisis we started to assess the potential contribution that joint initiatives of the industry, based on social dialogue and often implemented through industry-wide institutions and provisions, can deliver to an anti-cyclical strategy. In CLR-News 3-2008 we reviewed several "working poor" studies. In these studies with regard to the appearance of the "working poor", first in the US, later also in the EU, the bankruptcy of the strategy of welfare dismantling and deregulation was demonstrated. The ability to quickly find a job on the labour market is not enough and the focus on adaptability to the needs of the labour market in order

to increase employment rates without taking into account the quality of the job and quality of life in general leads to atypical work forms. In today's financial crisis, those countries that survive best have stronger regulatory frames, of labour law and collective agreements, in which workers are protected and treated as stakeholders that keep companies in good shape. And, if this goes hand in hand with a tradition of craftsmanship and high qualification, the labour market perspective is much more positive than in the deregulated and flexible markets. These regulatory frames are perhaps costly, but they serve as guarantee and as an anti-cyclical instrument in times of crisis.

There is no better plea nor argument for an industry-wide investment in vocational training. And that is what this issue is about.

The construction industry has been faced with an enormous challenge since the opening up of the European market. Though mobility over national borders is low in the European labour market, if it happens, it

takes place either at management level in all industries or on building sites everywhere in Europe. Labour mobility in the construction industry is therefore high compared to many other sectors and many construction workers find employment in countries other than those in which they were originally educated and trained and acquired a qualification to work in a particular occupation. Construction operates in an environment where discontinuity, the loss of skilled labour and craftsmanship and the general image of the industry are central worries to be dealt with strategically as well as in day-to-day business at national and European levels. Actually this phenomenon becomes manifest in all Member States, whether new or old. After the wave of migration to the old Member States, the construction labour market in the CEE countries had to face serious problems with skills shortages and a too low influx of young workers. An ageing

workforce in East and West will only intensify these problems. With the increasingly skilled nature of the construction labour process, qualifications provide a more and more important means of recognizing a person's level of competence, skill and knowledge. And, with rapid changes in the nature and number of firms in the industry across Europe, it is more and more difficult to rely only on a person's experience and personal references as proof of their abilities.

This was the background for a research project funded by the European Commission in the frame of the Leonardo-da-Vinci programme. The study 'Bricklaying Qualifications, Work and Vocational Education and Training (VET) in Europe' seeks to compare the nature, content and regulation of different qualifications and VET for bricklaying in eight European Union (EU) countries: Belgium, Italy, Germany, the Netherlands, Denmark, England, Poland and France. In this issue of CLR-News the

## Note from the editor

project team reports about the interim findings. First we have a synthesis written by Michaela Brockmann, Linda Clarke and Christopher Winch. A longer version of the synthesis is available on our website <http://www.clr-news.org/CLR-Studies/Synthesis%20report%20bricklayers%20final.pdf>

Secondly our Polish colleague Jakub Kus writes about new skills and new qualifications and the last subject article on the "current EU policy" comes from EFBWW secretary Rolf Gehring.

CLR-News 3-2009 brought a critical review by Regan Scott (*Contributions to the great TU debate*, page 35-52). In this issue you find a reply to this by Richard Croucher and other authors of the reviewed books. Next you will find the usual reports, reviews and announcements.

As ever, contributions and feedback are welcome.

## **BRICKLAYING QUALIFICATIONS, WORK AND VET IN EUROPE**

Michaela  
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Linda Clarke,  
Christopher  
Winch

### **1. Introduction**

Labour mobility in the construction industry is high compared to many other sectors and many construction workers find employment in countries other than those in which they were originally educated and trained and acquired a qualification to work in a particular occupation. At the same time, with the increasingly skilled nature of the construction labour process, qualifications provide a more and more important means of recognizing a person's level of competence, skill and knowledge. And, with rapid changes in the nature and number of firms in the industry across Europe, it is more and more difficult to rely only on a person's experience and personal references as proof of their abilities. All these factors have prompted the need to establish a European Qualifications Framework (EQF) to facilitate mobility, recruitment and career development. Bricklaying, as a typical construction occupation, is as exposed as any to these changes and thus provides a good example to explore the difficulties and possibilities of recognizing qualifications in the construction sector across Europe.

This is a summary of a synthesis report. The full report is available as a CLR-Report on [www.clr-news.org](http://www.clr-news.org). The underlying research was funded under the Leonardo Programme, Grant Agreement : 2008-1929/001-003.

This article is based on an European Commission Leonardo-Vinci study 'Bricklaying Qualifications, Work and Vocational Education and Training (VET) in Europe', the overall aim of which is to enhance the comparability and transferability of bricklaying qualifications in the context of the implementation of the EQF. It seeks to compare the nature, content and regulation of different qualifications and VET for bricklaying in eight European Union (EU) countries: Belgium, Italy, Germany, the Netherlands, Denmark, England, Poland and France.

### **2. National Qualification Frameworks (NQFs) and the EQF**

The idea of a qualification framework is to provide a common basis of comparison for all qualifications recognized by the state or internationally, be they academic or vocational. The possibility of establishing equivalences in qualifications is therefore essential to such a project. The easiest way to conceptualise this framework is as a two dimensional grid, as illustrated in Table 1, which is the one used for the EQF. The rows on the grid represent levels of achievement from primary school to doctoral level. The vertical columns represent significant cognitive subdivisions: knowledge and skill are distinct categories and others, to do with, for example, managerial capacity, may constitute a third. In the case of the EQF, two qualifications, A and B, are equivalent if they lie at the same horizontal level in all three cognitive subdivisions on the grid. A qualification framework takes two or more qualifications, and determines their equivalence in terms of their specification, usually as 'learning outcomes'. This brief description applies to both the EQF and to NQFs.

Both the EQF and NQFs are similar in the sense that they use a grid of vertical and horizontal classifications of qualifications in terms of cognitive characteristics (columns) and cognitive levels within an academic hierarchy (rows). Comparisons are made by locating two or more qualifications in rows within the grid. If the location of the row coincides, the qualifications or qualification classifications are deemed equivalent. This can be clearly seen in Table 1 for the EQF, but the basic idea already existed within NQFs developed in different countries, for example South Africa, England and Ireland, prior to the setting up of the EQF. It should not be assumed that NQFs correspond to the exact features of the EQF. For example, there may be different numbers and types of academic levels and fewer or more specified types of cognitive characteristics, but the basic idea of comparing

qualifications or types of qualifications is the same in both cases. Thus, if two qualifications, A and B, can be characterized in terms of their learning outcomes in each of the cognitive subdivisions of knowledge, skill and competence at level 3, they are deemed to be equivalent to each other. This is the general pattern for all qualification frameworks.

**Table 1:** Outline of the European Qualification Framework. Cognitive Characteristics

<b>Academic level</b>	<b>Knowledge</b>	<b>Skill</b>	<b>Competence (Autonomy and Responsibility)</b>
<b>Level 1 (upper primary)</b>			
<b>Level 2</b>			
<b>Level 3 (upper secondary exit)</b>			
<b>Level 4</b>			
<b>Level 5</b>			
<b>Level 6 (Bachelor)</b>			
<b>Level 7</b>			
<b>Level 8 (doctoral)</b>			

NQFs generally compare all or some of the recognized, individual national qualifications directly with each other. The EQF is not intended to provide a direct comparison of two or more qualifications but to compare qualifications that are already classified on an NQF. The EQF takes two or more classifications of qualifications from different NQFs and provides a judgement of equivalence or non-equivalence between those qualification classifications, based on their classification within their own NQFs. Because it is designed primarily to be used with NQFs, it is sometimes known as a

‘translation device’, because it ‘translates’ a classificatory judgment in the qualification system in country A to its equivalent in the qualification system of country B. It is thus not intended to be used as a direct method for determining the equivalence or non-equivalence of particular national qualifications.

### **3. The European bricklayer: trade or occupation?**

A key problem we confront in attempting to establish the equivalence of the bricklaying qualification across Europe is whether we are talking about different kinds of bricklayer. How far does bricklaying remain a demarcated *trade*, defined by output and performance with its boundaries clearly distinguished from other building trades on the basis of employer-defined tasks in the workplace? Or can bricklaying be regarded as an *occupation*, negotiated and regulated by a range of stakeholders – including the social partners and educationalists – and defined in relation to the potential capabilities of the person? In each country we can identify characteristics of bricklaying as both a *trade* and an *occupation*, with one more dominant than the other. The importance of the distinction though relates to the different nature of the system of governance of qualifications and the different modes of VET associated with each.

The governance of bricklaying qualifications ranges from the trade-based system in England and, to a lesser extent Italy, to the social partner based systems of Belgium, Germany, the Netherlands and Denmark (Table 2). With these latter countries the state plays a critical role, certainly in funding, though not to the same extent as observable in France and Poland.

The state role also varies, being ‘arm’s length’ via quangos in England, minimalist in Italy, confirming in Denmark and developing guidelines in Belgium, rules and procedures in the Netherlands, and jurisdiction and supervision in Germany, France and Poland.

**Table 2:** Structures of Governance of Qualifications

	<b>Social partner/ employer regulation</b>	<b>Funding mechanisms</b>	<b>Central/regional</b>	<b>Responsibility for defining qualification</b>	<b>Training (OLM) versus production (ILM) model</b>	<b>Craft (Handwerk) versus industry division</b>	<b>Role of state</b>
Denmark	Social partner	State + levy/ grant	Central	Social partner trade committees	OLM/ Trade	Yes	Confirming
Belgium	Social partner	State + levy/ grant	Important regional element	Vlor + social partners	OLM	No	Develops guidelines
Germany	Social partner	State + levy/ grant	Important regional element	BIBB+ social partners	OLM	Yes	Jurisdiction and supervision
Netherlands	Social partner	State + levy/ grant	Central	Social partners	Mixed	No	Sets rules and procedures
Poland	Government	State + training fund	Central	Government	OLM	No	Jurisdiction and supervision
France	Social partner	State + levy	Central	CPC + social partners	OLM	No	Jurisdiction and supervision
England	Employer	State + levy/ grant	Central	Employers/ trade associations	Trade/ILM	No	Dominance of quangos
Italy	Social partners and regions	Joint funds	Regional	Regional via apprenticeships	ILM	Yes + co-ops and SMEs	General approach, minimal

Even despite these variations, VET may be partly funded by a levy/grant system (England, France, Belgium, Germany, and the Netherlands) or by joint funds (Italy and Poland). Only in Italy, Belgium and to a lesser extent Germany are there important regional divisions.

The dominance of a 'production approach' relying on employers 'growing' their own workforce and bricklayers picking up skills over the years is perhaps most evident in Italy and, to a lesser extent, in England, though a significant minority in the Netherlands (36% or 21% under 30 years old) and in France (30%) are not qualified (Table 3). The bricklayer in Belgium, Denmark, Netherlands, Poland and Germany is nevertheless active in an occupational labour market, dependent on a clearly regulated VET and qualification system.

There are significant differences in the importance of bricklaying in the industry, the mason being by far the most important construction occupation in France (numbering 470,000 or 39% of the workforce), a key though less numerous occupation in Belgium and Germany (numbering 24,000 and 105,00 respectively or 15% of the workforce), rather less important in Denmark and England (numbering 14,700 and 97,030 respectively or 7% of the workforce) and less significant (12,146 or only 3% of the workforce) in the Netherlands where the carpenter assumes more prominent. Altogether, for the seven countries, with the exception of Italy, the number of bricklayers is estimated at nearly 750,000! Though these statistics are highly questionable, given that the workforce is defined differently in each country, they do nevertheless provide an indication. Many of these, as also indicated in Table 4, are self-employed.

**Table 3:** Bricklayers and bricklaying trainees and VET

	Total work-force 000s	No. masons/ b'layers	B'layers as % of work-force	% self-employed b'layers	No. mason/ b'laying trainees	% of trainee b'layer apprentices	mason/ b'laying trainees as % of masons/ b'layers	mason/ b'laying trainees VET % completion rates	% masons/ b'layers qualified	Normal time in VET	
										% time in school	Total length in years
DK	200	14,700	7	10	1,034 (starters) 3,000 (all)			79	65	30	3+
B	180	24,000	15	25	2,008	40	8.3	NA	NA	40	3-4
D	714	105,000	14.8		14,411	78				23% + 24% training centre = 47%	3
NL	395	12,146	3	DK	750	90			64 (79% under 30)	40	2-3
PL					Total 3,500-4,000			80		c. 95+	3
F	1400	180,000 employees 60,000 craft	17	30	20,000	80	8	NA	70	70	2-3
England	1900	97,030	7	majority	9,959	c50	9	c60	Majority Level 2	20	2
I					21,000 total construction	All				Small, 120 hours	Max 3 years

#### 4. Education or training – What does a bricklayer need to know?

In most continental countries (Germany, Denmark, Belgium, Poland, France, Netherlands), VET is provided through comprehensive programmes, which are part of the wider school system and thus constitute the continuation of 'education' (commonly based on a curriculum, with a broad content) rather than 'training' as more narrowly focused on the job. VET is aimed at developing the individual for the occupation and employment as well as for life as a citizen in wider society (all six countries). Many countries also aim to provide the basis for further education including progression to higher education, although in practice opportunities may be constrained (France, Germany).

We can distinguish between school- and work-based systems with the latter dominating in most countries. **Poland** stands out in that the dominant route is through the 3-year vocational school, which is based on a mixture of classroom- and workshop-based provision. In **Belgium**, too, 40% of students in any one cohort follow the full-time vocational school route, although another 40% go through the apprenticeship system. The former provides a very broad qualification after 4 years (mason, form setter and steel fixer). However, it is fully modularised, and students can opt to take the bricklaying qualification only. The apprenticeship takes 3 years to complete and leads to a bricklaying qualification.

In the **Netherlands**, too, VET is part of a comprehensive school system. VET qualifications can be obtained through the school based or dual tracks (that is work-based with a college element). Bricklaying is largely practice-based, and the duration for the more common Level 2 qualification is 2 years. Similarly, in **France**, the most common route, the CAP, is integrated within the education system, taking 2-3 years to complete (with apprenticeship the dominant route, where 75% is based with a specific employer and 25% in a training centre).

Both Denmark and Germany have well-established 'dual systems' of apprenticeship. The **German** system is perhaps the most broadly conceived qualification, taking three years to complete. During the first year, VET covers the whole field of construction. In the second year, trainees specialise in one of three construction domains (construction, civil engineering, finishing) – enabling a qualification as a skilled general building worker. Only in the third year is there a further specialisation as bricklayer. VET takes place largely at the construction site (4 days per week) and the college (1 day a week). Apprentices also attend block release training (up to 37 weeks in total) in training centres financed by a levy.

In **Denmark**, in some contrast to the German system, there has historically been a greater emphasis on the classroom-based element of apprenticeship, with the apprentice spending an initial period of at least 20 weeks at the vocational school. However, traditional apprenticeships have also been introduced. Programmes take 3 years and 8 months to complete. They are in two stages: students can qualify as a tiler after 2 ½ years, and obtain the qualification bricklayer on completion of the full programme (3 ½ years).

By contrast, bricklaying in **England** is dominated by high levels of informal on-the-job learning, with the accreditation of existing skills through on-site assessment. The apprenticeship (typically taking 2 years) consists of the NVQ (National Vocational Qualification), Construction Award (the theoretical element), and so-called 'functional skills'. These elements are narrow in scope and are not integrated with one another. Of growing concern is that increasing numbers seeking to become apprentices are unable to do so due to diminishing training places, just as NVQs are relying more heavily on work-based evidence. As a result, VET in bricklaying is increasingly college-based, with trainees following courses to achieve Diplomas (previously Construction Awards). It is then difficult when the trainee does not have sufficient work experience to succeed in

subsequently finding employment within the occupation, and hence achieve an NVQ. Construction VET courses are characterised by a strong demarcation between different construction trades with no common basis.

In **Italy**, the most common type of VET is apprenticeship (with one system for young people from the age of 15, and another 'professional apprenticeship' for people aged 18 to 19). However, in the context of scant value attached to formal VET, the uptake of apprenticeship is low, if increasing. The content and structure of apprenticeship is largely determined by regional collective bargaining agreements with little attention paid to quality of provision.

### *4.1 Content of VET programmes*

Some countries (Germany, Denmark, Poland and Belgium) identify 'competences' as key learning outcomes of VET. However, these systems are essentially input-based. Competences relate to sets of activities in the workplace and are based on the integration of knowledge, practical know-how and more generic (personal and social) competences, which are commonly not spelled out in detail. These systems can be distinguished from the competence-based system of England and also those of France and the Netherlands, which have adopted outcomes-based approaches. In these countries, qualifications are defined in terms of detailed lists of activities or tasks with performance indicators, and qualifications are awarded on the basis of successful performance of the tasks. There is a further distinction between the English system, on the one hand, and the French and Dutch ones, on the other. In the latter two countries, competences are based on the integration of knowledge, know-how and social and personal dimensions of competence, and relate to comprehensive occupational profiles with a broad scope of activities. While accreditation of prior experiential learning (APEL) is possible, qualifications are typically awarded on completion of a VET programme, aimed at developing multi-dimensional

competence. In the English system, competences are narrowly defined, relate to restricted occupational profiles and not necessarily linked to a curriculum. Until recently, the classroom-based element of apprenticeships mirrored the NVQ and only provided the knowledge deemed necessary to carry out specific tasks. In most continental countries, VET provides a much more profound knowledge base, combining both occupational and industrial knowledge with general and civic education.

