

3,213
BLACKLISTED



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BLACKLISTING - illegal corporate bullying:
endemic, systemic and deep-rooted in Carillion and
other companies

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- **Introduction by Justin Bowden, GMB National Officer**

The secret blacklisting of more than 3,000 trade unionists and environmentalists is no longer in dispute. The lies and denials have been replaced by finger-pointing and blame. Charged in the High Court with blacklisting Sir Robert McAlpine has broken cover and shopped its mates; like rats in a sack McAlpine has directly implicated 9 other construction companies - including Carillion, Skanska, Balfour Beatty, Laing O'Rourke and Kier - dragging them into the litigation, saying they were all blacklisting too.

GMB know now for sure that policies dating back to the Thatcher years, policies designed to attack and undermine trade unions, went at least as far as infiltration by undercover cops and state forces collusion with big business. The same policeman who spied on supporters of Stephen Lawrence was gathering evidence on trade union activists. It was a black market in destroying workers' reputations and job prospects. If celebrity phone-hacking was a national scandal, the secret conspiracy that denied workers employment without explanation, and ruined lives, is a civil rights outrage.

A motion carried at TUC Congress in September 2013 demanded a public inquiry; not an investigation by BIS, or heaven help us the ICO, but a full, Leveson-style public inquiry into blacklisting and the involvement of state forces in it.

The TUC motion called for stronger legal protections and employment rights for all workers and for blacklisting to become a criminal offence. However, that is not enough, because, as recent revelations show, the employers cannot be trusted. Left to their own devices they spied and they lied, weasels like McAlpine and Carillion whose company handbooks and websites loudly proclaim their ethical policies, codes of practice, equality statements and all manner of jargonistic claptrap. Their fine words no longer fool anyone and time and again it has been their shameful actions, and inactions, which speak loudest of all. Quite simply, what the companies say and what the companies do are two different things. As Ian Davidson, chairman of the brilliant Scottish Affairs Committee investigation put it, "it seems some in the industry would murder their granny for profit". And he's right.

Under existing laws, for decades and with impunity, the employers and police systematically interfered with basic civil rights. For any worker to be represented by a trade union in their workplace is a civil right that must be protected to the highest level, with new legislation backed by imprisonment and unlimited fines for anyone who interferes with it.

For the Labour Party, these should be bread and butter manifesto commitments right now. And politicians of all parties can play another part in delivering justice, using the weapon of ethical procurement in national and local government and other public bodies, so that companies who used The Consulting Association are barred from public contracts until they fully purge their guilt by apologising to, and compensating their victims. Not a single penny has been paid in compensation so can we really allow those guilty of blacklisting to suck billions from the public purse?

Quite simply, it is time to blacklist the blacklisters off the public contracts they crave. The Welsh Government and Tower Hamlets Council have both taken public procurement action and excluded blacklisting companies, with another 30 Councils seeking to deny contracts to known blacklisters.

Alongside this, the ICO must be brought to its senses and made to do the right thing. The chocolate fireguard of state regulation continues to dawdle; for nearly five years it has sat on its hands, yet to contact the 2,500+ individuals still unaware they were blacklisted. The ICO must ask itself, in whose interest's is this failure to act? The vested interests of those who broke the law, or the victims?

Then there are the human resources managers who ran the blacklists and only stopped when they got caught. They too must be held to account and brought to book. GMB didn't buy their crocodile tears of contrition and there is unfinished business with them. They can expect a visit from us soon.

But when it comes to pig-headed arrogance, the corporate kings of blacklisting still reign supreme. Like modern day King Canutes, they sit on their thrones commanding the waves to go back as the water rises around their necks. Self-righteously in denial of their inexcusable practices, they inflict repeated reputational damage to themselves and their company brands whilst casting a shadow across the whole UK construction industry.

GMB has a simple message for the construction companies who profited from the secret blacklist they set up and paid for, and for the police and state forces who shared information they secretly gathered with big business:

"This is not going to go away; not today, not tomorrow, not ever. There is only one solution: **own up, clean up, pay up**".

- **Background**

A secret blacklist was exposed in 2009 when investigators from the Information Commissioner's Office (ICO) raided the offices of The Consulting Association, run by Ian Kerr, in Droitwich, Worcestershire. He had been compiling and maintaining a database on 3,213 workers, in breach of privacy laws (The Data Protection Act 1998), from around the UK, labelling workers 'troublemakers', 'poor time keepers', 'bad news', 'militants' and other wildly inaccurate and unsubstantiated comments which had damaging impacts on thousands of workers lives (see appendix 1 for further quotes). The Information Commissioner stated that:

'The database contained, amongst other things, sensitive personal data relating to the trade union activity of an individual, his employment conduct together with any information that the individual may pose a threat to industrial relations between an employer and its employees. It was clear that the database was maintained in a covert manner'.

Over 40 of the largest companies in the construction industry, including Carillion, Balfour Beatty, Amec, Mowlem, Laing O'Rourke, Wimpey, Morrison Construction and Kier (appendix 2 for full list) were using this 'covert database', paying a fee of £3,000 per year and then further payments for each name they wanted to check.

Ian Kerr was previously involved with the Economic League, a vetting agency that kept files on thousands of workers it considered subversive between 1919 and 1993. It was closed down after media and political pressure exposed the information held as inaccurate and unreliable. As of 2000, it had 40 Labour MP's on its files, including Gordon Brown, and prominent trade unionists. Kerr infiltrated trade union and political meetings, recording what was said and took attendance lists. Some files removed from The Consulting Association offices by the ICO dated back to the 1970's so it is clear that Kerr took Economic League files on construction workers with him when the League was closed down. He subsequently pleaded guilty to breaking data protection laws and was fined £5,000 in July 2009.

This report pulls back the curtain of secrecy to give a glimpse how employers like Carillion have illegally used their power and money to blacklist citizens and to deny them their rights to employment. The report shows that the level of wrong doing and abuse around this blacklisting is the construction industry's equivalent of phone hacking by newspapers and is just as serious.

The Scottish Affairs Committee interim report on blacklisting, released on 16 April 2013, also sheds much needed parliamentary light on blacklisting.

GMB disclosed the breakdown by occupation of workers on the construction industry blacklist. This covers 1,864 (58%) where the occupation is known for the total of 3,213 on the blacklist.

