

## **GMB UNION**

### **A CASE STUDY OF EXPLOITATION OF POSTED WORKERS**

The following is a case study of 14 Polish workers who were employed in the construction of a power station at Uskmouth in the UK.

Severn power awarded the main contract to Siemens to build the Uskmouth combined cycle gas turbine power station and work started on the site in early 2009. The site was covered by the NAECI (national agreement for the engineering construction industry) agreement and all workers employed at Uskmouth should have received the pay and conditions of employment contained within the NAECI agreement.

By autumn 2010 the thermal insulation subcontractor Darmar had been on the Uskmouth site for about 11 months. Darmar who had offices in Harlow, Middlesex, England employed ladders at Uskmouth all of whom were Polish migrant workers sourced through an agency called Isochore.

A number of the Polish workers who had joined the GMB trade union complained to the GMB that Darmar were illegally making deductions from their earnings to pay for their accommodation in the UK. As the GMB officer responsible for engineering construction workers at Uskmouth I carried out some further investigations into the treatment of the Polish workers.

As part of my investigation I saw the pay slips given by Darmar to the Polish workers, the payment details sent by Darmar to the site auditors for these workers and details of the monies paid into the workers bank accounts over a period of 7 months to October 2010. None of these 3 sets of paperwork equated, all showed different amounts.

The paperwork was examined by the site auditor, a company known as Baker Mallet who was the independent auditor employed by Siemens under the terms of the NAECI agreement.

I saw documentation which showed that:-

- The Polish workers were not paid correct overtime payments which amounted to 19 hours pay per week.
- They were deducted one day's lodging allowance every week.
- They had not had any periodic leave payments for 7 months.
- They had no periodic leave travel allowance (radius payments, travel time and rail fares) for 7 months.
- They had not been paid the correct incentive bonus arrangement payments for 7 months.
- The 5 points above are to a value of approximately £1200 per month.

- They get paid one month in arrears. Payment for work in February is paid in March. The payment that has gone into their bank accounts differs from the overall amount shown as take home pay on their pay slips. Just taking March 2010 payment as an example the bank account statement for one of the polish worker shows a payment from Darmar of 7040 PLN which at the time equated to £1639 which was paid into his account on the 17th March 2010. However his February pay slip shows that he earned £2800. This shows a deficit of £1161 in his pay.

I lodged a grievance with Darmar in relation to these issues and met with Darmar's manager on site at Uskmouth who was named Matteus Gaffker. Despite several meetings I was unable to resolve the workers' issues with Darmar and so I registered a claim at the employment tribunal at Cardiff against Darmar for unlawful deductions of wages and injury to feelings for the Polish workers.

On the 15th February 2012 the GMB won their claim at the employment tribunal at Cardiff and the 14 Polish workers represented by the GMB were collectively awarded £251,204.81 in compensation by the tribunal judge.

However when the GMB attempted to serve the judgement orders on Darmar we discovered that Darmar had closed their offices in Harlow and had fled the UK.

I traced Darmar to an address in Hamburg and wrote to them there. I received a written reply informing me that they were a different company named Darmar and not the Darmar that worked on Uskmouth. The letter was signed by a Mr Gaffke!

I feel that this is a prime example of the exploitations of posted workers and the need for legislation to allow us to pursue unscrupulous employers cross borders to recover the compensation due to workers.

**Jeff Beck**  
**Organiser**  
**GMB Union**