#### 4.2 Knowledge

In most continental countries studied VET programmes contain both theoretical knowledge to underpin know-how in the workplace and general and civic education to enable the development of the person in society as a whole as well as within the occupation (Table 4). Importantly, theory encompasses broad knowledge of the industry and occupational and firm-specific knowledge. It also includes underpinning principles such as maths and physics, although what were previously distinct subjects now tend to be taught - notably in France, Netherlands, Denmark and Germany - in an integrated way based around specific sets of activities or competences.

#### 4.3 Scope of VET

While in all countries, occupational knowledge relates to specific areas of activity, the scope of these activities varies. There is usually a distinction between the workplace or workshop elements of VET, aimed at developing practical know-how, and the classroom-based elements, which provide the theoretical underpinning. In the **German** dual systems of apprenticeship, this distinction is made explicit.

Thus, on the construction site and in inter-company training centres occupational knowledge and skills are (for all construction profiles):

- assignment acceptance, ascertaining accomplishment, work plan and work flow;

**Table 4:** Types of knowledge and scope of know-how

	<b>General education and occupation-specific underpinning</b>	<b>Industrial</b>	<b>Occupational (Scope)</b>
Germany	German Economics Social sciences Maths Technical drawing	Labour law Health and Safety Environmental protection	Receiving assignments; monitoring work; work plan and work flow; setting up, securing, clearing of construction sites; checking, storing, selecting material; reading and applying drawings, drawing up sketches; conducting measurements; quality assurance and reporting system; making construction components of wood, concrete; insulation, plaster works, building pavements, tiling, building dry mortarless constructions; setting up building pits and ditches, building roads, water supply and sewerage.
Denmark	Danish Social sciences ICT Maths Technical drawing	Work environment Materials Design Entrepreneurship and innovation Product development and service	Tiling; flooring; preparing and working from drawings; handling materials and tools; bricklaying and surface treatment; mathematical calculations; scaffolding; planning work, including interfacing with customers; collaborating with other actors in the labour process; design concepts; health safety; fitting insulation; bricklaying; and roofing; planning, organising and quality assuring projects.
Belgium	Native language Maths Technical drawing	Yes	Basic masonry; Foundation on steel; Above-ground masonry; Basic concrete constructions; Basement constructions and sewers; Façade; Concrete Constructions.
Poland	Economics Social studies: Sociology and psychology of work Technical drawing	Labour law Health and safety	Organisation and planning of the work; materials, tools and equipment; earth works; brick walls; ceilings, lintel and cornices; woodwork and iron work; concreting; plastering; joining; repair; demolition
Netherlands	Dutch English Maths	No	Laying bricks; gluing
France	French A foreign language History Geography Citizenship Sport Technical drawing	Labour law Health and safety	Preparation of the work; organisation of the workplace; installation of a structure; dealing with site waste; scaffolding; shell construction in blocks and bricks; masonry; reinforcements; formwork; concrete; components; rendering and waterproofing; piping and conduits; keeping equipment in good condition; exchanging information
England	Functional skills (literacy, numeracy ICT)	Health and Safety Environmental protection	Laying bricks: Conforming to general workplace safety; conforming to efficient workplace practices; moving and handling resources; erecting masonry structures; setting out masonry structures.
Italy	Italian ICT	Health and Safety	Varies by region

- setting up, securing, clearing of construction sites; checking, storing, selecting material;
- reading and applying of engineering drawings, drawing up sketches;
- conducting measurements; quality assurance and reporting system.

These contents are imparted jointly with the knowledge, know-how and competences related to one of the three areas (buildings, civil engineering, finishing). During the first year VET in all three areas includes the making of construction components with wood, with concrete, with stones/bricks. Area (building construction) and occupation-specific activities include:

- insulation, plaster works, building pavements, tiling, building dry mortarless constructions (these are in common with the area 'finishing'); and
- setting up building pits and ditches, building roads, water supply and sewerage (these are in common with the area 'civil and underground engineering').

VET at the vocational schools is organised not by subjects but by learning fields. These are: establishing a construction site, foundations, single-leaf construction pieces, steel concrete pieces, wood constructions, surface treatment of construction pieces, single-leaf walls, multi-leaf walls, massive ceilings, plastering, mortarless walls, straight stair cases, pavements, arches, natural stone walls, special construction parts, restoration.

Overall, work-based VET routes into bricklaying predominate in most countries studied, although the vocational school is the most common pathway in Poland. In England, the increasing numbers of bricklaying trainees following the college route as a result of diminishing training places with employers is problematic, as it impedes the young people's transition into employment. In most continental countries (Germany, Poland, Denmark, Netherlands, France, Belgium),

VET constitutes the continuation of general education through the occupation. Programmes aim to develop the person as an active citizen in wider society as well as for the occupation and cover a broad knowledge and skill base which enables learners to work in a variety of functions and areas of construction. The notion of competence as the integration of theoretical knowledge, practical know-how and social and personal competences is central to VET in these countries. Bricklayers have an understanding of the labour process as a whole and their position within it, are able to exercise professional judgment, and work independently and in co-operation with others. In Italy, while the training at national level is comprehensive both in terms of knowledge and skills it provides, it is of little or no relevance to training provision in the regions. By contrast, VET in England is oriented towards the demands of employers. It comprises a narrow range of activities and knowledge which, until recently at least, has been restricted to the performance of narrowly prescribed tasks. It lacks any meaningful element of general and civic education and thus a notion of personal development.

While the VET systems in most continental countries are based on inputs of comprehensive curricula or learning programme, those in England, France and the Netherlands have been reformed to become competence-based so as to more closely reflect the needs of the labour market. Qualifications are defined in terms of sets of activities, which then relate to competences and the knowledge and skills deemed necessary for the performance of these competences. However, VET in the two latter countries encompasses a broader range of activities and is based on a multi-dimensional concept of competence.

### **5. What is the status of bricklaying in the occupation/ the sector/ society?**

In Denmark, Belgium, and Poland, where brick continues to be widely used in house-building, bricklaying enjoys a high

status as an occupation within the sector. This is reflected in the strong popularity of the occupation of bricklaying amongst young people, with continuously high levels of trainees, though this popularity may also be due to a well-respected system of training. While in Poland, bricklaying is the most important occupation in the sector, in Denmark it is of less importance than occupations such as carpentry.

In other countries, as reflected in significant labour shortages, the status of bricklaying is not as high, perhaps attributable to lower wages and working conditions (Netherlands, England, and Italy). This is particularly the case in Italy and in England, where the sector is rife with casual and irregular employment, including 'bogus self-employment' and characterised by an often poor health and safety record. In France and England, although the number of applicants by far exceeds the number of available training places, VET in bricklaying can be a route for academically low-achieving students and be marked by high dropout rates. By contrast, in the Netherlands and Germany there is a decreasing number of bricklaying trainees. In Germany, for example, the number of apprentices has dropped dramatically from 31,024 in 1999 to 11,176 in 2007. In these two countries, the average age of bricklayers has been increasing and there is a high labour turnover amongst younger workers. Labour shortages have led to the large-scale employment of migrant labour, notably in England and Italy, but also in Germany.

### *5.1. What is the value of qualifications/ skills in the labour market?*

In most countries in the study nationally recognised bricklaying qualifications have a strong currency in that they are an important precondition for labour market entry. In most cases, this is because the qualification is a guarantor that the person has completed a comprehensive and nationally recognised VET programme.

An important distinction is between countries with occupational labour markets and those relying on internal or purely external labour markets. An occupational labour market is one where transferability between firms and jobs relies on clearly recognised occupational qualifications acquired through the VET system. In contrast, internal labour markets rely more on internal social networks and predictable stable job structures than on formal VET programmes. Belgium, Germany, the Netherlands, Poland and Denmark fall within the former group, where qualifications are critical for labour market entry and bricklayers generally do hold the qualification. Indeed, in the Netherlands the VET diploma gained on completion of the programme is the only route into skilled employment. In the other countries, while the qualification is strongly valued in the labour market, it may not necessarily constitute the sole route into the labour market. In Germany, the proportion of bricklayers with the qualification *Maurer* has been steadily decreasing (from 84.8% in 1999 to 82% in 2005). In Belgium, the labour shortage has led firms to employ unqualified workers who then receive training, either on the job or as short courses in training centres. France on the other hand is an example of a labour market, which is both internal and occupational. While qualifications have a strong currency for labour market entry, there is only a loose relationship between the qualification and the occupation of bricklayer or *maçon*. Indeed, bricklayers are employed and can progress on the basis of their qualifications or their work experience.

In contrast, in England and Italy the currency of bricklaying qualifications is low so that there is no effective occupational labour market and at the same time 'firm internal markets' in the classic sense are no longer prevalent for bricklayers. Firms or subcontractors remain largely organized on a trade basis, taking on contracts for bricklaying work on different sites and from different main contractors and resourcing each new contract so that levels of labour turnover are high. In these countries, what is valued above qualifications on the labour

market are skills and experience. In Italy, VET plays a limited role and no formal qualifications are necessary to enter the labour market. In England, entry to the labour market is not dependent on the completion of a regulated VET programme. Rather, employment is contingent on the certification of existing skills and thus experience. The CSCS (Construction Skills Certification Scheme) card, which is issued on the satisfying performance of skills, as recognised through the possession of a NVQ, which may commonly be obtained through on-site assessment, serves as a licence to practise. There is also a high proportion of labourers (or unskilled workers), often migrants, who acquire a CSCS card on completion of a health and safety test. In many respects, with the narrowing down of bricklaying skills, these labour markets have come to conform more closely to 'secondary labour markets' arising when skills are depleted and institutional regulation and VET are weak and depending on external recruitment markets. They differ from both internal and occupational markets in the lack of stability of employment, the exercise of managerial prerogative, low levels of training and low qualification levels. The trade labour markets for bricklayers in England and Italy thus compare with the more recognisably 'occupational' labour markets associated with the more developed construction labour processes found in countries such as Germany.

### 5.2 *What is the scope of activities bricklayers are expected to carry out?*

A key difficulty in comparing bricklaying qualifications, and thus in implementing the EQF, arises from the variation in the scope of activities bricklayers are expected to carry out in the workplace. The activities for each country are set out in Table 5. In countries where qualifications are awarded on completion of comprehensive programmes, their strong currency is attributable to the occupational capacity they represent. This is the case in Denmark, Germany, France, Belgium, Poland, and, to a slightly lesser extent, in the Netherlands. In these countries, bricklayers are employed for

their ability to work across a wide range of functions. There is generally a higher degree of specialisation in large enterprises than in smaller firms. However, the vast majority of bricklayers in these countries are employed by SMEs. It is in these firms where bricklayers are required to be polyvalent, commonly including activities of related occupations, such as plastering or even carpentry. Bricklayers are expected to build a house from the foundations to the roof, with a high level of autonomy and an understanding of the entire labour process, the wider industry, and their position within it. The occupational capacity of bricklayers integrates the manual and the intellectual tasks. It is based on a multi-dimensional concept of competence, which requires bricklayers to draw on and integrate a range of resources of different types of knowledge, practical know-how, and social and personal competences to deal with complex situations in the workplace.

Thus, in all these countries, there is concern with the ability to plan, carry out and evaluate the work, based on professional judgment and responsible decision-making in co-operation with other occupations in the construction labour process. Bricklayers are expected to carry out a broad scope of activities, using a variety of materials (bricks, concrete, reinforced concrete, and prefabricated elements) and tools, and working within a range of construction areas: new build, urban regeneration, restoration, and repair and maintenance.

The breadth of the occupation is particularly pronounced in France and Poland, where bricklaying does not exist as an occupation in itself but constitutes only one element of a much broader one, that of mason, who is expected to build a house from the foundations to the roof, in collaboration with other occupations.

**Table 5:** The scope of activities of bricklayers in eight countries

<b>Country</b>	<b>Sub-sectors</b>	<b>Manual</b>	<b>Non-manual</b>
<b>Denmark</b>	New buildings Urban regeneration Restoration Repair/maintenance Large-scale construction (pre-fabricated material)	Laying bricks and blocks; Flooring; Tiling; Roofing; Jointing; Rendering; Façade cladding; Scaffolding; Fitting insulation; Carpentry	Planning work; Quality control; Communicating with customers; Applying health and safety measures; Working from technical drawings; Collaborating with other actors on site/ in the industry
<b>Belgium</b>	House-building Commercial building Restoration Repair/maintenance	Constructions using brick, block, stone and concrete; Plastering; Connecting plumbing & sewage systems; Form setting; Tiling; Scaffolding; Jointing; Gluing; Façade; Fitting insulation; Woodworking; Driving	Planning the work, including ordering materials, assessing suitability of materials, working from technical drawings, contacting suppliers; Applying and monitoring health and safety measures; Quality control, including observing deadlines, transmitting customer requests, dealing with work permits; Communicating with customers, contractors and co-workers
<b>Poland</b>	House-building Commercial building Restoration Repair/maintenance	Bricklaying; Plastering; Finishing; Flooring; Tiling; Stonemasonry; Concreting; Steel fitting; Carpentry; Formwork; Surveying; Bonding; Making drains and lintels; Fitting insulation; Mounting door and window frames; Cladding	Planning the work, including assessing suitability of materials, setting out; Applying and monitoring health and safety measures; Quality control; Communicating with co-workers, and customers and contractors (level 3) Training co-workers (level 3)
<b>Germany</b>	House-building Commercial building Restoration Repair/maintenance	Constructions using brick, block, stone and concrete; Plastering; Finishing; ; Formwork; Fitting insulation; Scaffolding; Also: Civil engineering	Planning work; Quality control; Communicating with customers; Taking on contracts and delivering the work Setting out; Assessing and selecting materials; Reading and preparing technical drawings; Measuring; Applying health and safety measures; Working from technical drawings; Collaborating with other actors on site/ in industry

<p><b>France</b></p>	<p>House-building Commercial building Restoration Repair/maintenance</p>	<p>Constructions using brick, block, stone, concrete, and pre-fabricated material; Rendering; Scaffolding; Formwork; Concreting; Installing piping</p>	<p>Planning the work, including ensuring availability of materials, contacting suppliers, surveying and setting out, preparing and reading from technical drawings Applying and monitoring health and safety measures Quality control Dealing with site waste Communicating with customers, contractors and co-workers</p>
<p><b>Netherlands</b></p>	<p>House-building Commercial building Repair/maintenance Restoration - specialist qualification Level 3</p>	<p>Constructions using brick, block, stone, concrete; Joining; Fitting insulation; Gluing; Concreting (specialist qualification – rebuilding Level 3)</p>	<p>Planning and preparing the work, including working from technical drawings; Applying and monitoring health and safety measures; Communicating and co-operating with co-workers At level 3: Instructing gang members; Quality control; Consulting with third parties; Monitoring progress; Reporting to firm management</p>
<p><b>Italy</b></p>		<p>According to the collective agreement at level III: Bricklaying (pillars, columns, arches, masonry, special coatings, parapets, barrel vaults, cross caps, cupola vaults, gothic vaults, stairways, stone arch faces, marble, tiles) Constructions using brick and blocks; Moving and handling resources</p>	<p>Unclear</p>
<p><b>England</b></p>	<p>House-building Commercial building Restoration Repair/maintenance</p>		<p>Setting out; Working from technical drawings; Selecting materials, components and equipment; Applying health and safety measures; Conforming to efficient work practices; Communicating with co-workers</p>

This includes preparing, monitoring and delivering the work (working from technical drawings; determining the suitability of and selecting materials; applying health and safety regulations; setting out; communicating with clients and different levels of the work hierarchy). In Poland as in France the mason has no clear occupational boundaries and activities may include stone masonry, plastering, finishing, concreting, steel fitting, formwork and mounting door and window frames.

While more clearly focused on bricklaying, the occupation is also very broadly defined in Germany, Denmark and Belgium. For example, in Denmark, the activities include bricklaying, flooring and tiling, roofing, jointing and rendering, façade cladding, and scaffolding. Specialisation is possible in restoration (usually for employment in larger firms).

In Belgium, bricklayers are expected to erect walls using a variety of materials (brick, block and stone), lay foundations, and connect plumbing and sewage systems. Activities may also include scaffolding and insulation. The non-manual tasks include planning (planning and organising the work; ordering materials; communication with suppliers); putting in place measures for and monitoring health and safety; and ensuring the quality of the work (observing deadlines; issuing work permits; communicating with clients, customers and colleagues). In Germany, bricklayers have a sound knowledge of related occupations, such as carpentry and civil engineering, which are covered in their first year of the apprenticeship. In the workplace, they operate with a high level of autonomy, planning, co-ordinating, monitoring and handing over the completed work.

The scope of activities is somewhat narrower in the Netherlands, where bricklayers typically hold level 2 qualifications. It is largely restricted to brickwork, although it does include fitting insulation material and gluing. Nevertheless, as in the other countries, bricklayers work in relation to the whole labour process and activities include

preparing and evaluating the work, although they usually have no contact with clients. There is an increasing extent of specialisation, with concreting as well as restoration constituting specialist qualifications.