Of 1,864 people on the list there are: 529 electricians (28.4%), 240 labourers (12.9%), 211 joiners/carpenters (11.3%), 174 pipe fitters/laggers (9.3%), 141 platers, erectors and other metal workers (7.6%), 105 bricklayers (5.6%), 99 welders (5.3%), 96 scaffolders (5.2%), 66 banksman/riggers (3.5%), 63 others (3.4%). 33 miners/ tunnellers (1.8%), 31 plumbers (1.7%), 25 fitters (1.3%), 21 drivers/crane drivers (1.1%), 17 plasterers/painters (0.9%) and 13 engineers (0.7%). The occupation for 1,349 people on the list is not known. Over 60% of those on the blacklist were aged between 30 and 50 in the mid 1990s. They were mainly active trade union lay leaders on construction sites.

GMB disclosed that some on the list are green activists who have not worked in the construction industry. GMB is asking if the security services were involved in them being put on the list?

GMB also revealed that there are 240 persons on the construction industry blacklist who have women's first names. Most have no building or construction trade listed for them. It is not known how many worked in the industry.

Of the people on the blacklist with women's first names the most common (with numbers) are: Cath/ Catherine/Kath/Kathryn 10, Heather 8, Jo/Joanne/Jo-Anne 7, Helen 6, Sarah 6, Angela 5, Claire/Clare 5, Nicky/Nicola/Nichola 5, Barbara 4, Jenny/Jennifer 4, and Debbie/Deborah 4. Others on the list are called Alexandra, Annette, Camilla, Gabriella, Grace, Maxine, Nadine, Natasha, Rachael, Simone, Tamsin and Tania.

The women on the blacklist (with numbers) are from: Manchester 10, London unspecified 6, Birmingham 5, Cheltenham 5, Newcastle-upon-Tyne 5, Sheffield 4, Bradford 3, Bristol 3, Devon 3, Liverpool 3, Winchester 3, with two each from Brighton, Charlton Kings in Cheltenham, Esher, Faslane, Hampshire unspecified, Hull, Kingston upon Thames, Lancaster, Leicester, Prestbury, Shurdington in Cheltenham, and one person each from Andover, Anglesey, Ascot, Blackburn, Blackpool, Bournemouth, Breda in Holland, Burnley, Caernarfon, Caerphilly, Cambridge Cheadle,

Cheshire, Chesterfield, Chichester, Colchester, Cornwall, Crewe, Cumbria, Dundee, Durham, Dursley, Edinburgh, Epsom, Exeter, Glasgow, Gloucester, Halifax, Holmfirth, Kingsteignton in Devon, Knutsford, Lancashire, Leeds, Leckhampton, Lincoln, Littlehampton, London E5, London E8, London N1, London SE19, London SE22, London SE5, London SW12, Lowestoft, Lymm in Cheshire, Middleton, Middlesex unspecified, Milton Keynes, Milton under Wytchwood in Oxfordshire, Mobberley in Cheshire, Morecombe, North Yorkshire, Oldham, Oxford, Peterborough, Plymouth, Poulton Le Fylde, Preston, Rhondda, Richmond, Runcorn, Sale, Scarborough, Scunthorpe, South Shields, Southampton, St Helens, Stroud, Sudbury, Suffolk, Todmorden, Walsall, West Midlands unspecified, West Sussex, Wirral, Yateley and York. A map of all locations is available on the GMB website.

In January 2013, The Times published a posthumous interview with Mr Kerr who ran the Consulting Association which mentioned a police unit.

“Mr Kerr told The Times that the association had established links with the police and security services. He recounted a meeting organised by the association in 2008 when eight construction industry directors were addressed by a “key officer” from the National Extremism Tactical Co-ordination Unit (Netcu), which was a Huntingdon-based police organisation set up to counter “extremist” protest groups.

“They were seeking a channel to inform construction companies [of the information] they were collecting [and] they were wanting to be able to feed it out to the companies,” Mr Kerr said.

In return, the Netcu officer purportedly asked the companies to pass on their own information about potential troublemakers and Mr Kerr said that a “two-way information exchange” opened up. A police spokeswoman declined to comment”

Working with environmental activists on the list, GMB is putting together an action group, looking at their legal claims, and working with Bindmans, to see how information about them was collected - was it from the police or some other unlawful source?

GMB has written to the Information Commissioner’s Office (ICO) stating that they must contact the more than 2,500 workers who remain unaware that their names were held on the blacklist. This has been refused due to *‘incomplete or lack of personal identifiers which can make it extremely difficult, and in some cases impossible, to positively identify and locate a particular individual’*. GMB disputes this and believe the onus is on the ICO to try to contact those blacklisted. As an alternative, GMB suggested access to the database be granted to GMB officials to enable them to contact members who have been blacklisted. ICO have agreed to GMB officials having partial access to a spreadsheet of those named on the blacklist to help identify any members.

People named on the database were not contacted directly by the ICO but if anyone suspected they were on the list then they could contact the ICO directly for further information. Once it has been confirmed that a particular person has been named on a file, the ICO sent the relevant information. As of October 2012, the ICO had received 2,430 formal requests from individuals to ascertain whether they appear on The Consulting Association blacklist. There are still well over 2,500 people

who are unaware as to what information is held on them within their blacklist file. They probably still do not know that the problems they have faced in getting employment over the last 30 years were down to being 'blacklisted'.

- **Carillion involvement**

Carillion have been significant users of the blacklist. In one quarter alone, they spent £6,108+VAT on searching and matching up names of people applying for jobs against the blacklist. This equates to at least 2,776 names checked that particular quarter using the figure of £2.20 per name check, which invoices show it to be in 2008. In the period from October 1999 to April 2004 Carillion spent £32,393+VAT on searching the blacklist, equating to at least 14,724 name checks. See Appendix 5 for Carillion entries from The Consulting Association Sales Day Book.

From documentary evidence seen by GMB the ICO confirmed that 224 construction workers from around the UK were victims of blacklisting by Carillion. Blacklisting by Carillion was not something isolated or rare. GMB estimates that in one quarter Carillion checked 2,776 names with the Consulting Association and in the period from October 1999 to April 2004 it estimates that Carillion checked at least 14,724 names. This makes it one of the bigger users.

During the ongoing Scottish Affairs Committee Inquiry into blacklisting the Carillion managers who dealt with blacklisting were named as follows: Frank Duggan, group personnel director for Carillion; Kevin Gorman, former human resources manager for Carillion's Crown House division; Liz Keates, a current head of human resources at Carillion; Sandy Palmer and Dave Aspinall from NCS (Carillion's in-house employment agency); John Ball, head of human resources at Carillion; Roger Robinson and Brian Tock, two managing directors of Crown House. John Edwards from Carillion is identified as attending Consulting Association meetings in 2008. John Blake a current senior manager for Carillion admitted collating information that appeared on a blacklist file and sending it to John Ball at Carillion Head Office whilst giving evidence during the Smith v Carillion Employment Tribunal in January 2012.

