



**PUBLIC PETITION NO.**

**PE01481**

### Name of petitioner

Mr Pat Rafferty, Mr Harry Donaldson, Mr Harry Frew on behalf of Unite, GMB, UCATT

### Petition title

End to blacklisting in Scotland

### Petition summary

Calling on the Scottish Parliament to urge the Scottish Government to conduct a full, independent public inquiry into the effects and extent of blacklisting in Scotland and for the inquiry to examine and determine which companies have been awarded public contracts, to investigate how to introduce ethical procurement policies and how to ensure that companies who continue to practice blacklisting are banned from tendering for future public contracts.

### Action taken to resolve issues of concern before submitting the petition

Trade unions have called for a full disclosure of the information obtained from the Consultancy Association (CA), and an investigation into the links between construction employers, the police, security services and the CA. Information in the public domain from the CA shows that personal information about workers resident in Scotland is held in the Blacklisting files obtained by the Information Commissioners Office following a raid conducted in 2009.

The clandestine nature of blacklisting makes it very difficult to prove. However anecdotal evidence provided by Trade Union members suggests that blacklisting is still a practice undertaken by unscrupulous employers in the construction industry today. Serious concern remains about this now illegal practice and the impact of this activity on the job prospects, career progression and remuneration of trade union members. We also believe that it undermines the crucial work undertaken, on behalf of the whole industry, by Trade Union Shop Stewards and Health & Safety Representatives who may fear retribution for undertaking lawful trade union duties.

Trade unions have taken legal action in support of their members including in February this year. A construction worker on the Crossrail project who believes he was blacklisted because of his union and safety activities won the right to challenge his sacking. An Employment Tribunal ruled on 27 February that both Crossrail and contractor Bam Ferrovial Kier (BFK) should appear in court to answer the allegations that Unite safety rep Frank Morris was unfairly dismissed. It is incumbent on the Scottish Government to ensure that no similar cases have happened or will happen on construction projects undertaken with public funds.

Matters have been raised directly in the Scottish Parliament by Neil Findlay MSP, who has secured a members' debate on Blacklisting, and other MSPs regarding Blacklisting in Scotland. A written response from the Scottish Government states that 'The Scottish

Government has no plans to commission an independent report to determine whether blacklist is continuing in the construction sector.' This response does not address the genuine concerns of many with experience of the construction industry that blacklisting is still happening within the industry today.

## Petition background information

It is a fundamental and recognised Human Right for workers to form and to join trade unions for the protection of their interests. The subversive and the illegal actions of the CA and construction employers sought to deny workers this right and to deny men and women the ability to provide for themselves and their families. It is known that construction employers who paid fees to the CA operate in and have successfully tendered for public contracts in Scotland. The Scottish Affairs Select Committee, which is carrying out a report into blacklisting in Scotland, took evidence from Sir Robert McAlpine Director, Cullum McAlpine, where it was revealed that the company had referred to the Consulting Association's blacklist for several major projects in Scotland including the Quartermile development in Edinburgh, the M74 extension and the Marie Curie Cancer Hospice in Glasgow. It is only through a Public Inquiry with the power to compel witnesses to appear and testify under oath that the full impact that blacklisting has had on workers and industries in Scotland can be uncovered. and the following questions can be answered.

What has happened previously?

- The extent of blacklisting that existed previously in the construction industry in Scotland.
- Since knowledge of the Consultancy Association's action became public in 2009, how many major works in Scotland have been built using firms who subscribed to the CA?
- How many Scottish workers have been denied work because of the blacklist?
- Does the blacklist continue to operate within construction or any other industry today?
- Did blacklisting extend beyond the construction industry to other sectors of the Scottish economy? Did blacklisting exist in the Oil and Gas Industry? Were workers Not Required Back, NRB, for raising Trade Union or Safety Issues.

What is the situation today? At local, national and UK government level questions have been asked and Inquiry has taken place into the extent and effect of blacklisting in the construction industry. At UK government level the Scottish Affairs Select Committee have published their Blacklisting in Employment Interim Report. At local level presently 5 Scottish Councils (West Dunbartonshire, Inverclyde, East Ayrshire, Midlothian and Dumfries & Galloway) have formally passed motions with the objective of ensuring companies that blacklist workers are excluded from bidding for public sector contracts.

At least five local authorities in Scotland, where permitted by legislation, have attempted to exclude companies involved in the blacklisting of trade unionists from future approved suppliers lists and to ensure that companies included in future approved suppliers lists demonstrate that they have processes in place to encourage the reporting by workers, including those who are trade union members, of workplace concerns, particularly in respect of health, safety and welfare. This approach should be encouraged throughout Scotland and using the forthcoming Procurement Bill the Scottish Parliament has an opportunity to legislate to provide a robust framework that will help to drive blacklisting from the industry. This petition calls for a full Public Inquiry into Blacklisting, a procurement process of public works with anti-Blacklisting guarantees and tougher laws to ban Blacklisting by employers, agencies and contractors with penalties for wrongdoers that are serious disincentives.

Currently in construction in Scotland the following questions must be answered.

- The New Forth Crossing is the largest and most high profile construction project in Scotland. Are companies involved in the Forth Crossing Bridge Constructors Joint Venture linked to the Consulting Association's activities?

- Is there further evidence suggesting that they may have operated a blacklist when recruiting Scottish workers for the Forth Crossing Project?

Looking to the future.

Construction employers who continue to operate a blacklist must not benefit from public contracts and it is essential that through its procurement policy that the Scottish Government sets an example to the wider construction industry. Safeguards must be included in the criteria for the tendering process to ensure that firms who continue to operate a blacklist are not awarded public contracts. During Neil Findlay's debate 'Blacklisting a Scottish and UK Human Right's Abuse' many MSP's echoed our call for a Public Inquiry including Neil Findlay, Drew Smith, Richard Baker, Neil Bibby, Elaine Smith, John Finnie and John Pentland.

#### Unique web address

<http://www.scottish.parliament.uk/GettingInvolved/Petitions/blacklisting>

#### Related information for petition

<http://www.building.co.uk/analysis/features/blacklisting-the-blacklisters/5053665.article>

<http://www.mirror.co.uk/news/uk-news/bosses-map-of-shame-building-blacklist-1573590>

<http://www.scotsman.com/the-scotsman/politics/borders-rail-group-blacklisted-union-members-1-2791798>

<http://www.dailyrecord.co.uk/news/scottish-news/meet-two-scots-targeted-firms-1868444>

<http://www.heraldscotland.com/news/home-news/500-scots-workers-could-be-in-line-for-payouts-over-building-industry-blacklist.19930551>

**Do you wish your petition to be hosted on the Parliament's website to collect signatures online?**

NO

**How many signatures have you collected so far?**

140

**Closing date for collecting signatures online**

N/A

**Comments to stimulate online discussion**