The broad scope of what could be termed the 'occupational' model contrasts with the narrowness of activities in England. This is particularly the case in the house-building sector, where bricklaying is largely confined to laying bricks and blocks. In commercial activities, bricklayers may be required to carry out a wider range of tasks, including working with stone and concrete, erecting arches, and using sophisticated bonds. A high level of specialisation of skills is required by large companies, which commonly employ labour-only subcontractors. Specialisation is also more pronounced in times of economic boom. During a recession, employers may require bricklayers who are able to work at a more universal level. In England, there is typically a separation between the manual and the intellectual functions, with activities such as setting out, reading drawings, planning, monitoring and delivering the work perhaps carried out by site managers, site engineers or supervisors. In Italy, the scope of activities of bricklayers varies greatly both by region and by individual firm. According to the collective agreement, it is focused on constructions using a large variety of materials, including stone and marble.

### *5.3 What is the basis of the wage and employment conditions?*

In countries where bricklaying VET and qualifications provide the dominant entry route to the labour market, there is some link between qualifications and pay, usually through the collective agreement. However, in most cases the actual wage is determined by performance.

For example, in Denmark, the collective agreement stipulates the minimum wage for qualified bricklayers. In

practice, bricklayers are paid by the hour (in the craft sector) or on the basis of the *Akkord* system, a form of piecework combined with a basic wage agreed by the social partners and peculiar to the construction industry. In Germany, Belgium, and Poland, qualifications are linked to wage grades. In Poland these are company based. In France, they are a kind of 'implicit' reference; collective agreements define the basic wage but the actual pay may depend on the bargaining power of the individual employee.

In the Netherlands, wages are not strictly linked to qualifications, i.e. holders of qualifications are not automatically entitled to a particular wage grade. However, the collective agreement contains a wage structure for young people who have come through the work-based VET track. This was introduced so as to attract more young people to the industry and to boost completion rates. For other workers, other aspects are taken into consideration in wage negotiations, notably the level of work experience, age and the extent of labour shortages.

In England, the collective agreement does not formally recognise skills or qualifications, but contains the traditional distinction between traditional craftsman and operative, with skilled rates based on tasks carried out in between these. The apprentice rate, only re-introduced in 2002, is very low, though increasing. On the other hand, the requirement to have a CSCS card has enforced a link between skills and pay, with different colour cards relating to differing levels of skill (NVQs). However, in practice bricklayers in the private sector are paid on day rates related to a negotiated price and thus to output. In the public sector in contrast, such as in the local authorities, bricklayers will be on an hourly rate related to the collectively agreed rate. In Italy too pay is not linked to skills or qualifications, although the collective agreement contains a minimum wage. Beyond that, bricklayers are paid according to the jobs or tasks at hand. However, workers are covered by a Special Construction Workers' Fund, which

supplements social security benefits, addressing the problem of insufficient contributions by many workers.

In summary, the eight countries vary in the extent to which recognised qualifications based on comprehensive VET programmes are a prerequisite for labour market entry. In Belgium, Germany, the Netherlands, Poland, Denmark and, to a lesser extent, France, they are important if not critical and provide a degree of occupational mobility. This is based on the occupational capacity provided by regulated VET programmes as bricklayers are able to work across a wide range of functions and across firms and sub-sectors of construction in what remain occupational labour markets. By contrast, in England and Italy, skills and experience are commonly valued above qualifications gained through comprehensive training. Importance is placed on the performance of skills. In these countries, the scope of activities is generally narrow and contingent on the demands of individual employers, although in Italy, in the absence of national regulation, there is considerable regional variation. In England, the certification of skills through on-site assessment constitutes a licence to practice. In this country, a deregulated labour market and weak training system has led to large-scale contracting out, irregular forms of employment and high levels of specialisation.

### **6. Questions and considerations raised**

The EQF is sufficiently flexible for all the Bricklaying VET systems in the project to be described within it, although the 'Competence' column in the grid does cause problems, which will be discussed below. However, although there are significant similarities between the qualifications of some countries, *overall* there is considerable variation amongst the eight countries examined: Belgium, Denmark, England, France, Germany, Italy, the Netherlands, and Poland. This means that, although it should be possible to construct a framework to compare bricklaying qualifications across the

countries concerned, based on the EQF, it is not also possible to set out the elements for a common bricklaying qualification acceptable to all the countries in the study, let alone to all the member states. The aim of this section will, therefore, be to indicate similarities and differences between qualifications in each country, as a basis for setting out a common framework. The four dimensions of comparison are: Scope, Knowledge, Skill and Competence.

### 6.1 *Scope*

The first dimension of variation concerns the breadth or scope of activities encompassed in the bricklaying qualification, something not explicitly addressed within the EQF framework though the original intention was that it should (see Table 6). Scope of operations in turn affects two of the three dimensions of the framework. In one group of countries - Germany, Denmark, Belgium, the Netherlands, Poland and France- the full bricklayer qualification is at least at the English equivalent of an NVQ Level 3 and covers a wide scope of operations. Though there is an NVQ Level 3 bricklaying qualification in England, the main and typical bricklaying qualification is – as also in Italy - at the equivalent of an NVQ level 2. Compared to Level 3, Level 2 covers a restricted range of activities, contains a more limited knowledge element, and assumes that the person is supervised and has significantly less responsibilities and autonomy.

For all countries except England and Italy the full qualification is obtained after a minimum three years of VET and in some cases longer, as in Denmark where it is up to three and a half or even four years.

In England the normal length of VET is two years. Germany has a two-year adult route as well as the dominant three-year route in which the first year is composed of APEL, with two further years VET.

**Table 6:** Scope of Activities in Bricklaying Qualifications and VET

	DK	B	DE	NL	PL	F	England	IT
<b>Brickwork &amp; Masonry</b>	R	R	R	R	R including specialist masonry work	R	R	R including specialist brickwork
<b>Concrete</b>	R	R	R	R	R	R		
<b>Basements, Ducts</b>		R	R		R	R		
<b>Scaffolding</b>	R	R	R		R	R		
<b>Foundations</b>		R			R	R		
<b>Facades</b>	R	R	R		R	R		
<b>Plastering</b>	R	R	R		R	R		
<b>Roofing</b>	R				R			
<b>Structures</b>	R		R		R	R		
<b>Carpentry</b>	R	R			R			
<b>Insulation</b>	R	R	R	R	R	R		
<b>Gluing</b>	R	R		R		R		
<b>Jointing</b>	R	R		R		R		
<b>Formwork</b>		R	R			R		
<b>Surveying</b>			R		R			
<b>Flooring, tiling</b>	R	R			R			

The implications of this are significant, particularly with respect to the knowledge element of the grid. Thus, if a bricklaying qualification covers, for example, **being able to**

lay bricks and do furnace and chimney work (as in the case, for example of Germany), then **knowledge** of the materials and principles underlying both furnace and chimney work and bricklaying will be required. Likewise, a bricklaying qualification encompassing bricklaying and furnace and chimney work will also include a **broader range of know-how** than one confined to the activity of laying bricks. The multivalent bricklayer qualification assumes more competence in making judgments, exercising initiative and working with other occupational teams. However, this capacity for multivalency is independent of any supervisory element, which is the principal concern of the third column of the EQF framework grid.

### 6.2 *Knowledge*

Knowledge underpins know-how and is usually presupposed in the bricklaying qualification. The term 'knowledge' is itself ambiguous between systematic knowledge, conceptual grasp and knowledge of particular and local conditions (see Table 7). This contrast is made explicitly in Denmark, while in Belgium the knowledge to be applied is considered to be theoretical as well as local and particular. In England on the other hand, a minimum of particular and local knowledge is required in the NVQ level 2 qualification, while the newly introduced 'Diploma + NVQ' model builds in more theoretical knowledge to provide a potentially more integrated qualification.

### 6.3 *Skill*

The column translated as 'Skill' in the English version of EQF would be better translated as 'Know How' to reflect the fact that the English term 'skill' is, in some important respects, not a good translation for the practical aspect of knowing as it is expressed in other European languages.

**Table 7:** Comparison of the Countries on the Grid.

	<b>Knowledge</b>	<b>Skill</b>	<b>Degree of Self management</b>	<b>Personal and Civic Education</b>
<b>Denmark</b>	Local, theoretical, particular, systematic and conceptual	Integrated with theoretical knowledge	High	High
<b>Belgium</b>	Local, theoretical, particular, systematic and conceptual	Integrated with theoretical knowledge	High	High
<b>Germany</b>	Local, theoretical, particular, systematic and conceptual	Integrated with theoretical knowledge	High	High
<b>Netherlands</b>	Local, theoretical, particular, systematic and conceptual	Integrated with theoretical knowledge	Moderate	Moderate
<b>Poland</b>	Local, theoretical, particular, systematic and conceptual	Integrated with theoretical knowledge	High/Moderate	High/Moderate
<b>France</b>	Local, theoretical, particular, systematic and conceptual	Integrated with theoretical knowledge	High	High
<b>England</b>	Local, particular and limited theoretical	Sometimes integrated	Low	Minimal
<b>Italy</b>	Local and particular	Not integrated	Low	Minimal

Common to bricklaying descriptors in all countries is the enumeration of the different kinds of tasks that bricklayers are expected to undertake and these are, in all frameworks, set out in great detail. But beyond that common point, there are problems of interpretation. These can be set out under two headings:

***Integration:*** In many qualifications, particularly those at the equivalent of NVQ Level 3, it is assumed that the know-how employed in bricklaying tasks is informed not only by knowledge of particular site conditions, machinery, firm-specific regulations and procedures etc. but also by systematic knowledge relating to the successful performance of those tasks, such as knowledge of the properties of materials and structures. However, the bare specification of such know-how in a trans-European framework will not bring this out in the detail that is evident in particular national qualifications. There is, then, a serious danger of ambiguity in relation to the integrative nature of skills specified. Some qualifications may require integration, whilst for others this is not a requirement.

***Transversality:*** In the qualification systems of all the countries in the study with the exception of the lower level qualifications in England and Italy, it is expected, not only that sequences of tasks be integrated into a coherent set of actions, but that these be done with a considerable degree of personal judgment, which includes planning, control, decision-making, co-ordination and evaluation not only of various aspects of the operation, but also of the larger operation of which they are a part. It is assumed that bricklayers have some role in planning activities and controlling their own work to different degrees. In Belgium, France, Germany, Denmark, the Netherlands and Poland, a considerable degree of co-ordination with related occupations is also assumed. Although important aspects of this kind of

know-how are involved in the concept of 'competence', the competence column of the EQF relates more to managerial responsibility, whereas the idea of taking responsibility for one's actions impacts directly on the way in which skills are deployed in the workplace. The idea of 'skills' or, in the German translation, '*Fertigkeiten*' also inadequately encompasses this kind of coordination, though the transversal abilities involved are of central importance to many of the bricklaying qualifications involved in this study. The Dutch bricklaying qualification, for example, includes the ability to make quite complex choices concerning how to proceed in a workplace environment.

### 6.4 Competence

Translated in English as 'Autonomy and Responsibility' within the EQF framework, there are tensions between this column of the framework and, in particular, the 'Know-How' or 'Skill' column. The EQF descriptors relating to autonomy and responsibility refer primarily to the management of other people, for individuals in a position of managerial responsibility for controlling and directing the work of colleagues with lower levels of autonomy and responsibility (see Table 1). While this is an important aspect of the division of labour in the industry, it obscures the fact that the balance between management and self-management is resolved in different ways within different national qualifications systems and labour markets, and that there are flatter management structures in some countries than in others. For the framework to be coherent there needs to be a match between the self-management responsibilities, best described as an aspect of know-how, and the structural management responsibilities set out in the 'Competence' column. Confusion of these two issues could make meaningful cross-national comparison difficult.

### 6.5 *Cumulation and learning outcomes*

EQF assumes a strong interpretation of the concept of a learning outcome, which is that it is a descriptor of what a person knows or can do *irrespective* of any prior learning. Knowledge, skill and competence can, it is supposed, be assessed without reference to any prior relevant curricular or pedagogical experience that the candidate may have had. While this corresponds to the English concept of a learning outcome as it is used in the NVQ and Apprenticeship frameworks, it does not correspond to the concept of a learning outcome, which is used in many other European countries within the project where it refers to the standard that is reached as a result of following a curriculum. While this 'weaker' conception of a learning outcome often also relates the outcome to the ability to carry out specific tasks to be assessed in a practical environment, the successful achievement of the learning outcome tends to be contingent on the successful completion of a structured VET programme. By its nature, a transnational comparative framework cannot specify each national bricklaying curriculum but nor can it assume that learning outcomes are necessarily detached from their underpinning educational and training processes. The danger is that learning outcomes are simply understood and interpreted in different ways in each country. In fact, this strong interpretation of a learning outcome can only be found within the English NVQ (which is a component of the Apprenticeship Framework but is not in other English qualifications such as the BTEC Diplomas) and in the EQF itself. In the other countries in the study, learning outcomes are generally to be interpreted as standards or waypoints of achievement resulting from following a curriculum. The Netherlands lies somewhere in between, in assuming some equivalence between experience and learning, particularly in its Accreditation of Prior Learning (APL) procedures, but ensuring sufficiently elaborate assessment procedures to allow for the demonstration not only of skill but also of the knowledge and 'soft skill' element of a competence. In this respect, much hinges on the process of assessment.

One important reason for concern is the issue of the cumulative nature of qualifications. In most cases it is assumed that achievement at one level of a qualification system is a necessary condition for movement to the next level higher in the qualification system. There are exceptions where, for example, APL (Accredited Prior Learning) considerations apply, as they do in some countries, which operate modular systems. Thus a candidate in a programme in Occupation A may transfer credits to a programme concerned with Occupation B, because they are sufficiently relevant to Occupation B. But even here, assessment of APL is usually based on the candidate having successfully completed a course of study prior to the assessment. EQF, however, is intended to accommodate not only APL but also APEL as evidenced in possibly a one-off *in situ* demonstration that apparently satisfies the learning outcome descriptors. In order to do this successfully, it is not considered necessary for the candidate to have successfully completed a cumulative programme of study, just to have demonstrated on one occasion that they have satisfied the descriptors. How this is done varies from country to country and sector to sector. One way of doing so is to check whether an individual can carry out a range of tasks set out in the qualification. This is largely the case with the English NVQ. On the other hand, an APEL procedure may test the underpinning knowledge needed for an occupation by means of some kind of test or examination, or, alternatively, the production of a portfolio by the candidate. Once APEL has been recognised and, for example, credit points and certification have been awarded, the APEL recognition can then be 'banked' as a contribution to a further qualification (for instance, within a modular scheme), through an APL procedure.

In some countries however the assessment of APEL is quite systematic and rigorous and requires the presentation of a range of evidence, to be judged by a panel of experts, as in the case in France. Germany also has an APEL route for its

two year VET bricklaying qualification, which is designed for older workers. It is likely, therefore, that those countries that conceive of learning outcomes as being internally related to programmes of prior study will interpret 'learning outcomes' in their sense. The British report reveals in contrast that, even within the bricklaying NVQ, there is a repetition at higher levels of some descriptors that have occurred at a lower level. This suggests that it is difficult to practically use learning outcomes in the strong sense without modifying them to assume some degree of cumulation, since some skill and knowledge presupposes that the candidate has already acquired other skill and knowledge.

#### 6.6 *Acting on your own initiative*

A feature of some of the curricula in the project is the extent to which in many countries the emphasis is on bricklayer trainees learning to act on their own initiative, whether as a member of a team or not. This is particularly striking in the Netherlands where the bricklayer trainee is not only required to work in co-operation with colleagues, but has to learn how to make critical choices. In France, the development of *savoir être*, which concerns the way in which he or she conducts himself, is a core aim of VET. The various *Kompetenzen* (personal, social, method and technical) outlined in the German system also presuppose that such abilities are developed. Planning, evaluating, controlling, co-ordinating are all attributes that the bricklayer is expected to develop to some degree in the Netherlands, Germany, Denmark, Belgium, Poland and France. In England, the main personal attribute for a level 2 bricklayer qualification (the main level) is that the person is expected to be able to work to instructions and to report problems. This is less than the decision-making and co-ordinating abilities required in the Level 3 equivalent qualifications in other countries, with the exception of Italy. There is, then, quite a wide variation in the degree of independence and initiative that is expected to be achieved, a variation that is in part attributable to differences in levels. The suggestion is that self-management

needs to be considered an aspect of know-how within the bricklaying qualification and that therefore any comparison framework be structured (possibly with two columns for know-how) to accommodate this.

### 6.7 *Scope of operations*

Should a bricklaying qualification cover the broad scope of activities involved in being able to build a house or just revolve around laying a wall of bricks? These are the stark alternatives that constitute the extremes of the overall occupational capacity embedded in a bricklaying qualification. There is considerable variation in the scope of the bricklaying qualification of different countries. A high degree of specialisation is assumed in Britain and Italy, combined with a relatively limited range of know-how, while in France, for example, the *Macon* qualification assumes a wide range of operations, as is also the case in Belgium, Poland and Denmark. Denmark is rather typical of a country where the bricklaying qualification assumes the ability to carry out a wide range of activities in addition to laying bricks, including scaffolding, roofing, plastering and flooring, not to mention renovation and repair. The VET programme associated with this is also at least three years in duration and for some routes up to four years. In contrast, the lower level intermediate Danish qualification of tile installer is narrow in scope and does not have a significant take up. In England too the NVQ level 2, which can be completed in two years, requires the bricklaying trainee to be able to set out and erect masonry structures and to complete one other option, which can include: cladding, domestic drainage, non-specialist concrete work, plastering and rendering and roof maintenance. Generally speaking, the longer study periods needed for the higher levels of bricklaying qualification are positively associated with the development of a wider operational scope for the bricklayer (see Table 3).