Dave Smith, an engineer, brought a claim to the Employment Tribunal in January 2012 against Carillion plc and two subsidiary companies, Carillion (JM) Ltd and Schal International Management Ltd. This claim was about being blacklisted by these companies due to his trade union activities.

The blacklist file, presented as evidence during a court case, included Dave Smith's name, address, national insurance number, work history, photographs, his car, union safety representative's credentials, newspaper cuttings, and details about his family. This information was secretly passed on to The Consulting Association blacklist by managers of the companies and then covertly shared with other organisations within the industry.

Carillion admitted that two of its subsidiaries – Carillion (JM) Limited and Schal International Management Limited – had used the services of the Consulting Association and that its managers supplied damaging and false information to the blacklist about Mr. Smith because he had raised concerns about safety when he was an accredited UCATT (Union of Construction, Allied Trades and Technicians) safety rep.

Dave Smith 'lost' his Employment Tribunal on a technicality because he was employed through an employment agency rather than directly through Carillion. However, the tribunal chair, Anthony Snelson, explained the reasons why they had to disallow his claim:

'We reached our conclusion with considerable reluctance. It seems to us that he has suffered a genuine injustice and we greatly regret that the law provides him with no remedy. We hope that he can take some comfort from the fact that the wrongdoing of which he complains has been exposed and punished and legislation passed designed to protect others from the misfortunes which he has experienced.'

Because of this blacklist, Dave Smith was forced out of the construction industry after being continually rejected by major contractors whenever he applied for permanent positions. On one occasion, when applying for work through an employment agency he was told he *'was wasting his time calling because his name came up as Code 99 on their internal system which meant he was not to be given any work'*. This was in 1999-2000, the time of the building boom where there was a severe shortage of skilled labour. His Consulting Association file still followed him, incorrectly stating his new job was an academic post.

Carillion were one of the biggest users of The Consulting Association since it de-merged from Tarmac in 1999. Prior to that, Tarmac used the services of Ian Kerr. Sales book entries show that Carillion made payments of £38,613+VAT, between October 1999 and December 2006, to The Consulting Association which includes membership subscriptions, name checks and attendance at meetings in Scotland and the North West, London and the South East regions. (See Appendix 5 for Carillion entries from The Consulting Association Sales Day Book) Invoices show that Carillion were still part of the blacklisting operation in 2008, months before the raid by the ICO. This culture of corporate bullying was endemic, systematic and deep rooted. They were halted, not because their attitudes changed but because they were caught red-handed and forced to stop by the ICO.

- **The Electricians Case**

It was a tribunal in 2006 by electricians Steve Acheson, Tony Jones and Graham Bowker that first exposed The Consulting Association to the Information Commissioner. A member of staff from the ICO read a report of this case written by Phil Chamberlain of The Guardian.

One of the witnesses in this case was Alan Wainwright who had held three senior labour related positions within the UK construction industry, including National Labour Manager for Crown House Engineering, a Carillion subsidiary company. In his witness statement at the Manchester Employment Tribunal of Steve Acheson and others v Logic Control Ltd he stated that:

'UK construction companies and their mechanical and electrical subsidiaries operate a blacklisting procedure to ensure certain electrical operatives do not gain employment on their projects. This is based on procedures I have undertaken in the workplace in previous roles and information that has come to my direct attention. I first became aware of blacklisting in 1997 when I was employed by Carillion plc. I was told by a Mr Gorman, Crown House Engineering's Human resources manager that Carillion used the services of an external consultant called Ian Kerr to ensure that certain workers did not gain employment on their projects.'

Mr Acheson was subcontracting for Logic on the Royal Manchester Infirmary site and, under pressure from Balfour-Kirkpatrick and Bovis, were forced to sack him. The Manchester tribunal unanimously decided that the three electricians were unlawfully dismissed from the site because of their record of upholding workers' rights and they were awarded compensation.

Subsequently, Steve Acheson was dismissed from a project at Fiddlers Ferry power station in Warrington in 2008. Mr Acheson was being deliberately victimised because he was an active trade union member. Scottish and Southern Energy had sought an injunction under the Prevention of Terrorism act against him as he was protesting against his dismissal. Justice Mann, in his summary to reject the injunction by SSE stated the case '*was lacking any evidence at all*' and that it was '*fanciful bordering on paranoid.*'

- **The Blacklist**

In the blacklist relating to Carillion and two of its wholly owned subsidiaries, presented as evidence during a court case, there are 224 named people, a small fraction of the 3,213 who are named on the full list. Of these 224 the description '*given details and not employed*' is given against 109 people. In the majority of cases, 81 times, the details are given as '*LK given details and not employed*'. This makes a mockery of Carillion's Equal Opportunities and diversity policy which states:

Carillion will make every effort to ensure that all employees are treated with courtesy, dignity and respect.....Our aim is to eliminate all bias and unlawful discrimination in relation to job applicants

In Mr Smith's witness statement to the employment tribunal held in January 2012 against Carillion, it is claimed that LK is Liz Keates, senior Carillion HR manager. It is known that Ms Keates took over the role of managing Carillion's relationship with The Consulting Association from Alan Wainwright.

Keith Ewing, professor of Public Law at King's College, London, described the blacklist as '*the worst human rights abuse in relation to workers*' in the UK in 50 years. In a testimony by David Clancy, investigations manager at the ICO, he stated that he believed some of the information in the files '*could only be supplied by the police or the security services*'

Most of the details on the blacklist relate to Trade Union activities. Section 137 of the Trade Union and Labour Relations (Consolidation) Act 1992 states:

- 137 Refusal of employment on grounds related to union membership
- It is unlawful to refuse a person employment –
 - because he is, or is not, a member of a trade union
 - because he is unwilling to accept a requirement—
 - to take steps to become or cease to be, or to remain or not to become, a member of a trade union, or
 - to make payments or suffer deductions in the event of his not being a member of a trade union
 - A person who is thus unlawfully refused employment has a right of complaint to an employment tribunal

- **“Crimes” committed to be blacklisted**

Concerns regarding health and safety conditions at the Pfizer site in Kent were raised by a union representative and another employee. The employer was indifferent to the problems. The employees consequently refused to work and were dismissed. At the Steve Acheson & others v Balfour Kilpatrick employment tribunal case in December 2002 the following was stated:

'A particular danger at this site was the risk of Weil's disease. This is a serious water borne infection carried in rat urine. Rats were present on the site and there were indeed warning notices alerting workers to the dangers of this disease. The tribunal found that it was reasonable for the men to be concerned that the increased levels of standing water would increase their risk of exposure to this disease. There were also concerns about the dangers of working with electricity in these wet conditions.'

