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Blacklisting in Employment: Interim Report - Scottish Affairs Committee [Contents](#)

1 Introduction

1. Blacklisting is the practice of systematically denying individuals employment on the basis of information, accurate or not, held in some kind of database. It was an activity of which the Economic League, an organisation founded in 1919 to combat what its members saw as subversion and opposition to free enterprise, was accused in the 1980s. This led to media attention and an inquiry by the then-Employment Committee of the House of Commons. The accuracy of the information held by the Economic League and the use to which it was put came under intense scrutiny, and the League was disbanded in 1993.

2. Thereafter, an organisation called the Consulting Association (TCA) maintained information on individuals and supplied it to companies in the construction industry. TCA grew out of the Services Group, a membership organisation of construction firms, which had had links with the Economic League towards the end of its life. The Chief Officer of TCA was Ian Kerr, who had worked for the Economic League for many years. The Consulting Association was raided by the Information Commissioner's Office and closed down in early 2009. We return to TCA in more detail in the next chapter.

3. Following the raid on TCA by the Information Commissioner's Office, regulations were introduced by the previous government to strengthen the law against blacklisting. Denial of a job for discriminatory reasons such as trade union membership was made illegal and blacklisting was statutorily prohibited under the Employment Relations Act 1999 (Blacklists) Regulations 2010. We consider whether these regulations are sufficient and whether there should be further legislative action later in this Report.

4. This Report was inspired by our previous inquiry into health and safety in Scotland. We heard accusations that workers who raised health and safety concerns, especially in the construction industry, were labelled as 'troublemakers', and likely to be denied further employment. This, added to the fact that the rate of fatal accidents in the workplace is higher in Scotland than in the rest of the UK, gave us significant cause for concern. We therefore decided to conduct an inquiry into the issue of blacklisting, both on grounds of health and safety, and for other activities.

5. This is an interim Report. Although we have held a large number of oral evidence sessions and have received a considerable amount of written evidence, we have by no means concluded our inquiry. The purpose of this Report is to draw the attention of the public to the evidence we have taken so far, to comment on the situation as we see it now, and to seek further information to establish the truth of the matter. Although this Report concentrates on historic incidents of blacklisting and the activities of the Consulting Association, we remain unconvinced that the practice is purely an historic one, and we will continue to seek evidence as to whether individuals are still being blacklisted, as well as consider what further work can be done to eradicate the practice.

6. We are grateful to all the witnesses who have appeared in front of the Committee in the course of this inquiry so far, and to those who have submitted written evidence. As will be discussed later, we have heard testimony which could charitably be described as conflicting. We are far from certain that all of our witnesses have told us 'the truth, the whole truth and nothing but the truth', despite many of them being under oath. We reserve the right to call some of our witnesses back to give further evidence and clarify issues which we regard as being confused or uncertain. We have also encountered varying levels of cooperation from some of the construction firms with whom we have

dealt, and we are grateful to those who have approached this inquiry in a spirit of helpfulness and full disclosure. We regret, however, that this has not universally been the case.

7. We note that Mr Kerr passed away shortly after he gave evidence to us. We offer our condolences to his family, and are grateful to him for his candour and to Mrs Kerr for her continuing assistance.

8. We are also aware that some of the witnesses from whom we have heard evidence are subject to imminent or ongoing litigation. We have been careful to respect the House's *sub judice* resolution and avoid commenting directly on matters before the courts, and we have no wish to prejudice any cases. Again, some witnesses have been more open than others. However, we firmly believe that the issue of blacklisting is an important one and requires wider scrutiny than can be pursued by specific legal actions.

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