### 6.8 *Personal and civic education*

France, Germany, the Netherlands, Belgium, Poland and Denmark all attach importance to the continuation of the personal and civic education of VET bricklaying students. In Denmark, the VET programme includes a period of personal study agreed on in consultation with the student. Among the broader programmes, Denmark and the Netherlands are good examples, with the Danish basic programme including mathematics, social science and innovation and entrepreneurship and the Dutch citizenship and learning competences. Germany insists on the inclusion of Social and Personal Competences while the French programmes also state explicitly that personal and civic development are among the aims. Poland covers basic features of a market economy, ethics, and decision-making abilities. Belgium has a more limited set of outcomes that include autonomy and a sense of aesthetics. These features are not so evident in Britain and Italy, which adopt a more utilitarian approach based on developing the ability to perform a range of specific tasks.

## 7. **Conclusions**

In attempting to align bricklaying qualifications with the EQF, a number of important differences in bricklaying across Europe need to be considered. The first is the different level of qualification, with the typically NVQ Level 2 qualification in England and an equivalent level in the Netherlands and Italy being much narrower in scope and lacking the underpinning knowledge found in the equivalent of Level 3 or above of the German, Danish and Belgian qualification. Such difference in scope and depth in part relates to the different nature of the bricklayer and the labour market in which s/he operates, as well as the system of regulation governing both the VET system and recognition of the qualification. At one extreme, bricklaying remains a trade, with the bricklayer rewarded for a particular output and largely restricted to laying bricks with little concern for his/her potential and social and personal development over a

working life. At the other, bricklaying is an occupation, with the bricklayer valued for his/her often broad and social qualities as well as potential ability, both assumed to be embodied in the qualification which acts as a key means of entry into the labour market. This latter type of bricklayer therefore depends on an occupational labour market, which contrasts with the secondary labour market on which the more narrowly trained bricklayer depends.



## Leonardo Da Vinci Project „Bricklayer“

Jakub A. Kus

## New qualifications and new jobs in the construction industry

This article enters the discussion on perspectives of change in the construction sector associated with new technological, demographic and educational challenges, as well as what is needed to meet them in terms of new abilities required of employees. It is, among other reasons, inspired by the discussion conducted during the Restructuring Forum in Brussels on 7-8 December 2009, one element in the realisation of the initiative of the European Commission and Member States, **New Skills for New Jobs**, directed at forecasting labour market changes and planning activities to adjust educational systems and EU policy to the new needs of the economy. One of the effects of the studies is the report of an independent group of experts “New Skills for new Jobs. Action Now” prepared in February 2010. The aim of the article is not a complex analysis of the problem,

but simply calling to attention the tendencies, barriers and key areas.

The financial and economic crisis has provided very distinct and painful proof confirming the thesis that the construction business is extremely sensitive to fluctuations in the economy, both on the national dimension, as well as globally. However, the claim that it is the construction business that is an "accomplice" in the crisis - through the burst of the "loan bubble" on the real estate market - is entirely unfounded. The deep crisis in construction in the majority of countries of the European Community once again invites reflection on the future of the industry in Europe and on the professional perspective of people working in the industry. The crisis has reminded building employees of the seasonality of their sector - not only in the context of the seasons of the year, but also in the context of economic cycles. Many who have lost their jobs in the sector are trying to recover today by finding a place on the labour market in which their qualifications will meet the requirements of employers. In this, many have become convinced that change, or a modification of their qualification profile, is necessary. In some cases, the requirement will be to gain new, additional qualifications, in others, to becoming familiar with a new profession. For many years now we have been talking about new construction professions. The basis for such considerations are either futuristic predictions of huge and fast technological changes in the sector or – more realistically – short- and long-term analyses of labour market needs.

There is much indication that the second approach is practical and closer to reality. Technological changes are taking place in construction and they are extremely essential. However, it is difficult to talk about a rapid technical and technological revolution. The most radical technological changes actually introduced in the entire European - and more so global - construction sector, constitute only a margin of activity. Just like the Formula 1 car, they enthuse through their boldness of solution but their implementation for mass production is a

gradual and very careful process. The reason for this state of things is above all the magical factor: cost.

### **Construction in the post-industrial age**

According to many predictions and theories, industrial parts of the economy in the post-industrial age suffer in terms of the significance of services - particularly personal. If, in the case of the developed economies of the West, this is true with regard to the majority of industrial sectors, particularly mining and heavy industry, then the thesis does not entirely hold true for construction. Employment in the sector is not radically decreasing, either in the 15 EU countries or after the restructuring of the economies of the newer countries of the Middle-East and Southern Europe. But it is subject to relatively frequent economic fluctuations. The share of construction in creating GDP is also not changing significantly. However, the internal structure of the construction industry and the proportions of the market share of its subsectors are subject to change. Here we find the main area of change. Nevertheless, it is without doubt that the need for the workforce in this sector is still very high and differentiated.

### **'Demography, fool!...'**

This slogan should hang over the desks of many politicians. Europe is getting older. This factor in the coming decades will be of essential importance for the European labour market - also in construction. It will be particularly felt in periods of good economic investment in the form of a shortage in the inflow of new qualified employees. The problem of demographic change must translate into the quality for other than the hitherto use of older employees' abilities (50+), into a new, flexible model of cooperation between the educational sector and the industry, and particularly into the development of flexible statutory education. In the context of demographic change, one must also look to coordinating EU migration policy.

### **Old and new techniques and technologies**

In construction of the first decade of the XXI century, we meet both nanomaterials, as well as traditional materials such as brick, wood, stone, clay, and reed. We come across modern and traditional technologies. Everything depends on the intention, on the scale of the investment, on the price, and also on fashion. Construction, especially residential (but not only) reacts to changing needs and is also subject to social fashion and in this respect to similar processes as some personal service sectors. The personal, social and environmental function of construction and building determines this. This is one of the reasons why there are still professions and work places in construction which from the purely economic point of view could not have survived in other sectors. In this sector they exist, although they move from the area of mass production to the area of artistic craftsmanship. Therefore, there is still a need for the skills of a stove fitter, the well builder, roofers specialised in thatched roofs, traditional carpenters. Various techniques and technologies, old and new, are frequently applied in the same small countries and nothing indicates that any one of them will completely monopolise the construction market. Of course, this is influenced by varied options for economic investors, the scale and intention of the investment and is in turn a key influence on the need for specific professions and building qualifications.

### **Higher and higher qualifications?**

Noticeable technical and technological progress, especially on large infrastructure projects, suggested an increasing need for a more and more qualified workforce, for workers capable of mastering complicated technologies and servicing complicated machines. However, observing the European construction labour market from before the crisis does not confirm this thesis. There is still a high demand for labouring work in construction (that is where very high qualifications are not required) and a simultaneously high demand for specialists. Specialists are required to master new techniques

and knowledge of new technologies. But this does not radically change the picture of construction professions and does not radically destroy old divisions between them.

### **Versatility or specialisation?**

Monitoring the demand for qualifications in the construction sector most often indicates two trends in many EU countries. The first is the need for narrow qualifications, sometimes boiling down to specialist abilities, resulting both from technological and organisational change caused by a more and more complicated division of roles on construction sites (but also at the design and building use stages). The second, paradoxically opposite, results from the need for better coordination of action and requires significant versatility of workers having many, often various qualifications. This second trend is also very important in individual residential construction and in renovation – especially in the micro cases and in small construction companies.

### **New professions or new specialisations?**

Without great risk, one can predict that in construction, in the years to come, completely new professions will not appear. In many cases, the definition of the profession will become historical. Both employers and the somewhat resistant systems of professional education are beginning to concentrate on qualifications consisting of current professional standards. Today we use the term “learning outcome units”, which is much better and more precisely defines abilities, allowing for both a better definition of future needs - according to the requirements of the labour market - as well as better configuration of qualifications in the employee's portfolio. Using these units may also be a good way to overcome the barrier of comparability of qualifications gained in various education systems in various countries, and from this perspective to solve the problem of recognition of qualifications in Europe. Therefore, the title question should be worded differently: what configurations

of qualifications or abilities will be searched for in the foreseeable future for construction? This does not, of course, mean that new specialisations and new abilities will appear; it is not these, but the flexibility of the "configurations" and the flexibility of the education system which will decide on the future labour market in construction.

### **Geographical and cultural differences. History and tradition**

Practically all the comparative studies of professions in Europe hitherto, as well as the recent ones (Bricklayer LdV project), indicate very significant differences in definitions, scope of activity, and responsibilities of employees. Not only do qualifications themselves differ, but so do the structures of their description and assessment systems. This not only makes comparative study seriously difficult but also the mutual recognition of qualifications in practice. The problem is even more complicated in comparisons going beyond Europe. Differences in the levels of technological development do not answer all questions. Construction turns out to be a sector "burdened" with a great payoff of historical, geographical and cultural differences in the development process. This is a great barrier to the development of a mutual labour market, but also a richness, from which we should not and cannot resign. Therefore, it can be assumed that the aim should not be the unification of standards, but developing usable comparative tools, perhaps even just at the single level of abilities, or "learning outcome units" defined by professional activities.

### **A European perspective on the recognition of qualifications**

This still remain the sphere of "science fiction". Much has admittedly been done in this area, but still at the macro level. We are in the process of building a system of qualification frameworks based on the European Qualification Framework, with the perspective (somewhat threatened) of

implementation into national systems by 2013. We have European frameworks of reference for ensuring quality in education and vocational training. We have recommendations in the case of key competences in the process of life long learning, EU documents on the matter of strategic frameworks of European cooperation in the field of education and training ("ET 2020") and decisions on the matter of uniform community frameworks for the clarity of qualifications and competences (Europass). We are implementing a European system of transferring achievements in education and vocational training (ECVET) and ECTS (for higher education). However, this still does not translate into specifics in terms of the comparability and acknowledgement of qualifications. This is the way to reach the aim. But the road is still very long.

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  - New Skills for New Jobs. Anticipating and matching labour market needs, COM (2008) 868 Final
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  - 2008/C 111/01. Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework
  - DECISION No 2241/2004/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass)
  - 2006/962/EC: Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning
  - 2009/C 155/01. Recommendation of the European Parliament and of the Council of 18 June 2009 on the establishment of a European Quality Assurance Reference
  - 2009/C 119/02. Council conclusions of 12 May 2009 on a strategic framework for European cooperation in education and training ('ET 2020')

# MOBILITY: using the Challenge

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## 1. Introduction

This article aims to contribute to the discussion on the role of the EU in the area of vocational training and further training. It focuses on the latest developments regarding mobility actions at European level, a point of intersection between education on the one hand and the labour market and the qualification of work on the other. The main point of this article is to show how EU policies and actions are creating, step by step, framework conditions for national policies in vocational education and training. Maybe, within the next few years, we will witness the phasing out of the phrase that national traditions, systems and cultures are respected and not touched by the EU policies. Even though some aspects and developments of the EU-policies could and should be criticised, there are also positive points of reference on which we can build.

## 2. The Lisbon treaty

The EU is not directly responsible for the whole area of education. However, looking back, one could say that EU-activities in the social policy field of education do have a long tradition. The axioms for vocational training as they are laid down in Article 166, have been worked out already in the beginning of the sixties.<sup>1</sup>

In 1969 some people proposed to discuss vocational training within the Economic and Social Committee and from 1970 on the idea to establish a centre for the co-operation in vocational education and further training was virulent. Finally, in February 1975, the council passed a regulation to establish the European Centre for the Development of Vocational Training (CEDEFOP).

Today, the Lisbon treaty provides some competences in this field.

In title XII, EDUCATION, VOCATIONAL TRAINING, YOUTH

AND SPORT, Article 165 (consolidated version of the Lisbon treaty) states:

*1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.*

Special attention is paid to vocational training. The wording of Article 166 is as follows:

*1. The Union shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training.*

*2. Union action shall aim to:*

- facilitate adaptation to industrial changes, in particular through vocational training and retraining,*
- improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market,*
- facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people,*
- stimulate cooperation on training between educational or training establishments and firms,*
- develop exchanges of information and experience on issues common to the training systems of the Member states.*

Both articles expressly mention that it is not intended to harmonize the existing national systems, neither in education nor in the area of vocational education and training.

One can find references to vocational education and training also in other chapters of the treaty, namely chapter IX on Employment and chapter X on Social Policy.

The first one describes VET as a dependent variable of the labour market. Again and again, in EU-documents you will find the phrase that workers have to adapt to change, meaning technological change and changes on the labour market. This is a problematic tendency, disregarding both the fact that Life Long Learning should be established as an individual right and that the labour market is, like technological change, a process configurable by social considerations and aims and not a causality in itself.

Furthermore, Article 156 describes the means to support vocational education and further training: *in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation*. Unlike chapter XII this title does not mention that harmonisation is not the aim of the community policies.

Indeed, especially with the European Qualification Framework (EQF) and with the European Credit System for Vocational Education and Training (ECVET) two tools have been developed that influence national development and the discussion on vocational education and training substantially. Additionally, with the Life Long Learning programmes the practical adaptation and implementation of EQF and ECVET is financed with Billions of Euro (€7 billion for 2007 to 2013). Considering this, a factual process of harmonisation can be diagnosed.

Maybe, in the future, the main question will be to find a balance between technological harmonisation (as a tendency of globalisation and with the consequence of harmonisation in the area of skills/competences/qualifications) and cultural diversity. However, the EU-policy of lifelong learning includes some positive aims, such as support of co-operation and

networking between VET-institutions from different member states, to facilitate the mutual recognition of qualifications, the recognition of different learning paths, and the mobility of workers and apprentices.

### **3. Lifelong Learning**

Related to the dynamic of the labour market, trade and international economic relations discussions on the need to adapt new qualifications and to take part in further training during your whole working career, have a long history but, differing from one member state to the other, too little success. Looking at empirical data, related to the labour market, it becomes clear that there is a huge need for increased investment in qualification. In an ETUC policy paper the following aspects are mentioned as “huge challenges”:

- Youth unemployment remains high (15.5% in 2007). Some 15% of young people leave school without a diploma and nearly 30% of young graduates are hired for jobs that do not correspond to their qualifications.
- The low level of qualifications of the working age population (24-64) is still very high (78 million) and has remained constant since CEDEFOP first published this figure. This represents nearly 30% of the European labour force.
- Wage earners aged 50 and over account for only 3% of vocational training per year.
- Vocational training expenses for businesses between 1999 and 2005 dropped from 2.3% of the cost of labour in 1999 to 1.6% in 2005. The biggest decrease occurred in medium-sized companies.
- The important structural changes that are taking place will change the labour market even further and consequently training systems as well.
- Global competition is intensifying, resulting in greater economic pressure and a drive to build innovation capacity in the emerging economies (Brazil, Russia, India and China).

- Demographic developments, and in particular the ageing of the population, need to be taken further into account.
- Increasingly fast technological progress, the development of new information technologies, nanotechnologies, and technologies linked to climate change and the low-carbon economy demand the anticipation of new skills and ongoing adaptation of the labour force through lifelong learning.<sup>2</sup>

Obviously, practice does not cope with the need. Against this background, trade unions should intensify their activities in this policy area. Their own programmes for the design of the future VET system(s) in Europe are requested, combining a model of apprenticeship with collective and individual rights. In this respect it is interesting that the European Metalworkers Federation has agreed to put vocational training as one of the issues for the co-ordination of collective bargaining.

So far, lifelong learning as an individual right is not the main issue in the European discussion, but nevertheless it is mentioned here and there in EU-papers. Therefore, it should be used as a positive point of reference for trade unions action and in this respect trade unions should use the different programmes and budget lines for their specific purposes. One specific aspect which is outstandingly applicable to establish training activities as an individual right is mobility. Even though it is often considered as an aspect of flexibility, and related to labour market demands, practical activities are directed to people.

#### **4. Green-book on mobility**

The free movement of workers is one of the three freedoms as set by the European Treaty. As trade unions we have positive connotations to the free movement of workers, even though this freedom is not without any frictions. One aspect of the free movement of workers is mobility, understood as the capacity of a citizen to get on with the conditions in

another country or region and to be successful on the labour market.

Already in the last multiannual Life Long Learning programme mobility of apprentices played a role of its own, covered under the sub-programme Leonardo da Vinci. So far activities were mainly focussing on language learning. In July 2009 the European Commission published a so-called Green-book *Promoting the learning mobility of young people* (COM[2009]329final). Already some months before a working group was installed at the General Directorate Education and Culture aiming at the improvement of mobility accesses for apprentices. Their general aim was to *develop and propose concrete ideas on how to adapt the present and future programme (LLL-LdV) to support the mobility of apprentices and persons in alternate vocational training schemes.*

The Green-Book does not only deal with apprentices, but also mentions that the scope of activities envisaged, directed to apprentices, is much broader than in the past. It mentions the following targets: *at school; at bachelor, master and PhD levels within university studies, as well as in internships, apprenticeships, youth exchanges, volunteer work or vocational training, in or outside the European Union.*

In its introduction the Green-book mentions, besides "employability", the aspect of "personal development" as a target of the mobility activities. However, in chapter 3 of the Green-book one can see that the focus is very much on enterprises as the actors for increased mobility of apprentices. In this respect it is an important question how workers and their representatives and how trade unions become involved in the ongoing process. The answer to this question will also very much depend on their own engagement. Otherwise, the future development of VET structures will become more and more a playing field for business and management.