The judgment was highly critical of Balfour Kilpatrick throughout:

'In the practical world, we cannot believe that any employer would criticise an employee for informing him of imminent health and safety risks, whether directly or through any other means of communication.'

Some employees succeeded in their claims for unfair dismissal. This meant nothing to The Consulting Association as further details would appear on the blacklist files with information supplied by 'MA' of Balfour Kilpatrick.

Dave Smith, as a UCATT safety rep working on a Tesco site in Ilford in 1998, raised concerns about asbestos with the site agent and was subsequently dismissed. He made an initial, successful claim for unfair dismissal against the contractor, Costain, eventually overturned on the technicality of him being an agency worker and not covered by the law as it stands.

While working for John Mowlem he was elected to become a safety rep after a serious explosion, resulting in a 22m wide, 7m deep crater in the grounds of a school site.

After a serious accident in which a young worker fell three floors from scaffolding which did not have a safety hand rail, Dave Smith felt obliged to become safety rep to prevent similar incidents occurring on this Schal Ltd run site. One of his duties was to provide Schal with a written safety report raising a number of concerns from workers on the site. This included deplorable toilet facilities which flooded with human excrement on an almost daily basis, uncovered holes, lack of safety training, fire points and handrails and a failure to provide safety information in different languages. Schal refused to acknowledge receipt of the safety inspections and Dave was immediately put on shorter hours and refused Saturday working until his eventual dismissal.

It was for reasons like this that Dave Smith found himself on the blacklist, labelled a troublemaker and forced out of the construction trade.

The database is littered with other "crimes" which individuals committed to find themselves blacklisted. See appendix 1 for further details but examples include 'Union activity', 'troublemaker', 'involved in dispute', 'highly vocal in support of union', 'brought in H&S issues', 'keeps extremely

interesting company'. It is for these reasons that companies like Carillion thought it acceptable to provide, and use, information gathered in this way to keep these 'troublemakers' off their sites and the sites of the 40 largest construction companies in the UK causing significant impacts on the lives of these workers and their families.

- **Action in the Courts**

The Blacklist Support Group has launched a High Court Claim against Sir Robert McAlpine for around £17m. Guney, Clark & Ryan solicitors are representing 86 claimants who are campaigning on behalf of construction workers who were blacklisted. As this is the first wave of claimants, out of a possible 3,213 blacklisted workers, the total payout by building firms who used The Consulting Associations blacklist could exceed £600million.

Macfarlanes LLP, acting for Sir Robert McAlpine, have had access to the ICO files and set out in McAlpines defence the amount each company spent with the Consulting Association, how many names they submitted to be placed on the blacklist and how many people they denied work to. The figures are in the table below:

Company	Previous names	Amount spent	total references providing information to TCA	references refusing to permit workers to work on their sites
Balfour Beatty Engineering Services Ltd	Balfour Kilpatrick Ltd	£49,357.90	114	154
Balfour Beatty CE Ltd	Balfour Beatty Civil Engineering Ltd	£48,425.80		
Balfour Beatty Engineering Services (HY) Ltd	Hayden Young Ltd	£4,266.85	3	11
Balfour Beatty Infrastructure Services Ltd	Raynesway Construction Southern Ltd	£3,002.70		
Balfour Beatty Construction Ltd	Balfour Beatty Construction Northern Ireland	£6,451.50		
Balfour Beatty Construction Scottish and Southern Ltd	Balfour Beatty Stonemasonry Ltd	£300.00		
Balfour Beatty Third Parties		£111,804.75	302	187
BAM Construction Ltd	HBG Construction Ltd	£26,935.00	15	
BAM Construct UK Ltd	HBG UK Ltd			
BAM Nuttall Ltd	Edmund Nuttall Ltd	£38,371.85	19	
BAM Third Parties		£65,306.85	34	2
Carillion Engineering Ltd	Crown House Engineering Ltd	£70,608.25	114	104
Carillion Construction Ltd	Tarmac Construction Ltd			
Carillion JM Ltd	Mowlem Ltd	£20,630.50	23	3
Carillion Third Parties		£91,238.75	137	107
Costain Group PLC		£32,860.75		
Costain Ltd	Costain Civil Engineering Ltd			
Costain Building & Civil Engineering Ltd	Costain UK Ltd			
Costain Third Parties		£32,860.75	70	17

Laing Ltd*		£147,756.00		
Laing Construction Ltd	Laing Construction PLC			
Crown House Technologies Ltd		£22,852.15		
Laing O'Rourke Services Ltd				
Laing O'Rourke Utilities Ltd	Laing Construction Utilities Ltd			
John Laing Construction Ltd				
Laing O'Rourke Third Parties		£170,608.15	85	87
Kier Ltd		£30,620.35	229	
Company	Previous names	Amount spent	total references providing information to TCA	references refusing to permit workers to work on their sites
Skanska Construction UK Ltd	Kvaerner Construction Ltd / Trafalgar House Construction Special Projects			
Skanska UK PLC	Skanska Construction Group Ltd / Kvaerner Construction Group Ltd / Trafalgar House Construction Ltd			
Skanska Rashleigh Weatherfoil Ltd	Kvaerner Rashleigh Weatherfoil Ltd			
Skanska Major Projects Ltd	Skanska SNG / Skanska Whessoe Ltd			
Cementation Skanska Ltd	Kvaerner Cementation Foundations Ltd			
Skanska Third Parties		£215,842.70	75	103
VINCI PLC	Norwest Holst Group	£40,182.65	62	27
Taylor Woodrow Construction		£16,383.00	2	5
Vinci Third Parties		£56,565.65	64	32
AMEC Building Ltd	Fairclough Building Ltd / Fram Gerrard Ltd		14	1
AMEC Construction Ltd			18	22
AMEC Design and Prolect Services Ltd				
AMEC Group Ltd				
AMEC (MHL) Ltd	Matthew Hall Ltd		10	17
AMEC Third Parties		£69,276.85	42	40
TOTAL**		£844,124.80	1,108	595
* References are to £147,756 paid by John Laing / Laing O'Rourke				

** Total including the figures mentioned in the note below.
NOTES: A further 70 references to other companies or divisions within the AMEC Group providing information to TCA
A further 20 references to other companies or divisions within the AMEC Group refusing to permit workers to work on their sites

In June 2013, GMB lodged claims in the High Court in London seeking compensation for 70 GMB members blacklisted by Carillion and other construction employers.

