

**P-05-811 Stop Using Worker Certification On Welsh Government Projects –
Correspondence from the petitioner to the Committee, 09.07.18**

Paul Fear

Date 27/06/2018

For the attention of the petitions committee, National Assembly of Wales.

Your reference P-05-811.

Response to the correspondence ref (MD/00284/18) from Mark Drakeford AM.

1. The Construction Skills Certificate scheme is NOT a legal requirement it is voluntary. The client, the Welsh Government can choose not to use CSCS on public contracts if it so wishes.
2. There is no legal requirement for construction workers to be qualified, CDM regulations 2015 state.

“ 164 When appointing individuals who may be skilled but who do not have any formal qualifications, contractors may need to assess them in the working environment.

I welcome the ministers comments as regards to dyslexic workers, I wonder if while talking to CITB about dyslexia, could he also ask them about CITB grants funding for employment agency workers?

Data I received from CITB shows that in 2016, payroll companies used by employment agencies to pay their workers, paid £11,878,420.50 in CITB levy they only received back from CITB, training grants for their workers of £667,594.03 and only £166,296 Of this amount was for workers NVQs.

Proof, if any more were needed, that NVQ requirements for CSCS are not properly funded by CITB!

What happened to over £11 million ? Agency workers are some of the lowest paid, temporary workers in the UK and CITB can't return the grants due to them? Why Not?

By requiring that tradespeople now have a minimum of NVQ2 in their trade to receive a CSCS card, the scheme has become an occupational licence by stealth. No

political debate, no democratic oversight, no legislation and no social or economic impact studies. Skilled & competent tradespeople who have worked in the construction industry for decades are now being refused the right to work unless they pay up to £1,500 pounds for an NVQ2 one day assessment.

Those with less than 5 years experience need to pay thousands of pounds for an NVQ2, meaning that they are stuck in low paid labouring jobs if they cannot afford the time & money required.

It is well proven that occupational licensing puts a cost burden onto practitioners who want to enter an occupation. This prevents the poorest in society from working in that occupation, it also restricts people's ability to change jobs, it removes mobility & flexibility of labour and drives up costs for consumers.

Given the extremely high percentage of child poverty in Wales, why would the Welsh Government want to voluntarily restrict employment opportunities and upward mobility to the parents of these poverty stricken Welsh children?

Wales has seen a significant increase in self employment, often referred to as the GIG economy. Schemes like CSCS that use health & safety as an excuse for occupational licensing thrive in this type of economy. The cost of training & qualifications needed for these schemes are placed onto the self employed worker. Worker certification schemes are like Japanese knotweed, they are prolific they strangle society and the economy.

The real question for the petitions committee regarding CSCS is not one of health & safety or competence. A health and safety test or course is relatively inexpensive & as shown in the above CDM regulations employers should be able to judge employees competence . The real question is, should private limited companies and trade bodies have the power to restrict the employment rights of Welsh people ?

If the Welsh government refused to use CSCS on its contracts, it would send a clear signal to CSCS and CITB that experienced workers rights should be protected and CITB should fund the qualification requirements for the scheme, so as not to disadvantage the poor in our society.

If occupations need to be licensed then only parliament should have this tremendous power.

I hope that Welsh Assembly Ministers get a chance to debate this removal of Welsh peoples employment rights & opportunities now voluntarily promoted and supported by the Welsh Government.

Response to correspondence from Unite The Union. Ref AJR/JDC

As explained in my previous correspondence to the committee, the vast majority of construction workers are not members of a union. They do not represent the majority of construction workers.

I have emailed Unite union on numerous occasions, highlighting the problems of CITB funding for employment agency workers and the self employed. I also voiced my concerns over the removal of the right to work for construction workers who are experienced & skilled in their trades.

I have had NO reply! This is hardly surprising after witnessing first hand their contempt for agency workers and the self employed. Indeed as mentioned in their correspondence, they are lobbying to remove so called “false self employment”. For decades the construction industry has used self employed labour, due to the project by project nature of the industry. I have over £ 7,000 worth of tools that constantly need replacing at MY expense. However according to unite union I should be classed as false self employed!

The purpose of a trade union is to protect THEIR members interests, it is by its very nature a protectionist body. By supporting CSCS they can reduce the number of practitioners in a trade, this drives up the cost of labour and benefits their members.

I have no more to say about Unite Union, I hold them in the same contempt as the contempt that they have shown to workers like me!

Response to correspondence from CSCS.Ltd

CSCS is now an occupational licence! It became accepted as industry good practice after the corporate manslaughter and corporate homicide act came into force. The card proved that the holder had taken a health and safety test, it was also very hard to forge due to its security features. Corporate employers started to insist on this card as reduced legal liability from prosecution by the health & safety executive. Once promoted by trade bodies, and corporate employers it became an industry good practice. In an industrial accident employers have to prove that they did all they could to reduce risk. The only real way they can do this is to show they have used good practice. So any construction employer not using CSCS leave themselves open to prosecution by the courts.

By placing minimum NVQ requirements on their card, CSCS has become an occupational license by Stealth without legislation, thereby circumventing the non

retrospective principles of our common law. Enabling CSCS to remove the right to work of experienced, skilled but unqualified tradespeople.

CSCS is on licence to CITB, the board members of CSCS are in an ideal position to put pressure on government and CITB to fund the NVQs tradespeople need for CSCS cards. Why should I battle with CITB for funding ? This is the responsibility of CSCS as they refuse to issue cards if applicants don't have an NVQ2.

Conflicts of Interest.

I have already demonstrated how unite union members benefit from CSCS as a way of reducing practitioners in a trade.

The Federation of Master builder have been tirelessly lobbying government to introduce licencing for builders, this will mean that homeowners will no longer be able to choose who can work on their OWN property. They will only be able to choose government approved builders. (Sounds like communism to me!)

Yet again another protectionist trade body on the board of CSCS that is seeking protectionism for its members!

It is the Construction Leadership Council that has set the minimum NVQ2 requirement on CSCS cards. The board of the CLC is mainly made up of corporate CEOs who's companies have invested in and or profit from off-site build (prefabs).

In evidence recently given to the House of Lords inquiry into off-site build, Mr Richard Harrington MP (co chair of the CLC) said quote! " It is the mandate or mission statement of the Construction Leadership Council to move on-site build to off-site build".

Personally, I can't think of a better way to move construction work from on-site to off-site other than to introduce minimum qualification requirements for CSCS , create a skills crisis, and drive up labour costs of traditional on-site builders!

It would be like allowing train companies to set driving license requirements for bus drivers!

As for the passport scheme now used by highways England, it uses a sponsorship of competence system. (I read the publication released by highways England!) An employee does not need a CSCS card to get onto a highways England site!

Correspondence from Petitioner to clerking team, 09.07.18

Hi Kayleigh

Please see the web link to the latest article I had published. Could you please circulate this to the Committee.

<https://www.theconstructionindex.co.uk/news/view/carpenter-takes-campaign-against-skills-cards-to-welsh-assembly>

Kind regards

Paul Fear