## 5. Strategic priorities for 2011 to 2013

In March 2010, the EU Life Long Learning Committee presented proposals for future priorities. Again, one can see that it is very much focussing on the alignment of the workforce to the needs of the labour market. Two out of five priorities for the whole education system are focussing on this aspect.

Encourage cooperation between the worlds of education and work. In line with the 2009 Communication on University/business cooperation, the aim is to encourage cooperation between all sectors of education and the world of work. The 2009 Call already included such priorities for the university and school sectors. It is proposed to make this priority more visible and to extend it to all sectors. Under this priority, each sector may identify specific targets for cooperation, such as fostering entrepreneurship, developing new skills for new jobs, developing skills for sustainable societies or economies etc...

Develop mobility strategies for education and training. In order to promote an expansion of learning mobility, in line with the Green Paper on Promoting the learning mobility of young people and with the Youth on the Move Initiative, this priority will encourage initiatives to develop mobility strategies and to remove obstacles to mobility.

In this context, initiatives between regions from different MS will be particularly encouraged. This is a way to mobilise them for the LLP, to help them lay the foundations for more mobility and to explore possibilities for a further involvement, including if possible by way of co-financing in the next programme.

Mobility strategies, however, could also be developed at sector level (an industrial branch) or between educational institutions (HE).

One can imagine that, over the next years, these

opportunities will result in large and very different activities. Regarding VET, training institutes and also employer organisations and companies will become very active and benefit from programmes. But also trade unions could prepare numerous activities at different levels and could link mobility to other areas. Some aspects of a necessary discussion could be the following:

- Social Dialogue activities at the European level
- Joint action at the sectoral levels
- Contents and curricula for mobility action for apprentices (for example labour relations and trade union rights in other countries)
- Minimum requirements in collective agreements
- Mobility could also be a special issue for the work within European Works Councils
- Coordination between different companies in one sector
- Cooperation and networking with training institutes.

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1. Die Gemeinsame Politik der Berufsausbildung in der EWG von 1961 bis 1972, Francesco Petrini; in: Europäische Zeitschrift Berufsbildung, II/2004
  2. Vocational training key instrument for the European labour market; approved by the ETUC Executive, 17-18 March 2009

# Discussion

## “The Great Trade Union Debate”

Under the heading *Contributions to the great TU debate?* Regan Scott has written for CLR-News 3/2009 a review of three British books about Britain, European trade union politics and global unionism. This was in fact an essay criticising these three recent publications of perceiving trade unions from an academic perspective removed from reality.

- Richard Croucher and Elizabeth Cotton, *Global Unions, Global Business, Global Union Federations and International Business*, Middlesex University Press, London 2009, 146 pages, £19.95.
- Gary Daniels and John McIlroy (eds.) *Trade Unions in a Neoliberal World - British Trade Unions under New Labour*, Routledge, Research in Employment Relations series, London 2008, 397 pages, £100.-.
- Martin Upchurch, Graham Taylor and Andrew Mathers (eds.) *The Crisis of Social Democratic Trade Unionism in Western Europe -The Search for Alternatives*. Ashgate, Farnham 2009, 244 pages, £55.-.

The editors of these books felt that Regan Scott's accusations were unjustified and have sent us their responses which, given the actuality of the subject, we are happy to publish.

### **1) from Richard Croucher and Elizabeth Cotton:**

We were very surprised at Regan Scott's review of our book *Global Unions, Global Business. Global Union Federations and International Business* and many of the points he makes therein. For example, Scott accuses us of Euroscepticism, when we hardly mention the EU in our book and pursue arguments about *global* issues that render 'Euroscepticism' largely irrelevant. Further, and contrary to Scott, our book is not simply the product of academics. Both of its authors have many years' practical experience of international trade unionism. To boot, as we explicitly explain, the book is not primarily written for academics but for trade unionists. At the same time it is written to scholarly standards and given

the neglect of our subject by academics we hope they will read it.

Scott misleads readers both as to the content of our book and about what is happening in the world. We will tackle one fundamental misunderstanding here, though we could provide more. Scott's review reads like a caricature, and reduces our complex network of inter-related arguments to just one: that we are arguing 'against' a collective bargaining orientation for Global Union Federations (GUFs) and 'for' an educational one. In relation to our arguments about International Framework Agreements (IFAs), he suggests that the book 'Judges their (the Global Union Federations: RC/EC) strategic choices to seek international framework agreements as limited and misguided, and suggests an educational remedy' (p.38).

Later in the review, he writes

*'I can't see anyone involved in the many ways being pursued by transnational trade unionism giving up this aim and seeing any form of education – whether consciousness raising or mobilising or just plain learning – as a substitute for or rival to the classic priority.'* (p.50).

In view of these mis-readings, we are now compelled to outline our own arguments. Readers interested in how we develop and document them in more depth are referred to the book itself.

We argue that IFAs as they are currently negotiated and used do not generally deal with substantive employment issues, do not ensure union recognition and do not provide unions with adequate facilities to operate. Moreover, unions in developing countries have far too little input into these agreements' formulation and only rarely understand their implications. In the context of profound power imbalances within the Global Union Federations, the agreements therefore make insufficient contribution to

facilitating organising by unions in the developing world. It is unsurprising therefore that European companies are themselves increasingly seeking them.

In elaborating this argument, we draw not only on our own experience and our interviews with experts, but on documentation that we cite. This includes evidence from investigations set up by GUFs themselves into the effectiveness of IFAs, including that carried out for the Building Workers' International and published in 2004; whilst it might conceivably be argued that things have changed a good deal since then, we do not believe that to be the case. As we say (p.65): 'Although IFAs set frameworks, the way this is done means that their impact may always be minimal'. We suggest that the way that the IUF has begun to re-conceptualise and present them as recognition agreements is therefore useful.

Nowhere in the book will readers find the argument that attempts at international collective bargaining should be abandoned. We regard that as an absurd position. Rather, we argue for a strengthening of the capacities of unions in the developing world to exploit them for organising purposes and thereby to address the central problem of union weakness. It must be firmly asserted here particularly to readers from the developed world that most of the world's trade unions have little or no experience of collective bargaining. The question therefore arises of how they will create local agreements, and by extension how they might exploit *any* agreement made at global level.

We do argue for increased emphasis on a well-established form of international union activity, trade union education, but as a complement to and *not* as a substitute for other approaches. As we show in considerable detail, there is good evidence that this can help socialise and arm activists whilst providing them with the tools they need. There is also evidence, which we bring forward in some detail, that union

education can have major effects in two other key directions. First, it can help re-build the international trade union movement from below. We spend some time in the book showing that the GUFs in every case suffer from being dominated by a small group of developed country unions. While we strongly defend the GUFs' essential role from those who would concentrate solely on building even more unequal bi-lateral links between individual unions we suggest that the power imbalances within them need addressing. Education conducted by small groups of countries sharing broadly similar problems can and does help to address this problem from below. In this way, solidarities and exchanges of experience (for example of organising 'informal' workers) are usefully being constructed. In the process, Eurocentric or North Atlantic frames of reference and ways of thinking may be transcended. Second, such groupings can go some way to help address the serious financial problems faced by the GUFs, by providing a basis for applications for external funds many of which are 'decentralised' outside of the developed world. This can supplement the funds available to the GUFs, something of which they are in great need.

It has only been possible here briefly to outline some of our central arguments, but we are grateful to *CLR-News* for allowing us to do so in view of both the distortion and the *reductio ad absurdum* inflicted on them by this reviewer.

### **2) from Graham Taylor, Martin Upchurch and Andy Mathers:**

We welcome the review of our recent book *The Crisis of Social Democratic Trade Unionism in Western Europe: The Search for Alternatives* by Regan Scott and this opportunity to respond to the issues and criticism raised in the review. In the course of a short review we are accused of being Anglo-centric, speculative, theoretically inconsistent, voluntarist, platitudinous and overly critical of European trade union institutions. Overarching these specific criticisms is the

contention that the book provides a blueprint as to how unions can 'remake a true socialist democracy and generate alternative futures' and that 'trade union politics in Europe is essentially or organically social democratic' (p 38). This is neither the stated nor implied purpose of the book and, indeed, we start our book highlighting the ambiguous and contradictory relationship between 'socialism', 'social democracy' and 'trade unionism'. Further, we make clear that we are interested in a particular historical manifestation of political trade unionism that linked trade unions and political parties in a historical compromise between 'national' and 'class' interests. We do not claim that this was the only type of trade unionism that developed in Western Europe, but that it was the dominant form to a greater or lesser extent in the countries under review. We will respond to Scott's specific criticisms of our book before concluding with an assessment of his more general comments about the utility and effectiveness of the intellectual tradition of which this book is a part.

Scott's first major criticism (p. 45) is that our book is Anglo-centric: that the British experience is taken as axiomatic and projected onto developments in social democratic politics and trade unionism across Europe. In the opening chapter, however, we are very careful to define and elaborate social democratic trade unionism as a historical phenomenon rooted in the ideological, political and social specificities of particular nation states. We adumbrate carefully how these specificities resulted in highly distinctive models of party-union relationships in the form of an 'unparalleled intimacy' in the case of Sweden; an 'informal alignment' in the case of Germany; 'formal affiliation' in the case of the UK; and 'fragmentation' in the case of France. The alternative models or party-union alliances are central to the comparative approach taken in the book but are not mentioned in Scott's review.

Scott's second major criticism (p. 46) is that the attempt to map out alternative reformulations of social democratic

trade unionism in the context of neo-liberal restructuring is essentially speculative and lacks substantive backing evidence in the way of support. We differentiate between national and international reformulations and reformulations that are either integrative or oppositional. On this basis we differentiate between formulations based on the third way (national-integrative), a return to traditional social democracy (national oppositional), cosmopolitan social democracy (international-integrative) and radical political unionism (international-oppositional). The substantive support for this model is presented in the preceding chapters, which explore in detail developments in Sweden, Germany, UK, France and European developments. At the conclusion to each of these chapters we explore evidence relating to the reformation of social democratic trade unionism along these dimensions in specific national and European contexts and it is this evidence that we use to develop the model outlined in the final chapter. The speculative character of the final chapter is premised on substantive trends. It is not an exercise in unsubstantiated forecasting, as Scott seems to suggest.

The third major criticism is that the book (p. 46) lacks theoretical and conceptual clarity in the use of Marxian categories and concepts. Singled out for particular criticism is the use of Gramsci's concept of 'civil society'. We do not set out explicitly our support for Gramsci's conception of civil society, but this is implicit in our use of Poulantzas (1978) to highlight the ways in which this conception is challenged and transformed by the development of social democratic corporatism and the Keynesian welfare state. Gramsci (1978) described civil society as a cultural sphere between state and economy where proletarian organizations aided by 'organic intellectuals' are able to challenge the hegemony of the ruling class. We would argue that this is a highly voluntarist conceptualization of civil society that ignores in fundamental ways how the 'public sphere' is an arena of class struggle and class compromise. Indeed, a central argument of the book is that the ideology and practice of social democratic trade

unionism institutionalises these conflicts and compromises between the state and the economy and thus involves what Poulantzas describes as the 'statization of society'. This suggests a weakness and an inconsistency within the Gramscian tradition of which Poulantzas is an important part rather than an inconsistent use of Gramscian terminology by the authors of this book. Scott suggests that we advocate the 'opening up' of civil society (p. 46), but this misunderstands fundamentally our argument. The 'opening up' or 'emptying out' of civil society is a product of neo-liberal restructuring that is simultaneously a threat to labour movement politics and, to the extent that it undermines the institutional incorporation of the labour movement, an opportunity to pursue a re-invigorated and autonomous politics in civil society. It should be clear from this formulation that our model of civil society is quite clearly in the tradition of Classical Marxism.

Scott's fourth major criticism is methodological. It relates to the use utilization of 'strategic choice' and 'path dependency' with regard to the response of European trade unions to neo-liberal restructuring and the resulting strains on union-party alliances. Scott interprets this as being underpinned by a form of methodological individualism by which some individuals stick to established forms of social democratic politics while epistemologically different individuals choose alternative paths and strategies. It should be clear from our approach, however, that the key unit of analysis is not individual actors in trade unions and political parties, but individual and collective forms of historical agency within historically determined institutional contexts. We would suggest that Scott reacquaints himself with Marx's famous dictum in the *The Eighteenth Brumaire of Louis Bonaparte* that: 'Men make their own history, but they do not make it as they please; they do not make it under self-selected circumstances, but under circumstances existing already given and transmitted from the past'.

The fifth major criticism in Scott's review (p. 47) relates to the apparent voluntarism that the book displays with regard to the analysis of peak level institutions such as the ETUC. Scott misunderstands and misinterprets our argument concerning the development of a transnational hybrid identity amongst European trade unions, particularly the suggestion ascribed to the authors that the ETUC has the capacity to develop an autonomous social movement identity. There are two responses to this criticism. Firstly, we argue that this is unlikely owing to the ways in which the dominant ideological position of national labour movements remains predominantly in support of third way social liberalism and social partnership. Rather, we highlight the emergence of critical and radical forms of trade unionism at the European level that are outside of or peripheral to the institutional mechanisms of the ETUC. Second, it is quite clear both in the book and in the work of two of the authors published elsewhere (Taylor and Mathers, 2004) that transnational hybridity is a product of the ways in which European labour movements and institutions conflate and recompose historically specific forms of national trade unionism based on distinctive relationships between state, market and society (Hyman, 2001). Scott is also critical of the seemingly negative ways in which the book treats developments such as the European social dialogue and European Works Councils. Scott cites his own involvement in EWCs to suggest that we over-emphasises the limitations of these developments. We are willing to be convinced of such an argument, but the balance of available evidence on developments in these areas suggests otherwise.

Scott's final criticism is that our book 'ascends to the heights of circularity and pomposity' in its approach to the political dilemmas faced by trade unions in an era of labour movement decline. He takes three sentences out of context regarding the distancing of New Labour and the trade unions and the way this undermines the influence of trade unions on Labour Party policy. He then uses this to subject the

authors to a rather personal diatribe concerning their living in political toyland and being seduced by post-modern beats and disco lights. The statement highlighted by Scott is, however, followed immediately with an extended discussion of recent developments that contradict and qualify this seemingly circular and obvious statement. This leads one to speculate on the motivations behind this rather unwarranted attack. This could be that Scott supports and embodies the type of social democratic trade unionism whose crisis the book sets out to analyse and document.

While we welcome Scott's review, we reject the substance of his criticisms. Indeed, we would argue that Scott misunderstands many of the key arguments and insights of the book owing to his own institutional embeddedness in a system of industrial relations whose decomposition our book sets out to explore and understand. There is a seeming contradiction in Scott's overall ideological and political position in that he acknowledges that the 'old maps' of industrial relations academia no longer adequately chart the reality of trade union politics, but seems to exhort a return to the anti-intellectual empiricism of the 'Oxford/Warwick' school of industrial relations pluralism that dominated the post-war period in the UK. Such a move would do nothing to uncover the complex processes of trade union decomposition and recomposition that are emerging at the national and transnational intersections between the historical forces of social democracy and neo-liberal capitalism. In contrast, we maintain that our book provides rigorous and sophisticated insight into how these processes are impacting upon trade union politics in Western Europe.

### **3) from John McIlroy and Gary Daniels:**

We want to respond to the criticisms made by Regan Scott of the book we recently co-edited, *Trade Unions in a Neoliberal World: British Trade Unions Under New Labour*. The purpose of the book was to document and analyse the progress of trade unionism between 1997 and 2007 and to assess the

current state of the unions in the context of an explanation of neo-liberalism. The first part of the volume, some 200 pages, offers a synoptic overview of the subject touching most bases. The second part consists of six essays. They examine in greater detail employment legislation, social partnership, organizing strategies, union involvement in training, strikes, and trade unionists' attitudes to Europe. Selection and omission is inevitable. No book can usefully attempt to cover everything. But most readers have found our choice of coverage and discussion of issues reasonable and relatively exhaustive. Debate has centred rather on our inability, unfortunately congruent with the evidence rather than with our political or emotional predilections, to exude optimism about the future revitalization of British trade unionism. (For ill-judged comments, see the review by Sian Moore, *Times Higher Education*, 21 May 2009; and the replies by Alan Campbell and Gary Daniels, *THE*, 4, 25 June 2009).

In contrast, Scott detects three 'key absences'. There is not, he claims, enough in the book about union policies on collective bargaining; or social change – in ideology, education, income, attitudes to gender and work; or how unions handle the media and figure in public opinion (p. 41–3). The prevalence and consequences of collective bargaining undertaken by unions are dealt with in the book in a fashion most fair-minded judges would consider adequate to our concern with analysing the state of the unions under New Labour. The dramatic decline of collective bargaining in the private sector and arguably, depending on how we interpret the pay review system, in the public sector, the restoration of managerial prerogative and the emergence of workplace representatives who no longer bargain, as well as movements in earnings since 1997, are all covered (*Trade Unions in a Neoliberal World [TUNW]*, 118–20, 140–2). In the context of competing demands on space, little would have been gained by elaboration of the detail of bargaining arrangements and ancillary matters admirably dealt with in the regular WERS surveys. Or, as Scott implies, engaging with the issue of

whether unions cause inflation, with its vast and inconclusive literature. Something would have had to be lost.