Law firm Leigh Day, acting for GMB, is seeking compensation and injunctions for workers kept out of work as a direct result of an unlawful conspiracy by construction employers. The claims include defamation, given the damage to workers' reputation from being on the blacklist.

This is the first High Court case taken by a trade union against all of the players in this conspiracy and there will be further cases added to the 70.

The cases are on behalf of members are from Aberdeen, Ayrshire, Barnsley, Barnstaple, Bangor, Betws near Ammanford, Birmingham, Brighton, Cornwall, Cheshire, Croydon, Chorley in Lancashire, Derbyshire, Dorset, Duntocher on Clydebank, Dunfermline, Ellesmere Port, Gourrock, Greenock, Glasgow, Grimsby, Gwynedd, Hebden Bridge, Hull, Hartlepool, Hamilton, Inverclyde, Irvine, Knightswood and Possilpark in Glasgow, Kilmarnock, Lincolnshire, London E11, Leeds, Leicester, Liverpool, Mitcham, Newcastle upon Tyne, Nottingham, Oxford, Paisley, Pudsey, Pembroke, Rochdale, Runcorn, Rotherham, Renfrewshire, Redhill in Surrey, South Shields, Stockwell, Southampton, Stirlingshire, Sunderland, Salisbury, Stoke on Trent, Strood in Kent, Suffolk, Swansea, Tyne and Wear, and Wigan.

- **Using Ethical procurement to blacklist the blacklisters**

GMB is running a campaign on using ethical procurement in national and local government and other public bodies to secure justice for the 3,213 victims of blacklisting by construction companies.

As part of that campaign GMB has hailed the unanimous vote by councillors' on 18th September by Tower Hamlets Council to deny public contracts to the 44 construction employers who blacklisted 3,213 workers and kept them out of employment until they own up, clean up and pay up.

This follows on from the Welsh Government announcing on 11th September 2013 that blacklisting firms will be barred from public sector contracts in Wales. In addition, over 30 councils so far are seeking to deny contracts to blacklisting companies until they purge their guilt. See Appendix 6 for details.

On 18th September 2013 it was also announced that the Labour Party NEC had kicked Carillion out of the exhibition area at the 2013 Labour Party Conference over the company's failure to compensate the workers they or their predecessor companies blacklisted.

- **Am I blacklisted?**

To find out whether you are named on The Consulting Association blacklist you need to contact the Information Commissioner's Office using the Helpline on 0303 123 1113 or 01625 545745, which is available between 9am and 5pm, Monday to Friday. Leave your name and contact telephone number and a case officer will check the database to see if there is a match. If there is no match you will be informed straight away. If the details you provided are similar or do match then the ICO will ask you to provide them with further identification in writing. Once your identity has been verified

and a match against the database confirmed they will contact you and provide a copy of the information held. You can also contact Phil Read at GMB on blacklisted@gmb.org.uk.

- **Conclusion**

This report pulls back the curtain of secrecy to give a glimpse of how employers like Carillion have illegally used their power and money to blacklist citizens and to deny them their rights to employment. The report shows that the level of wrong doing and abuse around this blacklisting is the construction industry's equivalent of phone hacking by newspapers and is just as serious.

For far too long, vested interests have sought to ignore discriminatory activities by Carillion and others. GMB continues to expose these activities. GMB will call on politicians to bring social justice to the victims of blacklisting by these companies.

The Scottish Affairs Select Committee continues its inquiry into Blacklisting in Employment, unravelling the lies and deceit of the blacklisting companies. Their Interim Report, which is highly critical of those companies that set up and used the blacklist, denying employment to workers without explanation, is available to read here:

<http://www.publications.parliament.uk/pa/cm201213/cmselect/cm Scotaf/1071/1071.pdf>

GMB will continue campaigning the length and breadth of the land for Carillion and others to apologise to and compensate victims who have fallen foul of their illegal activities. The construction companies are trading with the public and are in receipt of £billions of public funds every year on public sector contracts. The politicians who award these contracts and who monitor the blacklisting companies performance have to make it clear that nothing less than an apology and compensation will suffice.

GMB will relentlessly pursue companies involved with the blacklisting of any of our members, including bringing more multiple claims in the High Court. GMB will not stop until blacklisting is made a criminal offence. GMB demands a full Leveson-style public inquiry into blacklisting and the involvement of state forces in it. It is a civil right for any worker to be represented by a trade union in their workplace and this must be protected to the highest level, with new legislation backed by imprisonment and unlimited fines for anyone who interferes with it.

Appendix 1 - Further quotes and descriptions against the 224 names on The Consulting Association blacklist:

A worker behind the scenes and can speak with a forked tongue. Vociferous on the picket line

Migratory habits watched with interest. Keeps extremely interesting company - known members of certain factions

Brought in H&S issues. Intimidation of the workforce. Would not recommend for employment

Allowed himself to be drawn along by the course of events. Not in front line of action

Dark haired, stocky Liverpudlian with a strong accent. Close friend of Mr Smith. Both recently seen at a Left Wing meeting. Known as Left-Wing activist since mid 1980's. Girlfriend is Miss L who has been involved in several marriages of convenience.

Union activity. Aggressive individual with short fuse. Very lazy and needs constant watching.

Allowed himself to be drawn along by the course of events at Jubilee Line Extension, not in front line of action

Active in dispute at Heathrow Terminal 5

Involved in dispute at Connah's Quay, Deeside. Union Activity and Incompetent. Bit of a sheep but elected steward.

Trouble maker and is politically motivated.

