Dave Smith, a blacklisted worker and chair of the Blacklist Support Group, started his talk to The Haldane Society on 11th October 2012 with a short video showing interviews from a number of construction workers who were blacklisted and some of the campaigns that the Blacklist Support Group has been involved in.

The lecture was titled ‘Struck out – why employment tribunals fail workers and what can be done’. Dave, a trade unionist, has constantly tried to improve conditions on construction sites up and down the country and has a 36 page file which details some of his past trade union activity, building sites he has worked on and information on his family. Dave lodged a claim against Carillion in the Central London Employment Tribunal and successfully overcame the time limit issues which many other claims failed to do. At the full merits hearing Carillion admitted that they blacklisted workers but the claim was unsuccessful as Dave was an agency worker and not employed by Carillion. The decision is currently being challenged.

The blacklisting in the construction industry, described by Professor Keith Ewing as the ‘the worst case of organised human rights abuse in the UK in the past 50 years’, was exposed in 2009 and is still to be fully investigated. Further action being taken includes: a unanimously backed motion from TUC delegates calling for a public inquiry and changes to the law on blacklisting; a complaint lodged with the Independent Police Complaints Commission to investigate allegations that the police supplied information to the Consulting Association; a mass legal action being launched against Sir Robert McAlpine; and the Information Commissioner’s Office has been asked to make the files public so that all the files are released to those who do not know they have been blacklisted and who may not have been in contact with the Information Commissioner’s Office.

David Renton, a barrister at Garden Court Chambers and author of Struck Out, represented Dave Smith at his Employment Tribunal against Carillion and continues to take his case further. His talk started with an analysis of the 1823 Master and Servants Act, under which breaking a contract of employment was considered a criminal offence, and went through to the effect of a strong trade union on the bargaining position of employees and the likelihood of returning to work after a dispute with your employer.

Looking to the future of the Employment Tribunal system, the changes being introduced under the coalition Government include a two year qualifying period for unfair dismissal claims, fees for lodging claims and removing the panel members. This does not paint a pleasant picture for claimants trying to enforce their employment rights. However victories can be won, as seen with the recent electricians dispute, through industrial action and commitment of workers willing to fight for their rights. The real victory will be when workers can get jobs on building sites and not have to worry about raising concerns over health and safety and being sacked for doing so.

William Dooley

See the back page for details of the next series of human rights lectures organised by The Haldane Society.