Similar considerations apply to how we address social change. That, too, is there in the book. It is threaded through the text to a degree, which is unusual in volumes devoted to unions. But this is not sufficient for Scott: 'This needs mainstreaming not weaving in' (p. 42). The difference between 'mainstreaming' and 'weaving in' is not readily apparent. But Scott proceeds to clarify matters: 'Perhaps a second follow-up book can look at some of this' (p. 42). Indeed. Treatment of the unions in the media is a specialist topic requiring and receiving specialist treatment elsewhere. As for public opinion, reference to the *British Social Attitudes Surveys* is again woven into the text (TUNW, 38–9, 44, 143). Scott's 'key absences' are, when scrutinized, no such thing.

In relative terms, *Trade Unions in a Neoliberal World* is a big book – 367 pages of text, 397 pages in all. Few publishers welcome big books on trade unions. Against that background, the inclusion of additional material would have necessitated deletion of subject matter the volume covers. It is surely incumbent on reviewers to consider the opportunity cost when telling authors what they should have included. But Scott can nit-pick for England and his carping continues. A 12,000-word chapter, which examines in some detail New Labour's employment legislation is, he comments, 'too narrowly focussed' (p. 43). It fails to consider 'the infrastructure of employment law culture' (p. 43). The impact of legislation on 'ordinary workers needs to be tracked and assessed' and the impact of resourcing legal services on union finances need to be documented (p. 43). Why stop there? Much more could have been covered: for example, the social background and role of the judges, the work of the Certification Officer, a comparison of minimum wage legislation in Britain and the USA or the operationalization of EU directives in Britain and Eire, in Greece and the Czech Republic. If, that is, we were writing a book on labour law

rather than a book on trade unions under New Labour.

Scott's method is to substitute encyclopaedic and idiosyncratic standards of coverage for the more minimal aims typically outlined by contributors to the volume at the start of each chapter. He then cries wolf whenever a secondary matter, an issue outside the brief of the book or a topic impossible to examine satisfactorily in the limited space available, is not examined in what he considers to be adequate detail. One contributor to the book laboured long and hard in unearthing details of some of the overlooked strikes of the last decade. His efforts are rewarded only by the observation: 'I missed cover of indirect indices of workplace discontent – the Italian literature is, I think, a model' (p. 43).

Scott proceeds to mislead potential readers of our book with a series of palpable inaccuracies about it. Many of these appear to arise because at times he conflates the distinctive approaches and content of the three very different books he is reviewing and artificially assimilates them in a generalized critique of all three. Nonetheless, he applies these comments to *Trade Unions in a Neoliberal World* as well as to the other texts and they require correction. Our book is not 'predictably Eurosceptical in cast' (p. 36). We can find no trace of Euroscepticism in our writings, perhaps because we are not Eurosceptics; or in the chapter in the book dedicated to Europe. 'Gramsci', Scott tells us, 'gets cited alongside Lukacs' (p. 51). He doesn't. There is a solitary and uncontroversial reference to Gramsci regarding the malleability of trade unionism and no reference at all in the book to Lukacs. There is, Scott asserts, 'a hardly concealed message that sometimes unions have underperformed as the guardians of true socialism' (p. 36). We never have and never will conceive unions as 'the guardians of true socialism'. In our book we typically measure their performance against *their own* policies and politics, an uneasy mix of social democratic, corporatist and social market approaches,

pragmatic, eclectic and opportunist.

The grasp of recent union history Scott demonstrates in his review is questionable. 'UK unions', he asserts, 'used to dominate the labour movement and the Labour Party' (p. 37). In fact such domination was rare, as a glance at the literature, particularly the writings of Lewis Minkin, affirms. He refers to John Monks's attempt to get 'a big bang protest going over union rights' (p. 44). The only significant attempt to get a 'big bang protest going', stimulated by the Gate Gourmet dispute and focussed on the Trade Union Freedom Bill, emerged not under Monks but under his successor at the TUC, Brendan Barber.

There is little point in continuing to relate and refute this catalogue of confusion. Some of it – for example, 'Classic socialist history is not understood' (p. 54) – is hardly amenable to fruitful debate in this format. On a more positive note, we can sympathize with Scott's dissatisfaction with the state of research and writing about British trade unionism – even if he directs his frustration at the wrong targets. Arguably there has indeed been too much attention to organizing (and partnership) within the problematic of union revitalization. Or at least too much writing about these topics which de-centres exacting evaluation of the constraints and opportunities of the context and structure in which trade unionists operate. These include not only the economic and political environment but also the power structures and balances within unions themselves as well as the attitudes of trade unionists and non-trade unionists to collectivism.

We are talking tendencies not uniform trends. But it may appear that there has been some diminution in critical consideration by academics of union purpose, politics, policymaking and internal conflict. The formal structures of trade unionism, its personnel, their background, motivations and actions, their internal and external political alignments, have perhaps received inadequate critical examination.

Informal activity, networking caucusing and lobbying certainly have. *Trade Unions in a Neoliberal World* goes at least some way to repair this deficit. It deals with these issues as well as organizing and partnership, and Scott is wrong to criticise it when it addresses in some detail issues such as the union-labour link and factionalism and political competition inside unions, issues which are neglected in much of the academic literature.

Where he does have a point is in his insistence that there is an urgent need to delve deeper and look at 'the politics of the union base itself' (p. 51). As we wrote in the book, which Scott is reviewing: 'Many accounts of contemporary trade unionism tell us more about workplace activists than about ordinary members, their attachment to their organizations, their perceptions of trade unionism and their political attitudes' (*TUNW*, p. 142). The same applies to non-members. 'Ordinary' workers are ultimately the most important agents in employment relations. They are the men and women behind the statistics. Their decisions to join, not to join, or to join and leave trade unions, are reflected in the figures, which suggest the limits of union revitalization since 1997. They have been relatively neglected. Even unsanitized, peopled, warts and all, from the horse's mouth, studies of union activists in the workplace, such as Huw Beynon's *Working For Ford*, have not been replicated in the new century. In a better world we would also have more studies 'looking behind the facades of policy and institutions' (p. 38), as Scott suggests. We would have more research on what really goes on inside the TUC, union head and regional offices and the workplace as well as how members think and act. But there are serious obstacles to such research.

On the academic side of things, measurement of output and in some instances pressure to make money from state agencies, management and unions, militate against long-term, time-consuming, critical, qualitative research, whether with members in the workplace or in the corridors of power.

On both the academic and the union side, there seems to be some preference for surveys commissioned on union terms rather than open-ended access for researchers to do their own thing and rigorously study the configuration of power, decision-making and conflict inside unions. Such surveys rarely question the fundamentals of union policy as distinct from its implementation. Getting behind the façade, as Scott points out, is extremely important. It is also extremely difficult. Richard Hyman used to say years ago: 'You only do a radical piece of research once'. Having spent decades behind the façade working in the head office of Britain's Transport and General Workers' Union (now part of Unite) nobody should possess a keener appreciation of the problems than Regan Scott.

# Reports

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## ***Contract Labour: Beyond Self Regulation - Report on a seminar 18.01.2010, Middlesex University***

Contract and agency labour is an international phenomenon that challenges union organisation. There is nothing new about the externalisation of labour but it has become globally more widespread and practically more significant over the last twenty years. The process of externalisation takes many different forms – contract and agency labour are two of the most visible - and for the most part it seems to bypass regulation and to reinforce the fragmentation of the workforce.

A workshop held at Middlesex University in January 2010 provided a forum for international trades unionists and academics to share ideas about the experience of externalisation. It offered the opportunity for important interventions from union organisers to consider the challenges and the opportunities for workplace organisation. This event was significant because it was concerned not simply to analyse but also to share experiences about the process of workplace organisation. The drivers for externalisation were identified as privatisation and restructuring, deregulation and casualisation, global production, migration, conflict and criminality. In the face of employment restructuring, workers are vulnerable and unions face real difficulties in convincing their members – and potential members – that they have the capacity for effective action against such pressures.

Amongst the union speakers were Kirill Buketov from the International Union of Food and Allied Workers' associations (IUF) and Aranya Pakaphat, who works within Thailand on behalf of the International Federation of Chemical, Energy, Mine and General Workers' Unions (ICEM). Together with Elizabeth Cotton, now an academic with Middlesex University but formally an organiser with ICEM, they presented case

studies highlighting the complex and different ways in which employers source their activities from outside of the boundaries of their own organisation. The rights of the 'employee' may be defined in law – but without employee status there may be little in the way of statutory regulation to support contract workers. And if workers lack the protection of employee status, they may also lack the opportunity for union support. The challenge in such cases is not only to develop union organisation but also to influence and re-shape employment structures so that workers are taken into the host company. The rights of those engaged by a sub-contractor or an agency may be few but we learned of successes as sub-contract workers organised to bring about change.

The case studies underlined and illustrated two key points. Firstly, multi-national corporations play a very important and particular part in establishing the network of relationships through which production is organised globally. Their influence is profoundly felt, both politically and in terms of economic organisation. Whilst their rhetoric may espouse regulated working conditions, the reality is, too often, that outsourced or contract workers are employed at the margins, lacking rights to a decent wage, to job security and to properly bargained conditions of employment. The case studies tracked the diminution in direct employment in particular multinationals and highlighted their increased reliance on contract and agency labour. Secondly, this requires international responses and international unions have a special part to play, raising awareness and encouraging practical measures of union support across national boundaries.

The workshop turned then to the question of statutory and collective regulation within the European Union and Rebecca Gumbrell McCormick and Richard Hyman reported on their work in progress looking at cross-national trade union responses to precarious work. Professor Richard Croucher, of

Middlesex University drew on experiences in Eastern Europe, pointing to the importance of trade union education in opening up new ways of thinking and alternative approaches to union organisation. Professor Keith Ewing, Professor of Public Law at King's College, London offered insights into the responses of the British Government to European regulation – the Agency Workers Directive.

The European Trades Union Confederation estimates that there are around 6 million agency workers across the EU – but there are some 1.3 million within the UK alone and in general the earnings of full-time agency workers are lower than those of the directly employed. The incentive for employers to use agency labour, Professor Ewing suggested, is their absence of statutory employment rights. Successive Employment Tribunals have failed to resolve the ambiguous employment status of agency workers. The Temporary Agency Workers' Directive (2008) is due to be implemented in the UK by 2011, bringing forward the principle of equal treatment on basic terms and conditions of employment – notably pay and holidays. Yet Professor Ewing noted that the regulations, as currently framed, are unlikely to have great impact within the UK. He identified three reasons why they will enable employers to bypass the intended support for agency workers. Firstly, there is a 12-week qualifying period – and almost half of the UK's 1.3-million agency workers lack that length of service. Secondly, in order to claim minimum core conditions, an agency worker has to be able to compare their position with an in-house employee – but there may be no comparator. And thirdly, there is the ever-present problem of evasion. Employers may engage someone for 11 weeks only to let them go at the critical point when they may acquire some statutory support.

All of these problems and more will be familiar to those working in the construction sector. If you would like to follow up on these discussions and know more about the research involved you will have the opportunity to join later

workshops in this series. The second workshop, concerned with migration, will take place later this year and the third meeting will focus on private equity. The final session in the series, which is sponsored by the ESRC, will discuss future labour research initiatives. Those interested in forming part of the seminars or research teams should contact Elizabeth Cotton ([e.cotton@mdx.ac.uk](mailto:e.cotton@mdx.ac.uk)) or Professor Martin Upchurch ([m.upchurch@mdx.ac.uk](mailto:m.upchurch@mdx.ac.uk)).

**Recommended further reading**

Elizabeth Cotton and Richard Croucher, *Global Unions, Global Business*, Middlesex University Press, London 2009.

Keith Ewing, *The Bonfire of the Liberties: New Labour, Human Rights and the Rule of Law*, to be published in May 2010 by Oxford University Press.

**Self-employment and false self-employment in the construction industry  
Conference of EFBWW and FIEC. 4-5 February 2010, Prague.**

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Prague was the location of the European Conference on ‘self-employment and bogus self-employment in the construction industry’. The event, which took place on the 4<sup>th</sup> and 5<sup>th</sup> of February, was well attended with people coming from over twenty different European countries. Workers’ and employers’ representative groups from both national and European level were present as well as representatives from the European Commission and the European Foundation for the Improvement of Living and Working Conditions. The Conference culminated with a Joint Appeal by the European Social Partners of the construction industry. Also, a report on bogus self-employment in eleven Member State countries was launched. The report contained findings of an in depth survey which sought to shed light on the legal, regulatory, administrative, organisational and practical aspects of self-employment and bogus self-employment in the construction industry. The report is available at the EFBWW and the FIEC website.

Over the two days the debate was informed by a number of presentations from representatives of different national employers' groups and trade unions, labour inspectors of various jurisdictions, national policy-makers and academics. While the theme of the conference surrounded the question of self-employment and bogus self-employment in the construction sector the emphasis was primarily on the latter. The term 'bogus self-employment' is an ambiguous one, not least for the construction sector where genuine self-employment is an intrinsic characteristic of the industry. Self-employment in this sector, however, has increased considerably over the last decade or so. Results from a European Labour Force Survey (2007) documented that 34 per cent of workers in the construction sector were self-employed. This figure is significant when compared with other sectors where the number of self-employed is around 11 percent. According to conservative estimates by the Italian Ministry of Labour the percentage of workers involved in bogus self-employment has increased year on year since 2005. However, this raises the question: Of the 34 per cent self-employed construction workers, what portion is falsely self-employed? Given the vagueness surrounding the definition, which suits some more than others, ascertaining clear figures can prove a difficult task.

Self-employment is a common feature of the construction sector and being self-employed certainly has its advantages. Needless to say, making such a choice carries risks. The problem is not with self-employment per se, there is no issue should workers, of their own volition, decide to 'go it alone'. In fact, given the complex production process of the construction industry, there is a need for labour supply flexibility. The problem of bogus self-employment arises when employers no longer engage in direct employment. Instead they coerce workers into setting themselves up as sole traders. Where a genuine self-employed worker enjoys a certain amount of autonomy regarding choosing a job and the number of hours worked on a job; a coerced self-

employed worker has little or no say regarding choice of activity or what hours they work. Instead they must clock-in and clock-out and should they question a particular task they risk the outcome of being let go. Hence, workers are employed on the understanding of them being self-employed but they are working under terms and conditions as though they were employees. So, how do entrapped workers end up being falsely self-employed? And what gains are to be made by the employers that pursue such strategies?

There is a very simple answer to both questions, i.e. financial incentives. The opportunity to save on contributions influences employers' decisions to engage in such practices. Similarly, workers might be attracted to the prospect of paying less tax. The result of these decisions and practices has far-reaching implications, which go beyond the confines of the construction sector. That is not to say that the repercussions on the construction industry are of a lesser consequence. The primary theme of the conference was that practices that resulted in bogus self-employment are to the detriment of the construction industry and wider society.

In contrast to direct employees, engaging with self-employed workers means that construction companies do not have to pay contributions. The self-employed pay taxes according to their gross earnings and the level of tax for the self-employed, in most countries, is at a reduced level compared to those directly employed. Also, where the services of a self-employed worker are engaged, the employer has diminished responsibilities and is not obliged to pay for holidays, breaks, sick leave or make pension contributions. Again, there is no problem here if the worker in question is genuinely self-employed for they will have taken these factors into consideration before deciding to become self-employed. There is a problem, however, when workers are coerced into being classified as self-employed for they remain treated, in a hierarchical sense, as a direct employee, however, they are deprived of the basic rights that employees are entitled to.

Hence, fundamental social rights are being undermined by such tactics.

The net result is three-fold. Firstly a self-employed worker, bogus or genuine, cannot claim jobseekers allowance, where available. This has drastic consequences should they have an occupational accident. False self-employment, in the long term, limits career prospects and undermines job security. Secondly, false self-employment has a negative impact for the industry as a whole. For instance, companies that engage in such surreptitious practices have an unfair advantage over compliant companies. Conversely, the latter are at a disadvantage when it comes to tendering a price for a job. Thirdly, fewer contributions are being paid into the state's coffers; this has implications for society as a whole.

As mentioned above getting a clear idea of the number of workers involved in bogus self-employment is a challenging task. A report undertaken by Prof M. Harvey and F. Behling, at the University of Essex, on behalf of UCATT, sought to throw light on numbers involved in false self-employment in the British construction industry. F. Behling presented the report's findings at the conference. The report found that around 30 per cent of the workforce were inaccurately categorised as self-employed. This, it was estimated, was costing the British Exchequer approximately £1.7 billion per annum. Furthermore, it was noted that employers were not investing sufficiently in training and apprentices resulting in a skills gap depriving workers of career opportunities and jeopardizing health and safety standards. President of UCATT, A. Ritchie, pointed out that health and safety standards were undercut as a direct upshot of bogus self-employment resulting in an average of two deaths per week on British construction sites.

