

Blacklisting: the need for a public inquiry by Dave Smith

including

A MANIFESTO AGAINST BLACKLISTING

by Alex Just



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contents

acknowledgements	3
CHAPTER ONE	
introduction	4
CHAPTER TWO	
how the blacklisting scandal came to light	6
CHAPTER THREE	
the human cost	10
human rights	13
CHAPTER FOUR	
the high court	14
CHAPTER FIVE	
an offer we can't refuse	17
CHAPTER SIX	
employment tribunals	19
time limits	19
employment status	20
the necessity test	22
automatic unfair dismissal	23
CHAPTER SEVEN	
the blacklisting regulations 2010	25

CHAPTER EIGHT	
public authorities	27
ICO	27
HSE	28
public contracts	28
police	30
CHAPTER NINE	
scottish affairs select committee inquiry	33
CHAPTER TEN	
conclusion	35
APPENDIX	
a manifesto against blacklisting	37

acknowledgements

I would like to thank the Institute of Employment Rights for the opportunity to write this pamphlet. While the main thrust of my argument is the need for a public inquiry into the blacklisting scandal, I hope that issues I raise around the treatment of blacklisted workers by the legal system will promote debate around the need for changes to legislation and in the way the system operates.

I would also like to publicly thank those members of the legal profession who have become friends and comrades over the past 8-9 years to both myself and the Blacklist Support Group in our continuing fight for justice. Particular mention needs to go to David Renton, Declan Owens, John Hendy, Keith Ewing, Cad Jones, Liam Dunne, JC Townsend, Sean Curran, Helen Clifford, Maria Ludkin, Chris Benson, Michael Newman, Howard Beckett, Richard Arthur, Nick Toms, Imran Khan, Kate Ellis, Paul Heron, Harriet Wistrich, Tamsin Allen, Shamik Dutta, Hugh Tomlinson, Dinah Rose, Guy Vassell Adams, Alex Woods, Anthony Hudson, Ben Cooper, Liz Davies, Dan Blackburn, Nick Bano, Spencer Wood, Ellie Reeves, everyone working at the solicitors Guney, Clarke & Ryan, Thompsons, Leigh Day, OH Parsons, plus the Free Representation Unit, Haldane Society, International Centre for Trade Union Rights, and the many others, to whom I apologise in advance if their names have been inadvertently omitted.

We could not have got where we are without your expertise and professionalism; in many cases, your commitment to the cause of labour went beyond the call of duty or professional obligations.

Dave Smith

CHAPTER ONE

introduction

‘I want to make an apology, an apology for the way that you have been betrayed by the state, by the courts, by the Information Commissioner’s Office, by the political parties – all of them – by the police and by the media. All of the institutions of our state have utterly failed you and I am utterly ashamed to be part of a state that has allowed this to happen. You have been the victims of the worst conspiracy of silence and inaction that I have ever known in my parliamentary life.’

– *Michael Meacher MP, speech to Blacklist Support Group AGM, March 2013*

When the late Michael Meacher MP made this speech in March 2013, he was voicing the sentiments of hundreds of blacklisted workers who felt let down and forgotten by the British political and legal system. But by the summer of 2016, political, legal and industrial action by unions, combined with the grassroots civil disobedience campaign led by the Blacklist Support Group (BSG) meant that blacklisting was splashed all over the mainstream media and had become a hot political issue. The issue was raised in Prime Minister’s Question Time, in General Election manifestos, House of Commons debates and a select committee investigation. *Panorama* broadcast the *Blacklist Britain* documentary on primetime BBC1,

and litigation involving over 700 blacklisted workers resulted in one of the biggest financial settlements ever won by trade unions. Yet, even on that historic day in the High Court, celebrations were muted by recognition that, as Labour MP John McDonnell told blacklisted workers assembled outside the Royal Courts of Justice, “compensation is one thing, justice is another”.

This pamphlet aims to explain the reasons why, despite being awarded

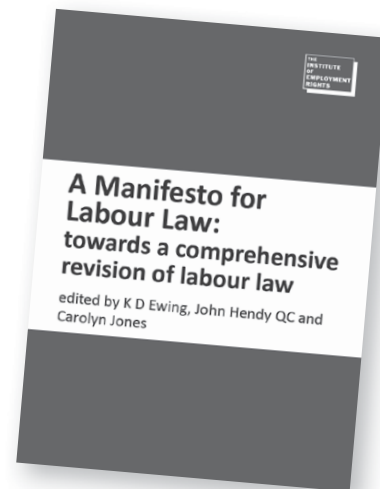
This pamphlet aims to explain the reasons why, despite being awarded historic levels of compensation, blacklisted workers still feel let down by the legal system, and why their trade unions continue to call for a full public inquiry into the scandal.

historic levels of compensation, blacklisted workers still feel let down by the legal system, and why their trade unions continue to call for a full public inquiry into the scandal. The questions raised concern not only those who were blacklisted by big business for their union activities, but also have consequences for millions of workers inside and outside of the labour movement.

The main body of this book is authored by Dave Smith, Secretary of the Blacklist Support Group, but it concludes with a Manifesto Against Blacklisting, drafted by employment lawyer Alex Just, which puts forth recommendations for changes to legislation that can help to protect workers vulnerable to blacklisting in the future.

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The Institute of Employment Rights seeks to develop an alternative approach to labour law and industrial relations and makes a constructive contribution to the debate on the future of trade union freedoms.

We provide the research, ideas and detailed legal arguments to support working people and their unions by calling upon the wealth of experience and knowledge of our unique network of academics, lawyers and trade unionists.

The Institute is not a campaigning organisation, nor do we simply respond to the policies of the government. Our aim is to provide and promote ideas. We seek not to produce a 'consensus' view but to develop new thoughts, new ideas and a new approach to meet the demands of our times.

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In 2016, some of the largest construction companies operating in the UK confessed that, for decades, they had worked together to systematically exclude union activists and other vulnerable workers from employment, depriving them of an income and a decent quality of life through no fault of their own.

The thousands of blacklisted workers whose lives had been ruined by the blacklisting scandal finally received some compensation for their losses, but in this volume Secretary of the Blacklist Support Group, Dave Smith, explains why money is no substitute for justice.

In his thoughtful account of the conspiracy, which incorporates the first-hand experiences of blacklisted workers and their families, the author leads readers through the multitude of obstacles faced by the victims. These included restrictive employment laws that prevented them from accessing justice, and loopholes manipulated by the employers to force the workers to settle out of court, therefore evading an official conviction of guilt, thus limiting the damage to their reputations.

The book concludes with a call for a public inquiry that forces those involved to publically account for their actions; and a detailed Manifesto Against Blacklisting drawn up by employment lawyer Alex Just, who recommends changes to legislation that would protect workers vulnerable to blacklisting now and in the future.

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