

**P-05-811 Stop Using Worker Certification on Welsh Government Projects –  
Correspondence from Petitioner to Committee, 20.04.18**

For the attention of the Welsh Assembly Petitions committee (date  
20/04/2018)

Reference number P-05-811

Paul Fear

Personal profile.

Carpenter, with over 35 years experience in the construction industry.  
Working on civil engineering projects, new house build and renovations/  
extensions to domestic property. I also have a HND in computing/ business  
systems analysis.

Documents/articles referred to in this evidence have been attached to the  
email.

In response to Professor Mark Drakeford AM correspondence ( ref MD/  
00156/18)

- 1) The Minister refers to a proportionate and intelligent use of worker  
certification schemes.

This statement seems to contradict the Welsh governments own  
(construction procurement strategy executive summary and action plan)  
page 19 refers to construction supply side commitments. This states “ All  
professional and site staff will hold Construction Skills Certification Scheme  
(CSCS) cards or equivalent.”

I would like the minister to clarify this statement, I would also like the  
minister to give details of other so called “ voluntary” health & safety  
certification schemes that the Welsh government uses.

- 2) The minister calculates the total cost of a CSCS card to be £49.50.

The true cost of a CSCS card for an experienced tradesman is.

NVQ2 one day assessment £1,500

Day off work for the assessment Approximately £100

Another day off work for the CITB health & safety test £100

A health and safety book needed for revision £20

The test £19.50

The card £30

Days of work lost waiting for the CSCS card to arrive, 10 days £1000

So the true cost to a worker for a CSCS card can be as much as £2,769.50

For a small business trying to get their employees CSCS certified to work on a Welsh government project the cost can run into tens of thousands of pounds.

- 3) The minister makes reference to the directors of CSCS.ltd representing employers and employees from the breadth of the industry.

The trade unions on the board of CSCS do NOT represent the vast majority of construction employees. The biggest construction union was UCATT that has now merged with UNITE union. Their membership was just 80,000. Over 3 million people work in the construction industry, most are self employed subcontractors or agency workers who are not members of a union. Further more, most union members are in full time employment and have their CSCS costs paid by their employers. As for employer representation only the federation of master builders has a few small construction companies as

members. The other directors of CSCS represent large & corporate employers.

The control of CSCS requirements has been gifted to the construction leadership council ( CLC). No small construction companies, employment agency workers or self employed sub contractors have representation on the board of the construction leadership council. The vast majority of board members on the CLC are corporate directors.

4) The minister suggests he is open to alternative approaches.

Firstly if an employer needs a certification card to assess a workers competence, then I sincerely doubt that the employer has the ability to inspect work done, to make sure it is of good standard and is safe. These certification schemes are being used not for safety, or to improve standards, they are being used to reduce employers liabilities. In the past 4 years since using my CSCS card, not once has any employer ever asked me about my competence or previous work experience. This goes against CDM 2015 regulation 163 that states:

“Sole reliance should not be placed on industry certification cards or similar being presented to them as evidence that a worker has the right qualities.”

So CSCS could actually be creating danger not reducing it.

Highways England recently introduced their own health & safety passport, probably because CSCS was causing a labour shortage (I can see no other reason). The Highways England passport uses a competence sponsorship system rather than a qualification requirement. This is certainly a good

alternative to the undemocratic corporate controlled CSCS. I hope the Welsh government gives this idea serious consideration.

#### SUMMARY OF CSCS FAULTS.

- 1) The CITB health & safety test discriminates against people with dyslexia, learning difficulties and poor education. The test requires revision of a rather large health and safety book, the test is done on a touch screen computer terminal. The test centre will read out questions and answers for the applicant, however many forms of dyslexia are auditory as well as visual. Also no extra time is given. Rather than a test, a health and safety course with visual aids should be used to stop this discrimination.
- 2) The CITB test/ course should be tailored to individual trades.
- 3) I am currently training two CITB apprentices, neither has taken the CITB test. It seems incredible to me that the CITB would allow young inexperienced people onto a construction site, without first making sure that they are aware of the risks involved in their trade and on a construction site in general.
- 4) It has also come to my attention, talking to my apprentices , that CITB requires minimum GCSE requirements in Maths and English for apprenticeships. Again this is discrimination. I am dyslexic, I failed both English and Maths in school. Yet I am a very skilled carpenter and I also achieved a business HND. My lack of GCSE qualifications has never stopped me being skilled in carpentry, carpentry actually helped me to learn Maths and English.

5) FUNDING. This is the biggest fault with CSCS.

I contacted the Welsh government via my constituency AM John Griffiths. I complained that the CITB was not properly funding employment agency workers that needed NVQs for their CSCS cards. The Welsh government declined to help, simply saying that CITB was not a devolved issue.

To give some idea of the scale of the problem, these are the percentages of CITB grants received by employers compared to CITB levies paid by employers.

Corporate companies 92%

Small companies 61%

Micro sized companies 52%

Umbrella payroll companies used by employment agencies received only 5%.

I can verify all these percentages if needed.

The European Social fund provides funding for long term unemployed people to enable them to get a CSCS card. Will this funding disappear when Wales leaves the European Union?

6) Construction has the highest rates of suicide of any occupation 3.7 times the average. A shocking and shameful statistic. ( See guardian article) I believe CSCS is contributing to this statistic.

7) CSCS restricts peoples access to work, putting a cost burden on entry to an occupation, affects the poorest the most. CSCS reduces the flexibility of the work force and workers mobility. CSCS is controlled by

corporate interests who can reduce competition from small competitors in the market by increasing Qualification requirements.

- 8) CSCS gets around the ancient non retrospective principles of the common laws of England and Wales ( grandfather rights) by saying it is voluntary. In reality it has become an industry good practice that proves an employers duty of care. Since the employee pays for CSCS the employer has no “practicable reason” not to use it. See section 40 , health and safety at work act 1974. ( Reverse burden).

## GLOSSARY

CITB : Construction industry training board

CSCS : construction skills certificate scheme

CLC : construction leadership council

NVQ : national vocational qualification