Applied to 3271/81 agency SkyBlue. LK given details and not employed (this statement occurs 81 times)

Described as SA's Lieutenant. A worry that foremen would employ him. Gone from being a normal, good electrician to being squarely in the EPIU/SA camp

Involved in Manchester Metropolitan University site dispute

Involved in dispute at Connah's Quay, Deeside. Incompetent

Involved in dispute at Connah's Quay, Deeside. Union Activity. Active in strike

Working on Uxbridge contract. Company was able to remove

Described as Militants, having been involved in the actions by electricians on the London Bridge section of the Jubilee Line Extension

Involved in dispute at Connah's Quay, Deeside. Union activity. Friend and confidante of MR One of 12 men employed on Isle of Man who walked off the job, stopping it completely Haden Young would not re-employ, assistant shop steward

Involved in dispute at Connah's Quay, Deeside. Union Activity. Highly vocal in support of union at mass meeting. Applied to 3271/81, LK given details and not employed

Systematically disruptive during the term of engagement, misleading the workforce and raising minor grievances into major disputes by the use of unofficial union channels. Applied to 3271/81 agency. KG given details and not employed. Concern expressed by KG as to why own agency still has him on their books

Involved in dispute at Connah's Quay, Deeside. Incompetent. Handy with his fists - very aggressive

Aldermaston baddies!! Possible EPIU. Applied to 3271/81 agency SkyBlue. LK given details and not employed

Seemed to be prominent organiser on the picket. Could be associated with some intimidation

Shop steward on 3271's Power Station site and described as a troublemaker. Threatens to take men outside gates on anything where he does not get his own way. GMB union. Applied to 3228 at Barrow Power Staton, SM given details, application not proceeded with.

Extreme troublemaker who would not be re-employed. Applied to 3233/2 at Heathrow T5 contract, CH given details and not employed

Described as having his fingers into everything. Applied to 3271/81. LK given details and not employed. Worked at Jubilee Line Extension. UNDER NO CIRCUMSTANCES WHATSOEVER.

Also in the documents taken from the offices of The Consulting Association was evidence of information gathering against workers suspected of being in a trade union with spies being sent in to union meetings:

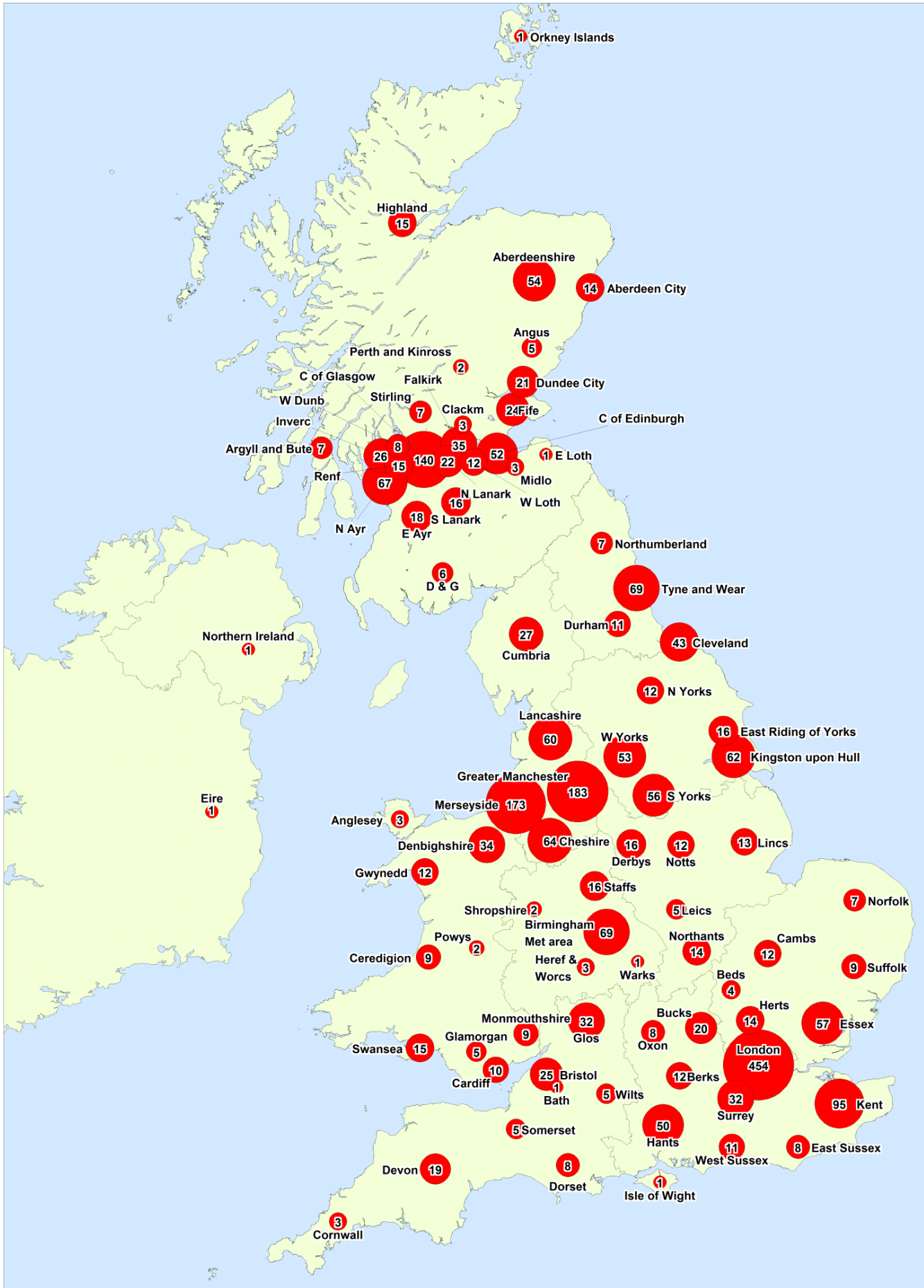
'I attended a meeting of the above organisation [Joint Sites Committee]..... The meeting was chaired by 'Dave' , a Londoner, aged about 30 years, shaven head, slim build and wearing large round glasses.....'Mick' was co-chair, is a similar age, medium build, dark neat hair and spoke softly with a strong scottish accent. During the meeting I gathered Mick was married with children and has both a trade union and a Catholic organisation interests.....other committee members I identified were 'Frank', a stocky dark haired Liverpudlian (strong accent), and 'Paddy', very tall (6ft 5ins), slim, large mop of ginger hair and a ginger wispy beard.'