Labour markets have undergone restructuring brought about through economic integration and the free movement of labour. This is no different for the construction sector. Since

2004 the EU membership has increased from 15 to 27 Member States. The arrival of migrant workers has contributed to the complexities concerning the employment relationship. Migrant workers are more susceptible to exploitation. Hence, what was clear from the conference was that this problem is a transnational one. Therefore, what is necessary is a two-pronged approach, i.e. the question of bogus self-employment needs to be dealt with at both the national level and the European level.

Employment relations by their very nature are a complex web. This web has become even more complex as labour markets become more fluid and we shift towards a 'service economy;' not to mention the pressures of globalisation. According to Prof Y. Jorens, who presented a 10 country comparative report, the free movement of services along with an 'abuse' of E-101 forms has led to an increase in the level of bogus self-employment. Here the workers are under the regulations of the sending state, resulting in what are effectively 'islands of foreign law' in the host country (Hanau 1996 quoted in Menz 2005: 199). Prof Jorens advocates the need for greater coordination between administrations and a European instrument in order to address this issue that is nothing short of social fraud. Another upshot of this social fraud is what the literature calls a 'representation gap'. Thus, where collective bargaining occurs self-employed workers are not represented by a union or by a business association. Or as the case may be, self-employment might be (mis-)used as an instrument to avoid binding agreements (Cremers 2009). This could have negative implications for the collective bargaining process, the primary objective of which is the welfare of the industry's population.

Prof M. Faioli, of the University of Rome, offered a plausible solution to the problem. Apart from strengthening the powers of labour inspectors, Faioli recommended that resources should be provided thereby allowing workers to confront their coercive employers or seek legal advice. Also,

access to information and education could help prevent the exploitation of workers. Cross-border labour inspectors were suggested as a means of combating bogus self-employment of a transnational nature.

Following up on a joint declaration in June, the conference culminated with the European social partners of the construction industry (EFBWW and FIEC) signing a joint appeal calling on the EU and its constituent members to make a concerted effort to promote the development of a sustainable and efficient construction industry. The construction sector has found itself in the eye of the current economic storm. This is particularly the case in Ireland and Spain where a speculative property bubble fuelled an overheating economy. While other countries might be in a better position to deal with the challenges, jobs in the industry are at risk.

The appeal's objectives were, amongst others, job creation and climate change through investing in sustainability. Investment in a 'greener' construction industry would help job creation while having a multiplier effect and stimulating other sectors of the economy. Whilst recognising the challenges of climate change, the social partners pledged their full support to the EU's Climate Change Package. Moreover, the opportunity for significant job prospects was acknowledged through improved insulation and innovative technologies. Central to this, however, is the need to invest in sustainability through public development programmes with the objective to building energy and carbon efficient buildings, and a greater emphasis on renewable energies. With these ends in mind, the social partners called on the need for the construction to increase its investment in vocational training by developing specific "green training policies" in order to achieve an environmentally conscious construction sector whose products are, in fact, our legacies.

President of the EFBWW, D. Pesenti, cautioned that the

problem of bogus self-employment, especially in times of economic crisis, could increase significantly. He added that migrant workers were the most at risk of exploitation and that it was only through dialogue that the problem could be addressed. FIEC President, D. Cordeel, acknowledged the problem of concealed labour being particular to the construction industry. Stressing the importance of genuine self-employment to construction, he noted that national administrations have been unsuccessful in confronting bogus self-employment while the EU has limited competences in this field. Advocating, greater co-ordination between national and European administration, Cordeel and Pesenti recommended the introduction of a social identification card which contained electronic information and the creation of a European database on cross-border activities where information would be inputted by national border authorities.

Hence, the conference concluded on a positive note with the European social partners making a concerted and common effort to address the issue of bogus self-employment in the construction industry. Such practices by unscrupulous employers is myopic and to the detriment of the construction industry and its constituent members. Economic difficulties might place such strategies in an attractive light, as cost cutting becomes the order of the day. For all intents and purposes workers that are coerced into classifying themselves as self-employed are simply de facto workers who do not have the autonomy or flexibility benefits of a genuine self-employed worker. Emphasis on the need to promote fair competition, in order to maintain labour and safety standards, must be maintained. There is also a need to invest in human capital and training otherwise the industry will face a skills shortage and instability. This does not favour employers in the long run.

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### **Labour Policy for the European Construction Sector in Response to the Financial Crisis Preparatory seminar, 22<sup>nd</sup> January in Brussels, EFBWW office.**

Sam Hägglund welcomed the meeting and the participants and introduced Werner Buelen's contribution indicating the problems to achieve a common resolution with FIEC. As a next step, the Joint Appeal will be presented to the EU President Herman Van Rompuy.

Werner Buelen gave an overview of the history of the discussion with FIEC to issue a common appeal for the construction industry. There were differences in the interpretation of the nature of the crisis, for instance about long-term investments including renewable energy generation, which are no particular concerns of the industry. Three issues could however be shared in common:

- the need for building schools and infrastructure,
- measures to save energy,
- the need for vocational training relating to new production processes.

The declaration had to take restricted budgets into consideration. It is intended to claim EU support for the construction industry as commonly accepted for agriculture.

*Various points were raised in the discussion:*

- *The construction industry is not that much affected by the recession. It is rather the housing sector which has suffered most through the credit crisis rather than infrastructure.*
- *Only anti-cyclical measures are proposed, but how far can these achieve anything?*
- *The impact of the crisis is very different in individual countries.*
- *For an effective strategy it is necessary to take the causes of the crises into consideration. We are confronted with three different coinciding crises, 1) a financial crash, 2) a cyclical recession and 3) the threat of an ecological catastrophe. They may have a common root, but they unfold in different ways.*
- *The 'Joint Appeal' is construction specific. In the metal sector, for instance, the focus is on saving jobs. Across all sectors the International Trade Union Confederation put emphasis on the issue of a Social Europe.*
- *Relating to the three different causes of the crisis the specific role of the trade union movement has to be taken into consideration.*
- *Trade unions are profoundly involved in the financial crash through their role in holding pension and other funds and through the extreme inequality in the labour market (including between professionals and operatives).*

Werner Buelen pointed out in the first place that the 'Joint Appeal' was 1) necessarily confined by its focus on the construction industry and 2) a compromise with the employers' confederation; secondly, that the construction industry is particularly affected by the mortgage crisis, government budget deficits, and the decline of the market for office building. Training faces the problem that in some countries – e.g. GB - it is not an issue of the social dialogue.

A few final remarks:

- Though tactically the 'Joint Appeal' cannot be criticised, it lacks a strategic focus.
- The paper does not tackle the financial bubble, which we want to discuss in this meeting.
- What does the EFBWW expect in return for the concessions in the 'Joint Appeal'?

Sam Hägglund contended that the cooperation with FIEC is essential in order to make an impact in the political arena. Werner Buelen concluded "we want jobs in return" for the concessions to the employers. He explained that housing is very affected because of reductions in purchasing power and restricted mortgages. Long term public deficits are skyrocketing.

In the second intervention Linda Clarke presented an argument according to which vocational education and training are essential means to combat the effects of the financial crisis.

The discussion raised a variety of issues:

- There exists a correlation between qualification, housing cost and wage rates.
- The cost advantage of qualification is obscured because labour costs are often hidden through the use of subcontractors.
- The increasing dispersion of wages - globally - is reflected in inequalities of qualification and training in colleges and at the workplace. Equality in the levels of vocational education and training is a way of combating inequality which is at the root of the financial crash.
- Combating inequality is a crucial issue for the future of the trade unions.

Paul Chan and Steve McCabe outlined labour market trends, both at the macro-level across a selected number of European countries as well as specific data on the UK construction labour force. The presentation illustrated disparities in employment and unemployment rates across

Europe, and suggested that the differentiation in political ideologies account for such trends. So, countries with stronger institutional frameworks to safeguard social partnership, e.g. in Scandinavia and Germanic countries, see a more resilient employment trend, whereas countries that have been subject to a more liberal approach to markets (e.g. Ireland and Spain) see a sharp decline in the rate of employment. A peculiar development can be found in the UK where there is relatively stable employment, and this is possibly due to a relatively higher proportion of self-employed labour and alternative forms of employment relationships (e.g. part-time and temporary working). Paul and Steven also presented on the inequalities that are developing since the onset of the financial crisis, manifested in terms of age-group, gender, employment status and working conditions. They also noted how there is a sharp decline in private-sector activity in the UK, and that whilst there is a lot of policy movement in expanding on public-sector investment to combat the economic crisis, it is argued that such a policy remains unsustainable given the large debt burden in public finances, in part because of an already high level of public-sector investment since 2003. Three points were discussed in the open forum, including the possibility of mobilising VET as a means to mitigate against the effects of developing inequalities, the scope of government legislation in regulating the labour market (as seen in the effectiveness of reducing self-employment since changes to taxation were introduced in 2007), and the invisibility of effects to undeclared self-employed workers.

Jan Cremers followed on from the discussion on labour market trends by questioning the nature of worker participation in changing corporate governance structures. Jan was particularly concerned that the nature of the employer in a traditional sense is being diluted and that this creates further pressure that could marginalize worker representation and effective labour market regulation. Jan also noted two worrying trends that are developing across

Europe – further shifts towards the right and calls for more liberal economic policies – and how this will jeopardise any effort to protect the rights of workers. The financial crisis may have brought questions about corporate governance to the fore, and specifically on the limitations that shareholder power in creating sustainable corporate structures. Arguably, it is imperative that corporate governance must now resolve the tensions between source of finance (esp. from private equity) and the notion of ownership and responsibility. The discussion pointed to increasing individualisation of the employment relationship and the dilemma faced when balancing investment in productive labour and capital cashing. New forms of coalitions need to be formed.

It is here that Jörn Janssen asked about the efficacy of the role of trade unions in framing a strategic response to address the impacts of the financial crisis. Jörn observed collusion between trade unions and employers in pursuing an agenda that is characterised by 'more of the same'. Jörn challenged the trade unions to consider what the new agenda should be, and argued that social justice should remain at the core of any formulated strategy. He suggested that one needs to reflect more deeply on the causes of the financial crisis, and maintained that it is the way property rights are being conceptualised, and the unstoppable shift from a production economy to a consumption economy that has led to the economic crisis. He called for hereditary property rights to be abolished in order to arrest the situation.

To close the proceedings, a discussion was developed by those present to help shape the programme for a follow-up meeting in Brussels (possibly first week of May 2010). This discussion is summarised as follows:

Rolf Gehring suggested that it is important to discuss how the production process is transforming and urged for more

understanding of how human agency is shaping the structure of the production process.

Jan Cremers considered a need to look at the role of government regulation as he observed that deregulation of the labour and financial markets have removed representational opportunities of stakeholders, which in turn has led to further wage dispersion. Jan was particularly dissatisfied with the perpetuation of 'Reaganomics'.

Sam Hägglund expressed concern over further loss of trade union powers, manifested in the threats to the right to strike and withdraw labour. Sam was keen to examine the connections between the trade union movement and academic researchers, as a means to arm trade unions with the evidence base upon which policies can be influenced.

Linda Clarke noted that problems with trade union structure need to be addressed in order to put forward a coordinated response.

It was agreed that the meeting in May will involve key leading figures in the European trade union movement and that keynote presentations of a select number of cross-cutting themes (e.g. health and safety, VET, diversity and inequalities) be made so that a more focussed discussion on the shape and form of a coordinated response can be developed.

*Preparation of the EFBWW Seminar:*

Venue for a subsequent debate with representatives of the EFBWW member unions, date and practical organisation:

It was decided to meet in Brussels. Rolf has organised the funding for interpretation (3 languages), travel costs and lodging (up to 18 people). We envisage 35-40 participants. EFBWW has agreed to add, if necessary, two more languages. The date is settled, 4-5 Mai 2010 (10.30 registration, begin 11.00) and end on Thursday at about 4.00 p.m.

### *Content of the seminar:*

The seminar is intended to provide a forum for discussion with and between trade union practitioners and academics. Format and programme for the conference needs finalising. Working title: "The economic crisis – a trade union disaster or a means to re-vitalize?"

Rolf has already listed some items for the discussion but also for the presentations:

- What do low or high wage strategies mean for the productivity in construction?
- Construction companies without employers – what does it mean for trade unions?
- Is it only a financial or rather a structural crisis?
- How has the crisis affected vocational training and further education in the industry?
- From crisis to catastrophe – trade unions in a "free-fall economy".
- Draft programme – Rolf, Sam and Jörn

### *Background papers/reader.*

For the seminar we will have a reader with country reports including:

*Poland:* Jakub Kus - [jkus@zzbudowlani.pl](mailto:jkus@zzbudowlani.pl)

*France:* Elisabeth Campagnac - [campagna@enpc.fr](mailto:campagna@enpc.fr)

*Ireland:* Torben Krings - [tkrings@tcd.ie](mailto:tkrings@tcd.ie) / Colm Mclaughlin - [colm.mclaughlin@ucd.ie](mailto:colm.mclaughlin@ucd.ie)

*Germany:* Elu Laux - [elu.laux@t-online.de](mailto:elu.laux@t-online.de)

*UK:* Paul Chan/Linda Clarke - [paul.chan@manchester.ac.uk](mailto:paul.chan@manchester.ac.uk)

*Sweden:* Sven Ljung - [sven.ljung@byggnaads.se](mailto:sven.ljung@byggnaads.se)

Editing of the country reports - Jörn

# Reviews

**Fiona Murie, *BWI strategies to promote Decent Work through procurement: The example of the Bujagali Dam project in Uganda*, Geneva, Global Union Research Network (GURN) and International Labour Organisation (ILO), 2009**

*Jill Wells,  
Engineers  
Against Poverty  
(formerly  
construction  
specialist, ILO  
Geneva)*

Fiona Murie is Director of Occupational Health, Safety and the Environment for the Building Workers International (BWI), one of the labour movement's Global Union Federations. This paper looks at recent efforts to improve employment and working conditions in the construction industry through the insertion of labour clauses in contract documents. It does this through a case study of a project funded by the International Finance Corporation (IFC) at Bujagali Falls in Uganda.

The construction industry worldwide is highly fragmented, with much of the workforce recruited on an informal, temporary basis, often through intermediaries. In the developing countries (where three quarters of the world's building workers are to be found) the lack of direct employment, combined with the temporary and mobile nature of construction work, poses serious challenges for trade union recruitment and representation. Weak trade unions, high levels of unemployment and lack of effective enforcement of labour laws by public labour inspectors, are key factors perpetuating poor terms and conditions of work in the industry. Construction jobs in these countries are described as low status, low paid, short term, unregistered, informal and extremely hazardous.

While recognising that public labour inspection still has a major role to play in raising standards, the author argues that the insertion of labour clauses in contract documents, if properly monitored and enforced, could provide an additional avenue for ensuring that contractors observe the law. The paper charts the efforts of the BWI to bring this about. It shows how the International Finance Corporation

(IFC) led the way, on advice from the BWI, in adopting new standards on labour and working conditions which it has applied to all loans from 2006. The new IFC standard (Performance Standard 2 (PS2): Labour and Working Conditions) incorporates all of the core labour standards of the International Labour Organisation (ILO). Meanwhile the World Bank procurement department began in 2005 to include some labour clauses in the standard bidding documents for the procurement of works, encouraging the other Multilateral Development Banks to follow suit. But it was not until 2009 that all four core labour standards (including the standards on workers' right to organise) were included as mandatory. The new harmonised contract for works, which is now used by all the Multilateral Development Banks has clauses in the general conditions of contract that cover all ILO core labour standards.

While these developments have been welcomed by many, and considered by BWI as a major advance, the standards will only be meaningful if implementation is monitored and enforced. Here trade unions clearly have a major role to play. The case study in Uganda, on a project funded by the IFC, offered BWI an opportunity to work with the local trade union affiliate to monitor standards on the project and see what difference (if any) IFC PF2 and the labour clauses have made. Of particular interest to BWI was the clause recognising the right to organise, which they decided to test by a full out campaign to organise workers on the site with a view to negotiating a Collective Bargaining Agreement.

The paper presents a detailed and fascinating account of the progress in this regard and of the obstacles encountered. At a seminar in June 2008, the general secretary of the Uganda Building Workers Union outlined some of the achievements. Union membership on the site had risen to 850 of the 1000 workers and a Collective Bargaining Agreement had been signed. The CBA addressed

a number of key issues leading to the improvement of living and working conditions: wages were higher than on other sites, there were medical benefits covering all workers including subcontracted workers, transport and housing allowances and good health and safety arrangements.

While recognising that these significant gains would not have been achieved without the backing of PF2, the union felt that the main contractor still tries to limit the rights of the workers. Even with a good Collective Bargaining Agreement in place, there is still a gap between the company's commitment on paper to implementing PS2 and its behaviour in practice. The Ugandan union also recognised the substantial help and support of the BWI, without which they would not even have known about the existence of IFC PS2 .

For the BWI the crucial point of the exercise was union building. But despite PS2 they had great difficulty in engaging at an early stage with the employer (client) who passed the labour commitments to the main contractor for implementation and declined direct contact with the trade union. The author argues that dialogue with the client at an early stage could have helped facilitate improved industrial relations with the main contractor later on.

Early communication with the client and the funder could also have helped to ensure that the requirement to comply with labour standards, as set out in contract clauses, was fully understood during the procurement process and that the contract with the contractor contained sufficient funds for implementation. Although this point is not made directly, the author later points to the difficulty of trying to "tack on" good labour standards during the construction phase: "no contractor can pay for labour provisions that are not required by the client in the bidding phase and included in the contract".

