

Meeting of the Cabinet – 20th March 2019

Report of the Strategic Director Place

Construction Charter

Purpose

1. To propose the adoption of a Construction Charter in order to ensure the Council seeks to achieve the highest standards in respect of direct employment status, health and safety, standard of work, apprenticeship training and the implementation of appropriate nationally agreed terms and conditions of employment within its construction contracts.

Recommendations

2. It is recommended that:-
 - The Council adopts the Construction Charter attached as Appendix A.
 - The Leader of the Council be authorised to sign the Construction Charter with Unite the Union on behalf of the Council.
 - That the Strategic Director Place and Chief Officer Finance and Legal Services be authorised to incorporate The Construction Charter into appropriate terms and conditions for all relevant construction and civil engineering contracts.

Background

3. The Council recognises that through construction and civil engineering contracts it has the opportunity to promote economic growth across the Borough and deliver training and employment opportunities as well as providing social and environmental benefits through sustainable purchasing and environmental policies and practices.
4. The Council is committed to ensuring that its construction and civil engineering contracts are undertaken to the highest standards in accordance with best practice with regards to the health and wellbeing, safety, employment status and terms of employment for construction operatives employed by its contractors, sub-contractors and suppliers.
5. It is proposed therefore that the Council adopts the Construction Charter (attached as Appendix A) which will seek to ensure that contractors treat their employees, sub-contractors and suppliers fairly, and that they adopt the highest possible standards with regards to ensuring the health, safety and welfare on and around construction sites, and that the Leader of the Council be authorised to formally agree and sign the Charter with Unite the Union.

6. The Council's standard terms of conditions for construction contracts are proposed to be amended to ensure that the provisions of this Construction Charter can be incorporated into appropriate construction and civil engineering contracts.

Finance

7. There are no direct financial implications as a result of this report. Any financial implications will be addressed in the approval of budgets for future construction related contracts.

Law

8. Appropriate terms and conditions for construction contracts will be amended to ensure that the principles of the Construction Charter are incorporated into the terms and conditions so far as is reasonable and practical.

Equality Impact

9. There are no direct equality implications as a result of this report.

Human Resources/Transformation

10. There are no human resources or transformation implications as a result of this report.

Commercial Implications

11. There are no commercial implications as a result of this report.



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CONSTRUCTION CHARTER

As a Local Authority, we are responsible for the procurement of a multitude of construction projects. It is therefore appropriate that we as a responsible client enter into this agreement and commit to working with the appropriate trade unions, in order to achieve the highest standards in respect of; direct employment status, health and safety, standard of work apprenticeship training and the implementation of appropriate nationally agreed terms and conditions of employment.

The following shall be a requirement for all contractors and their supply chain engaged by this Authority:-

1. All parties recognise that the highest level of compliance with current HMRC regulations must be achieved where public funds are utilised. Dudley Metropolitan Borough Council will use its best endeavours, where feasible, to appoint operatives, directly on a PAYE basis under a contract of employment.
2. Health and safety of workers on all of our construction projects is paramount. It is therefore a requirement that all contractors rigorously implement and adhere to our minimum standards for health and safety, as set out in our procurement documents. In addition, we require all contracts to provide quality welfare facilities fit for purpose in accordance with the Construction Design and Management Regulation of 2015 and for contractors employed to be members of a Safety Schemes in Procurement (SSIP) accredited body.
3. It is a recognised fact that the presence of trade union safety representatives significantly improves safety in the workplace. Contractors and their supply chain are encouraged to work collaboratively with the appropriate trade unions to identify and implement reasonable real-world initiatives.
4. The Authority requires all projects to be completed to the highest standard, so as to meet the aspirations of the residents of the Borough. In order to achieve this it is recognised that it is necessary that all workers are competent and have the appropriate level of skill to carry out the work they are employed to do. To assist in the achievement of this goal the Authority's contractors and their supply chain will ensure they retain documented evidence that all workers are competent to carry out the work they have been employed to do. They will ensure that such evidence is retained in a way as to allow the Authority or its nominee's to audit the documentation. Possession of the recognised industry skills/grade card such as JIB or CSCS will be considered acceptable evidence.
5. The Authority is mindful of the industry skills shortage and the need to address this through appropriate apprenticeships, including adult training in up skilling. The Authority's contractors and supply chain will in consultation with the Authority and other interested parties aim to develop and implement a programme that addresses the skills shortage and provides training opportunities to local residents. Dudley Metropolitan Borough Council will also seek to maximise the benefit and delivery of employment, apprenticeships and training through a commitment to

delivering Social Value in procurement and contracting through its Social Value in Procurement and Contracting Policy.

6. The Authority recognises the right of all construction workers to be employed under and to be protected by the appropriate national industry collective agreement. The Authority requires full compliance with all appropriate national agreements applicable to the Construction industry.
7. All contractors and their supply chain will accept the right of any trade union that is a signatory to an appropriate national agreement, to appoint shop stewards, workplace health and safety representatives and Union Learning Reps. All trade union accredited representatives will be granted appropriate time and facilities to carry out their responsibilities.
8. The Authority, its contractors and their supply chain are committed to a fair and transparent recruitment policy. All contractors and their supply chain will actively ensure that the engagement of labour is based on the individual's ability to meet the needs of the project and the specific tasks for which they are recruited to undertake. In addition, during the procurement process, Dudley Metropolitan Borough Council requests information from bidders in relation to equality and diversity policies, approaches and any prosecutions or adverse tribunal judgements.
9. The Authority its contractors and their supply chain agree it's not acceptable for anyone to use or make reference to any form of blacklist.
10. The Authority recognises the benefit trade unions bring to the workplace and the rights of workers to hear from trade union representatives. The Authority's contractors and their supply chain are required to allow access to nominated trade union officer from trade unions that are signatories to the appropriate national agreements. Access shall mean access to welfare facilities during working times so as to allow them to consult with their members and potential members.
11. The Authority supports safe working practices within communities. Contractors will ensure construction sites appear professional and well managed, give utmost consideration to their impact on neighbours and the public, will aim to protect and enhance the environment, aim for the highest levels of safety performance and provide a supportive and caring working environment. The Authority will encourage all contractors to register with Considerate Constructors Scheme and deliver our major construction projects in Dudley Metropolitan Borough in accordance with the Code of Considerate Practice.

LEADER OF THE COUNCIL

Name:

Signature:

Date of Signing:

UNITE THE UNION

Name:

Signature:

Date of Signing: