



Employment tribunals

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Construction firm accepts engineer was blacklisted over union membership

Carillion subsidiaries covertly supplied information about Dave Smith to database of 'troublesome' workers

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A major multinational company has accepted that an engineer was covertly blacklisted because he was a trade unionist seeking to improve safety on building sites.

Dave Smith, an engineer, has launched legal action as he says his income fell dramatically from £35,000 a year to £12,000 after he was put on the clandestine blacklist of 3,200 workers run by leading construction firms.

The 46-year-old from Essex told a London employment tribunal on Tuesday that he was denied work after he raised safety concerns with construction firms. "I was a qualified engineer and during one of the longest building booms this country has ever known, my children were on milk tokens," he said.

He is taking legal action against the construction giant [Carillion](#), and two of its subsidiaries, in an attempt to recover £175,000 in lost earnings.

On Tuesday, [Carillion](#) accepted that Smith had been blacklisted but denied that it was legally responsible. The firm is arguing that it did not directly employ Smith as he secured work for its companies through an employment agency or subcontractor. Carillion's lawyers say the firm bought the two subsidiaries after they were involved in the blacklisting.

The existence of the secret blacklist was exposed in 2009, when [investigators from a privacy watchdog](#) raided [an unassuming office in Droitwich, Worcestershire](#).

[The investigators uncovered](#) an extensive database that was used by construction firms to vet workers they deemed to be trade unionists and troublesome. [For at least 15 years, more than 40](#) construction firms had been funding the confidential database, which recorded workers' trade union activities and conduct at work.

The watchdog, the Information Commissioner's Office, closed down the covert operation. A 66-year-old private investigator, [Ian Kerr](#), was fined [£5,000 for administering the database](#), although the construction firms escaped prosecution. Smith is one of a number of blacklisted workers taking legal action for compensation.

On Tuesday, [Carillion](#) admitted that two of its subsidiaries covertly supplied information to the database to "penalise" Smith for being a trade unionist, even though he had "reasonably brought health and safety concerns to their attention".

The tribunal was shown a copy of Smith's 17-page file from the blacklisting database. Stretching from 1992 to 2005, it contained detailed reports of his trade union activities and efforts to make building sites less dangerous - all recorded without Smith's knowledge.

The file also included details such as his national insurance number, political

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