Appendix 2 - Companies known to have used The Consulting Association blacklist:

Amec Building Ltd	Kier Ltd
Amec Construction Ltd	John Mowlem Ltd -Ex Member
Amec Facilities Ltd	Laing O'Rourk (Laing Ltd)
Amec Ind Div	Lovell Construction (UK) Ltd – Ex Member
Amec Process & Energy Ltd	Miller Construction Limited – Ex Member
Amey Construction – Ex Member	Morgan Ashurst
B Sunley & Sons – Ex Member	Morgan Est
Balfour Beatty	Morrison Construction Group – Ex Member
Balfour Kilpatrick	N G Bailey
Ballast (Wiltshire) PLC – Ex Member	Shepherd Engineering Services
Bam Construction (HBC Construction)	Sias Building Services
Bam Nuttall (Edmund Nutall Ltd)	Sir Robert McAlpine Ltd
C B & I	Skanska (Kaverna/Trafalgar
Cleveland Bridge UK Ltd	House Plc)
Costain UK Ltd	SPIE (Matthew Hall) - Ex Member
Crown House Technologies	Taylor Woodrow Construction Ltd – Ex Member
(Carillion/Tarmac Const)	Turriff Construction Ltd –Ex Member
Diamond M & E Services	Tyson's Contractors – Ex Member

Dudley Bower & Co Ltd – Ex Member	Walter Llewellyn & Sons Ltd - Ex Member
Emcor (Drake & Scull) - 'Ex Ref'	Whessoe Oil & Gas
Emcor Rail	Willmott Dixon – Ex Member
G Wimpey Ltd – Ex Member	Vinci PLC (Norwest Holst Group).
Haden Young	
Names in brackets indicate where companies have undergone a change of name or where subsidiaries have been absorbed by parent companies.	

Appendix 3 - The Blacklisted workers: Map showing where the blacklisted workers lived and worked.



Appendix 4 - The Blacklisted workers: Table showing locations of where blacklisted workers lived and worked.

Location	workers	Location	workers
Aberdeen City	14	Kingston upon Hull	62
Aberdeenshire	54	Lancashire	60
Anglesey	3	Leeds	53
Angus	5	Leicestershire	5
Argyll & Bute	7	Lincolnshire	13
Bath and North East Somerset	1	Manchester	183
Bedfordshire	4	Liverpool	173
Birmingham	69	Midlothian	3
Bristol	25	Monmouthshire	9
Buckinghamshire	20	Norfolk	7
Cambridgeshire	12	North Ayrshire	67
Cardiff	10	North Lanarkshire	22
Ceredigion	9	North Yorkshire	12
Cheshire	64	Northamptonshire	14
City of London	454	Northern Ireland	1
Clackmannanshire	3	Northumberland	7
Cornwall & Isles of Scilly	3	Nottinghamshire	12
Cumbria	27	Orkney Islands	1
Denbighshire	34	Oxfordshire	8
Derbyshire	16	Perth & Kinross	2
Devon	19	Powys	2
Dorset	8	Redcar and Cleveland	43
Dumfries & Galloway	6	Renfrewshire	15
Dundee City	21	Rhondda Cynon Taf	2
Durham	11	Rhondda, Cynon, Taff	3
East Ayrshire	18	Rotherham	56
East Lothian	1	Shropshire	2
East Riding of Yorkshire	16	Somerset	5
East Sussex	8	South Lanarkshire	16
Edinburgh, City of	52	Southern Ireland	1
Essex	57	Staffordshire	16
Falkirk	35	Stirling	7
Fife	24	Suffolk	9
Glasgow City	140	Surrey	32
Gloucestershire	32	Swansea	15
Gwynedd	12	Newcastle-upon-Tyne	69
Hampshire	50	Warwickshire	1
Hereford & Worcester	3	West Dunbartonshire	8
Hertfordshire	14	West Lothian	12
Highland	15	West Sussex	11
Inverclyde	26	Wiltshire	5
Isle of Wight	1	Wokingham	12
Kent	95		

Appendix 5 – Carillion entries from The Consulting Association Sales Day Book

Invoice No	Date	Description	Net figure	VAT	Total
1509	06/10/1999	Quarterly fee	£2,724.00	£476.00	£3,200.00

1548	19/11/1999	W'ton Mtg (18.11.99)	£9.54	£1.66	£11.20
1571	14/12/1999	Q3 fee	£1,557.00	£272.48	£1,829.48
??	25/02/2000	N.W. and Mids (18.2.00)	£32.34	£5.66	£38.00
1625	04/03/2000	Q4 fee	£2,502.00	£437.85	£2,939.85
1663	05/06/2000	S&N West	£29.77	£5.20	£34.97
??	06/07/2000	Q1 fee	£2,313.00	£404.78	£2,717.78
1783	14/12/2000	Q3 fee	£1,228.50	£214.99	£1,443.49
1820	03/04/2001	Q4 fee	£793.50	£138.86	£932.36
1832	05/04/2001	London South East Mtg	£63.22	£11.06	£74.28
1846	21/05/2001	Annual subscription	£1,500.00	£262.50	£1,762.50
1884	03/07/2001	Q1 fee	£1,605.00	£280.88	£1,885.88
1895	16/07/2001	W'ton Mtg (12.7)	£16.82	£2.94	£19.76
??	01/10/2001	Q2 fee	£361.50	£63.26	£424.76
1980	14/12/2001	Q3 fee	£2,235.00	£391.13	£2,626.13
2012	02/04/2002	Q4 fee	£603.00	£105.53	£708.53
2056	08/05/2002	Annual subscription	£2,000.00	£350.00	£2,350.00
2079	02/07/2002	Q1 fee	£532.50	£93.19	£625.69
??		Q2 fee	£915.00	£160.13	£1,075.13
??		Q3 fee	£2,064.00	£361.20	£2,425.20
2210	01/04/2003	Q4 fee	£6,108.00	£1,008.90	£7,116.90
2224	02/05/2003	Annual subscription	£2,500.00	£437.50	£2,937.50
2261	02/07/2003	Q1 fee	£3,458.00	£605.15	£4,063.15
2293	01/10/2003	Q2 fee	£1,351.00	£236.43	£1,587.43
2344	15/12/2003	Q3 fee	£560.00	£98.00	£658.00
2372	02/04/2004	Q4 fee	£1,482.25	£259.39	£1,741.64
??	08/06/2004	Meeting	£30.50	£5.34	£35.84
2594	15/11/2005	Woodstock 10th Nov	£19.72	£3.45	£23.17
2770	06/12/2006	W'STK MTG 30/11	£17.92	£3.14	£21.06
		Total	£38,613.08	£6,696.60	£45,309.68

Appendix 6 – Table showing councils that have passed motions or are in the process to stop blacklisting companies from getting local authority contracts.