After a promising start, direct communication between the union and the IFC officer in East Africa also ceased, which raises the issue of the role of the IFC in monitoring implementation. The PS2 does provide a complaints mechanism, through which it is possible to report cases of interference with the right to organise or bargain collectively. That the Ugandan union chose to register their complaint on this issue with the District Labour Office, rather than asking the IFC to intervene, was a lost opportunity to test the mechanism. But no doubt this was entirely rational from their point of view as strengthening the capacity of national labour institutions to enforce labour standards across the board, rather than relying on distant donors on a single project, has to be the objective in the longer term.

The paper notes that Bujagali project is to be included in a social and environmental review by the IFC of a number of projects funded in 2009. It will be interesting to compare the views of the IFC and the BWI on this project. It will also be interesting to gain insights into the impact of PS2 and labour clauses in contracts on projects in the absence of a trade union to fight for workers' entitlements and the absence of BWI support. Some other means of monitoring and of strengthening the obligations of clients and contractors has to be found.

The final section of the paper addresses this issue, while outlining the current and future work of the BWI to promote Decent Work in the construction industry worldwide. It is well argued and reaches many sensible suggestions. Close reading is highly recommended.

***Freedom of Association, Employees' Rights and Social Dialogue in Central and Eastern Europe and the Western Balkans***

**Heribert Kohl, BwP, Friedrich-Ebert-Stiftung, Berlin, 2009.**

*Jan Cremers,  
AIAS,  
2010-02-12*

This new study was published in September 2009 by the German Friedrich Ebert Stiftung and is available on their website in German and English <http://library.fes.de/pdf-files/id/06606.pdf>

The author, Heribert Kohl, is a colleague with one of the longest records in research on industrial relations in Central and Eastern Europe.

The report provides, to quote ETUC General Secretary John Monks (in his foreword, page 4): "an impressive illustration of existing obstacles to member recruitment, practical freedom of association, social dialogue and implementation of employee rights in Central Eastern and South-Eastern Europe."

The starting point for the study was a wide-ranging survey of the current situation regarding freedom of association in all the new EU Member States. That survey was later on extended to include the countries of the Western Balkans, resulting in a report that covers 16 formerly 'socialist' countries in Eastern Europe.

Kohl sees freedom of association and the legal and practical possibility of concluding collective agreements as important prerequisites for properly-functioning industrial relations, regulated labour markets, social progress in individual countries and thus economic and social convergence within the EU. Most countries have ratified the relevant ILO-conventions and incorporated them into their national legislation.

However, this situation is rather different when it comes to actual enforcement of these standards (page 9): "Here the process is hindered both by legal restrictions imposed by the state and by an excess of statutory regulations. In a number of countries these represent an obstacle to joining trade

unions and also to the formation of local trade union representation, especially when union statutes additionally underpin such obstacles. Major legal obstacles take the form of specific regulations on size when it comes to recognition of employee organisations' right to collective negotiation and their representativity. In addition, the negotiating rights of trade unions are restricted in the case of particular categories of employee – effectively excluding these groups from trade union membership and from being party to collectively negotiated agreements.”

The development of industrial relations in the countries observed is analysed against the background of the political transformation after the fall of the wall: with the introduction of the market economy, the employee organisations had to change from agencies of the ruling party into the defenders and guarantors of wages, labour and employment conditions. The collaboration in the former Soviet-dominated economy had discredited the reformed trade unions and the 'new' emerging movements were too weak to create a positive image as workers' voice or as interest group at company or industry level.

In the study a number of questions and deficits are highlighted:

- the actual obstacles to trade union membership in the countries surveyed,
- legal regulation and restrictions that apply to the setting up of a trade union,
- legal and practical obstacles for trade union representation at company level,
- discrimination against trade unionists and elected representatives; infringement of legislation and the possibility to control and reduce this.

The central part of the study presents the findings, and their implications for collective bargaining, for the regulation of industrial disputes and for the overall balance in the

distribution of welfare and income.

Three respective chapters are dedicated to the current status of the social dialogue in the CEE countries and South-Eastern Europe, to a comparison between these two country clusters and to an East-West comparison.

In the concluding part a number of significant differences with regard to the legal and conventional structures and the practice of industrial relations between the countries concerned are summarised.

In Eastern European countries many laws and statutes exclude groups of employees from joining trade unions or create obstacles to the setting up of unions, the recruitment of members.

Freedom of association is often restricted by the existence of minimum requirements in terms of workforce size. Notably in SMEs a growing number of employees are prevented from executing their basic rights on information, consultation and participation.

Access to collective bargaining is denied and collective agreements at sectoral level are made difficult by the strict requirements for recognising organisations and by regulations that are designed primarily for company-level agreements.

Finally the right to strike is severely restricted in some cases, next to excessively high ballots and bureaucratic hurdles that favour the employers.

On the other hand, it can be noted that infringements of freedom of association often go unpunished and monitoring is rarely feasible or successful.

All in all, Kohl's study is worth reading, not least because he ends with recommendations that should lead to a more consistent implementation of employee and trade union rights. In this case a review is not enough: go to the web and download this study!

Jörn Janssen

### **Nach dem Crash – Soziale Folgen der Finanzmarktkrise, WSI-Mitteilungen, Schwerpunktheft. December 2009.**

WSI-Mitteilungen, the monthly review of the economic and social research institute (WSI) of the German Confederation of Trade Unions (Deutscher Gewerkschaftsbund), has dedicated the last issue of 2009 to the „Crash“ of September 2008, aiming to assess the “social impact of the crisis of the financial market”. Ideally, with the distance of a year, one might expect from this Trade Union think tank a qualified response to this secular global financial crisis, setting out strategies for the labour movement to overthrow the social conditions under which the global capitalist system would have collapsed had the states not dedicated their fiscal resources to the rescue of the banking sector. First of all such a trade union strategy might be expected to contest the obscene accumulation of wealth owned by a minuscule minority of the world population, which was the very substance that proved to consist of nothing but fictitious value, debt unrelated to real assets. The sudden evaporation of what pretended to stem from economic growth has in fact again discredited the whole concept of growth as the dominant objective for economic policies, pretending to promote production and services. As a response to this apparent abuse, trade unions might have confirmed their fundamental mandate which is to fight for an equitable distribution of the social product according to the provision of labour rather than profits on property. This is the approach taken to review the academic contributions to the special issue ‘After the Crash’ of WSI-Mitteilungen.

The editors, Peter Kalmbach and Michael Schumann are right to warn that we are “in fact still in the middle of the crisis”, hence the “provisional” character of the seven “analyses” including a ‘WSI-Report’ on the distribution of income and wealth.

In the opening article Hansjörg Herr, assessing the crisis as a result of neo-liberal economic policy, recommends a “return to a good capitalism” with generally binding collective agreements, universal compulsory social security provisions and tighter regulations of the banking sector within structures of “global governance”. He contends that such a reversal is just a matter of “political will” (635-642).

Not much different Dieter Vesper wants “the model of a socially protected market economy to be revived” and suggests minor reforms of the existing financial sector as well as higher taxes on private assets in order to rectify the excessive “imbalance” (Schieflage) in the distribution of income and wealth, which “have considerably contributed to the present crisis” (643-650).

Focussing on social security systems Heiner Ganßmann and Ralf K. Himmelreicher contend that the “distributive imbalance may be [! J.J.] the cause of the crisis, because to a large extent rising profits have not been invested in growth and job-creating investments but in speculative assets on international financial markets.” They recommend a return to economic growth by all fiscal means, even at the expense of reduced social provision (651-658).

In contrast to these three contributions, which fail to transcend mainstream economic approaches, Ulf Kadritzke identifies a qualitative mutation in the “production regime” based on change in social relations through the redistribution of wealth, which “causes a global accumulation of wealth as the source of financial-market capitalism”. In his “final thoughts” he suspects that under the impact of “the present phase of shock” the resulting problems are likely to get exacerbated (659-666).

A lesson about ‘corporate government’ based on “shareholder value”, as developing since 1990, is the article of Klaus Dörre and Hajo Holst. According to their view this

mode of governing the development of the real economy is instrumental in “finance capitalist colonisation” as well as the depression of wages for labour “below its value”. Despite a rather pessimistic outlook they pin their hopes on a revived discourse on “economic democracy”, though they admit at the same time that its potential agents are comparatively deprived of respective powers (667-674).

What are the “perspectives of labour policy after the crisis”, is the question raised by Martin Kuhlmann. Instead of giving an answer himself, he reports on a survey carried out among works councillors (Betriebsräte). They were interviewed about 1) the division of labour (“Retailorisierung”), 2) employment conditions (“Vermarktlichung”), 3) work autonomy (“Subjektivierung”), 4) “precarisation”, 5) “innovative labour policy”. As a predominant general result, Kuhlmann found defensive attitudes and absence of strategies concerning wages and employment (675-682).

The final separate report by the director of the WSI, Klaus Schäfer, is helpful in that it provides a detailed account of rising inequality, which he regards as the prime reason of the crisis. He also pinpoints government policies as the determinant factor of redistribution. He finally claims as “empirically proven ... that unequal distribution has a detrimental effect on growth”. His hopes rest on government action on wage policy - statutory minimum wages – and fiscal regulation (683-691).

Based on the approach outlined for this review, this special issue of WSI-Mitteilungen is sorely disappointing. It seems to suffer from a shock reaction to the deep and lasting crisis. The academics do not seem to be any more immune than the works councillors interviewed by Martin Kuhlmann. Therefore, given the glaring lack of a strategic outlook and inability to transcend familiar categories, the analyses remain to varying degrees within the orbit of traditional concepts. Thus, this collection of articles published by and

for the German trade union movement is likely to reinforce the dominantly defensive reaction, which is characteristic not only for Germany but can be observed across the whole of Europe, if not at global level. In the political sphere, as exemplified in the elections for the European Parliament, we even witnessed a conservative reaction. Maybe spirits remain in suspense to be awakened by another more catastrophic crash.

**Maurizio Ambrosini, Gian Primo Cella and Antonio Martin Artiles (2008) 'New migration dynamics: irregular immigration and irregular work'**

*Transfer*, winter 2008, vol.14 no.4, 539-726 pp. European Trade Union Institute for Research, Education and Health and Safety (ETUI-REHS).

*Ian Fitzgerald,  
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This *Transfer* special addition addresses the issue of irregular immigration in Europe and in doing so it discusses the important role that trade unions have in this process. The journal itself is divided into two main sections, Articles and Case Studies. The first article by Ambrosini provides an excellent introduction to what follows, highlighting the often present contradiction between European labour markets needs and the social acceptance of immigrants in host European countries. In examining the growth in European irregular migration, Ambrosini highlights the difficulty the State has in controlling irregular movements of immigrants and indeed calls into question notions of 'Fortress Europe'. Identifying mass state regularisations of irregular immigrants to 'balance the books', he closes by discussing the important 'solidarity' role that NGOs and trade unions provide for irregular migrants. What follows are three further articles, Reyneri and Fullin compare the rate of immigrant unemployment and the quality of work in central and northern Europe with that in southern Europe. Whilst Miguelez and Recio examine Spanish regularisation policies

showing that, even when immigrants are accepted by the state, this state acceptance is often not followed by fiscal support for local services. This can lead to tensions in major cities with regard to the impact that immigration can have on local services such as education, health and transport. The Article section closes with a thought provoking piece by Miguel Pajares who re-visits the long history that trade unions have with immigration. Even though this provides a sobering account for those of us committed to the movement, the author argues that the early common trade union view of immigrants as 'scabs', was initially replaced by ambivalence in the 1950s and 1960s, with increased acceptance and integration of immigrants now the norm. He cautions though against believing that national anti discrimination policies and measures are high on union agendas. However, he ends on a positive note, highlighting the significant work undertaken by unions, particularly in southern Europe, with regard to supporting the regularisation of irregular immigrants.

The journal has five case studies; Marino and Roosbald compare trade union strategies and approaches to migration in Italy and the Netherlands. This is followed by an Eastern European perspective on irregular immigration in the Czech Republic by Drbohlav, Dzurova, Cermak, Janska, Cermakova and Medova. And McKay and Wright discuss the 'Fortress Europe' approach of much European Union and member state immigration policy. Focusing on a UK context, they highlight how the opening up of the EU has encouraged in turn the closing of borders to third country nationals. Identifying through their research first that this will force more immigrants into the informal economy as they become undocumented, with a worsening of employment conditions, and, secondly, that migration will become even more racialised as entry is increasingly denied to those from the developing south. The point about this is that almost overnight some of those who have begun to integrate and obtain better jobs are immediately thrust

back into the horrendous condition of irregularity, although now with no seeming escape. This is in contrast to some irregular Central and Eastern European workers who, following May 2004, were at last able to begin to enjoy near normal lives in the regular labour market (Anderson et al., 2006). Following this, Martens and Pulignano provide an important theoretical perspective to the irregular immigration and trade union debate. Taking Belgium as their context they highlight how progressive union strategies towards irregular immigrants are not always welcomed by indigenous members. Yet again we return to the dilemma identified at the start by Ambrosini, that it is labour market shortages which encourage immigration but host countries fail to recognise that immigrants must be culturally and socially accepted. As Cremers and Janssen remind us, in their piece in the News and Background section, it is not the migrants we should blame. Indeed, looking back at their research, they make one of the journals most significant points when they argue that it is not irregular immigration that is fuelling the informal economy but rather the reverse, that this hidden economy encourages increased migration and indeed irregular work. For me though the most interesting and important piece in this edition of *Transfer* is the final case study of Huerta. Here she discusses the mobilisation of autonomous organic groups of undocumented workers, via campaigns, and due to injustice, in the 'global' cities of Barcelona, New York and Paris. She shows how these social movements have given voice to irregular migrants no longer accepting of their poor conditions in both the labour market and host society. This is where trade unions need to tread, supporting immigrant communities with a restructuring of policy and the consequential provision of developmental funds, so that work with immigrant communities and their autonomous organisations becomes an indispensable function of their very existence.

Although, not claiming to be, this special edition of *Transfer*

provides an important addition to the earlier book by Penninx and Roosblad (2002) on European trade union responses to immigration. As such its discussion of the new dynamics of migration is permeated by implicit and explicit reference to trade union responses to irregular migrants. This is an edition well worth reading from cover to cover and indeed claiming a prominent place on all good bookshelves.

Bridget A., Ruhs, M., Rogaly, B. and Spencer, S. (2006). *Fair enough? Central and East European migrants in low-wage employment in the UK*, Oxford: Oxford University Centre on Migration, Policy and Society.

Penninx, R and J. Roosblad eds. (2002) *Trade Unions, Immigration and Immigrants in Europe 1960-93*. Oxford: Bargahn Books.

## **European Construction Mobility Information Net (ECMIN)**

The European Federation of Building and Woodworkers (EFBWW) is coordinating a project funded by the European Commission. The main goal of the project is to provide potential and future migrant workers in the EU with precise, concise and easily accessible information about the sector-specific working conditions in the main receiving countries ("know before you go") as well as with trade union contact information. This is planned to be realised through a multi-language website (first Polish, then Romanian, later other major migrant languages). The website contains information about working conditions such as wages, working hours, overtime payments, daily and weekly allowances, rules on accommodation, holiday and pension-schemes and related issues. The Polish/English site launched at a meeting in Warsaw on 15 June 2009 contains information from 15 European countries: *Norway, Sweden, Finland, Ireland, Iceland, Germany, Netherlands, Belgium, Switzerland, France, Czech Republic, Great Britain, Italy, Spain and Austria.*

### **Background of the project**

While the internal markets in finances, goods and even services are on the way to become a reality and the political integration within the EU has been deepened, the mobility of workers within the EU is still rather the exception than the rule.

One of the most important factors is the lack of precise and at the same time concise information about the specific working conditions in specific sectors in the other member states in a language one is able to understand.

In many Member states most jobs in the construction sector and certain other sectors open to migrant and mobile workers are of a short-term nature and/or project-based so that migrant workers will often not stay long enough in the country to learn the language intensively. Many of these

workers turn to labour agents or posting companies in their country who often do not provide correct information about the general conditions in the sector in other countries. Or workers without proper prior information accept direct job offers from another country that later turn out to be sub-standard or even below the legal sectoral minimum. This creates a negative effect on the working conditions of the domestic workforce and thus does not lead to more general acceptance of foreign workers. Therefore, the ECMIN-project might help to strengthen the generally acknowledged rule "same wage for the same work at the same working-place".

### **Outlook**

In the near future, we will "extend" the project to Romania. In August 2009 the steering committee had a meeting with members of the Romanian union FGS Familia, which is very interested to participate in the project. The next step consists in translating the information into Romanian by representatives of Familia FGS as well as producing a brochure to be distributed to Romanian construction workers thinking of working on building sites in other European countries. Familia FGS relies on a rather good network throughout the country and also deals with questions concerning migration.

The prevailing goal now is to create a network of Romanian speaking union activists living in the target countries of Western Europe. Thus, we are looking for at least one contact person within each participating union who is fluent in Romanian and experienced in working union with migrant workers. We would like to invite all contact persons to come to Bucharest at the beginning of next year for a workshop organised by Familia FGS and ECMIN in order to officially present the project in Romania. Together with these contact persons we would like to invite the union secretaries representing their union in the ECMIN project.

<http://ecmin.efbww.org>

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