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Warning for firms that set up trade union blacklist



📷 Ian Kerr, the private investigator who operated the covert blacklist, leaves Knutsford crown court.
Photograph: Martin Rickett/PA Wire

Rob Evans

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Major companies which set up and funded a secret blacklist to deny work to thousands of trade unionists will escape prosecution, it emerged today.

A judge fined a private investigator who operated the covert blacklist but said he was not the only person responsible but was financed by big "high street" companies. Major firms in the construction industry will be officially warned that they will be prosecuted if they set up a new blacklist.

Affected trade unionists said they were disappointed that companies which had wrecked workers' lives had appeared to get away with it. They angrily confronted the private investigator, Ian Kerr, who hid his face as he was driven away.

Kerr, 66, was fined £5,000 at Knutsford crown court, Cheshire after admitting keeping a clandestine database of 3,000 workers for the past 15 years.

The court heard that more than 40 construction companies had given £600,000 in the past five years to Kerr's agency to record personal and employment details of allegedly troublesome workers.

About 90% of the information came from the companies so that it could be shared with other firms to vet workers before they were employed. The firms include [Balfour Beatty](#), Sir Robert McAlpine, Costain and Laing O'Rourke.

Judge Stephen Clarke said these firms had been funding Kerr to "create a list of people who should not be employed in the construction industry". He said it was a serious matter as the workers did not know they were on the list and had "no clue" why they were being denied work.

He said: "It is important that there is no question that secret lists are being operated without people knowing that they are on the list." The judge told Kerr: "It is unfair to put the blame entirely on you. You were clearly employed to run the organisation," adding that others were aware of the duty to obey privacy laws. He said the fine took account of Kerr's "limited" financial circumstances.

Kerr is living on a state pension, though he was being paid £46,000 a year when the Information Commissioner, the privacy watchdog, raided his office in office in Droitwich, Worcestershire in February.

After the hearing, the Information Commissioner, Christopher Graham, said he could only prosecute Kerr for failing to declare the existence of the database to the public. Graham said he did not have the legal powers to go beyond warning the companies or to prosecute them for that or any other offence. The Kerr case has forced the government to bring forward proposals to explicitly outlaw blacklisting.

Kerr had worked from the 1970s for the secretive, rightwing vetting agency, the Economic League, until it disbanded in 1993. The court heard that the construction firms decided to pay Kerr to continue compiling the blacklist. They held quarterly meetings, chaired by a construction industry executive, to manage the agency, called the Consulting Association.

James Strong, Kerr's barrister, said Kerr acted as a "central point of contact", sharing the list throughout the industry. He said Kerr did not advise companies on who should be barred from jobs.

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