Bedford

Birmingham: <http://www.birmingham.gov.uk/democracy/Pages/AgendaDetail.aspx?AgendaID%3d72193>

Brent

Bristol

Dumfries and Galloway: <http://agenda.dumgal.gov.uk/aksdumgal/images/att28304.pdf>

East Ayrshire: [http://docs.east-](http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/28%20march%202013/east%20ayrshire%20council%20-%207%20february%202013.pdf)

[ayrshire.gov.uk/crpadmmin/2012%20agendas/council/28%20march%202013/east%20ayrshire%20council%20-%207%20february%202013.pdf](http://docs.east-ayrshire.gov.uk/crpadmmin/2012%20agendas/council/28%20march%202013/east%20ayrshire%20council%20-%207%20february%202013.pdf)

Hastings

Hull: [https://web5.hullcc.gov.uk/akshull/users/public/admin/kab14.pl?operation=SUBMIT&meet=123&cmte=C](https://web5.hullcc.gov.uk/akshull/users/public/admin/kab14.pl?operation=SUBMIT&meet=123&cmte=COU&grpId=public&arc=71)

Islington: Motion put forward

<http://democracy.islington.gov.uk/meetings/council/council/26thmar2013/meeting.aspx>

Inverclyde: <http://www.inverclyde.gov.uk/committees/details/1590/>

Knowsley:

[http://councillors.knowsley.gov.uk/mgConvert2PDF.aspx?ID=20005&ISATT=1#search=%22blacklist%22&StyleT](http://councillors.knowsley.gov.uk/mgConvert2PDF.aspx?ID=20005&ISATT=1#search=%22blacklist%22&StyleType=standard&StyleSize=none)

Liverpool:

<http://councillors.liverpool.gov.uk/mgConvert2PDF.aspx?ID=115676&ISATT=1#search=%22blacklist%22>

Luton:

<http://democracy.luton.gov.uk/cm5public/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4494/Committee/909/Default.aspx>

Manchester: Not motion but:

http://www.manchester.gov.uk/egov_downloads/NSC_minutes_7th_Jan_2013_.pdf

Medway Council: <http://www.medwaylabour.org.uk/2013/04/blacklisting-motion/>

Medway Labour will table a motion at the Full Council meeting on 25th April. Rejected by Tory councillors

Midlothian: http://www.midlothian.gov.uk/meetings/meeting/202/midlothian_council

Milton Keynes: <http://cmis.milton-keynes.gov.uk/CmisWebPublic/Binary.ashx?Document=38662>

Newham, number 17, motion 1: <http://mgov.newham.gov.uk/ieListDocuments.aspx?CId=295&MIId=9156>

Plymouth – motion put to council on 22 April

<http://www.plymouth.gov.uk/mgInternet/documents/s45801/Motion%20on%20Notice%20Construction%20Industry%20Blacklisting.pdf>

Portsmouth: <http://www.portsmouth.gov.uk/media/coun20130319a.pdf>

Preston: <http://preston.moderngov.co.uk/documents/s23234/NoM%20-%20Blacklisting%20C>

Ir%20Crowe.pdf

Redcar and Cleveland: [http://www.redcar-cleveland.gov.uk/cabpap13-](http://www.redcar-cleveland.gov.uk/cabpap13-14.nsf/DE2004B31909207780257B750033D3E4/$File/Binder1.pdf)

[14.nsf/DE2004B31909207780257B750033D3E4/\\$File/Binder1.pdf](http://www.redcar-cleveland.gov.uk/cabpap13-14.nsf/DE2004B31909207780257B750033D3E4/$File/Binder1.pdf)

Rochdale: <http://democracy.rochdale.gov.uk/documents/g1772/Printed%20minutes%2023rd-Jan-2013%2018.15%20Council.pdf?T=1>

Rother: <http://www.rother.gov.uk/media/pdf/l/b/c130225.pdf>

St. Helens Council:

<http://moderngov.sthelens.gov.uk/mgConvert2PDF.aspx?ID=22557&ISATT=1#search=%22blacklist%22>

Sheffield: <http://meetings.sheffield.gov.uk/council-meetings/full-council/agendas-2012/agenda-7th-november-2012>

Southampton: <http://www.southampton.gov.uk/moderngov/mgAi.aspx?ID=6411>

<http://www.southampton.gov.uk/moderngov/ieListDocuments.aspx?CId=122&MID=2323#AI6411>

Stirling

Torfaen: <http://www.torfaen.gov.uk/en/CouncillorsAndCommittees/Meetings/Council/2013/01/29/Council29-Jan-2013.aspx>

Tower Hamlets:

<http://modgov.towerhamlets.gov.uk/documents/s39862/Report%20Motions%20Council%2023.01.13.pdf>

West Dunbartonshire – motion c

[http://wdccmis.west-](http://wdccmis.west-dunbarton.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=Y5h01HxuzWDvsf8zdgS)

[dunbarton.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=Y5h01HxuzWDvsf8zdgSEQ5f3fHTIf%2fY55Ce3GOp0g40szQloRPp4%2bg%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJf55vVA%3d&FgPIIEJYlotS%2bYGoBi5olA%3d%3d=NHdURQburHA%3d&d9Qjji0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJf55vVA%3d&WGewmoAfeNR9xgBux0r1Q8Za60lavYmz=ctNJf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJf55vVA%3d](http://wdccmis.west-dunbarton.gov.uk/CMIS5/Document.ashx?czJKcaeAi5tUFL1DTL2UE4zNRBcoShgo=Y5h01HxuzWDvsf8zdgSEQ5f3fHTIf%2fY55Ce3GOp0g40szQloRPp4%2bg%3d%3d&mCTIbCubSFfXsDGW9IXnlg%3d%3d=hFfIUdN3100%3d&kCx1AnS9%2fpWZQ40DXFvdEw%3d%3d=hFfIUdN3100%3d&uJovDxwdjMPoYv%2bAJvYtyA%3d%3d=ctNJf55vVA%3d&FgPIIEJYlotS%2bYGoBi5olA%3d%3d=NHdURQburHA%3d&d9Qjji0ag1Pd993jsyOJqFvmyB7X0CSQK=ctNJf55vVA%3d&WGewmoAfeNR9xgBux0r1Q8Za60lavYmz=ctNJf55vVA%3d&WGewmoAfeNQ16B2MHuCPMRKZMwaG1PaO=ctNJf55vVA%3d)

Wolverhampton

GLA

<http://www.london.gov.uk/media/assembly-press-releases/2013/01/prove-blacklisting-was-not-used-in-crossrail-recruitment>

Northern Ireland Assembly

<http://www.niassembly.gov.uk/Assembly-Business/Official-Report/Committee-Minutes-of-Evidence/Session-2011-2012/February-2012/Trade-Unions-Blacklisting-of-Members/>

Welsh Government