



Unite the Union's Submission to the Department for Business, Innovation and Skills Consultation on the Blacklisting of Trade Unionists: Revised Draft Regulations

Executive Summary

Unite the Union ("Unite") believes that the practice of blacklisting workers because of their trade union membership or political beliefs has been endemic in the UK construction industry for a number of years.

Unite is aware that many of its members have been included on the lists compiled by The Consulting Association. Unite also believes that many of its members have had their employment opportunities significantly hampered as a direct result of appearing on The Consulting Association's and other organisations' clandestine blacklists of trade union members.

Unite believes that the covert nature of blacklisting has made it extremely difficult for individuals to establish in legal claims that the activity has in fact taken place, and has therefore severely limited the redress recoverable by workers who have been discriminated against as a direct result of having appeared on a blacklist.

Unite therefore welcomes the Government's intention to introduce specific regulations which, in correlation with existing legislation, should assist in stamping out a practice which has no legitimate role to play in modern day industrial relations.

Unite generally welcomes the attempts which have been made to ensure that the regulations sufficiently account for the complex nature of employment practices which can exist with the UK construction industry.

Introduction

This submission represents the views of Unite the Union. Unite is the UK's largest trade union with approximately 2 million members working in a raft of industrial sectors including construction, energy, manufacturing, engineering,

transport, information technology, finance, local authorities and the National Health Service.

Unite is now the sole or joint signatory union to every significant national collective agreement across the whole of the UK construction and contracting industry and also throughout the construction products supply chain.

In addition Unite represents skilled craft workers operating in both the public and private sector, in local authorities, the National Health Service, and housing associations, as well as those workers currently employed direct by labour organisations.

Unite believes that many of its members, especially those employed in construction and contracting, have had their employment opportunities blighted by the existence of blacklists.

Unite is mindful of the fact that, amongst other things, the transient nature of the UK construction industry, and the covert nature of the activity of blacklisting itself, has made it difficult to establish objectively the existence of such blacklists. Unite therefore welcomes the fact that, since the exposure of the activities of The Consulting Association by the Information Commissioner's Office (ICO), the Government has committed to undertake this consultation.

Unite would hope that suitably drafted regulations can be implemented at the earliest opportunity.

History of blacklisting in the UK construction industry

Blacklisting is not a modern phenomenon. Unite would encourage Government to consider the existence (between 1919 and 1993) of the Economic League, a controversial service that gathered information on 'left wingers' and was used to vet people for jobs, including construction workers.¹

The actions of the Economic League were entirely consistent with their core objective to "combat the fallacious economic doctrines of collectivism, socialism and communism".² Although the political language is dated by modern standards, it does demonstrate an unfounded and irrational fear of union activity in the workplace. By their own admission, the Economic League believed that "a shop steward can acquire influence out of all proportion to the real nature of his position".³

¹ Labour White Paper No.23, What is the Economic League? - Labour Research Department 1927

² Labour White Paper No.23, What is the Economic League? - Labour Research Department 1927

³ Subversion in Industry – The Economic League Ltd (London & South Eastern Region) 1958

In spite of the fact that the Economic League was disbanded in 1993 following allegations that much of the information they held was inaccurate⁴, Unite continued to assert that the blacklisting of workers in the UK construction industry was still taking place.

This assertion, based on anecdotal evidence provided to us by our membership, was borne out by the recent investigation undertaken by the ICO.

In reality the exposure of the blacklist – containing details on 3,213 construction workers, used by over 40 construction companies to vet individuals for employment, and administered by The Consulting Association – only served to reaffirm the suspicions of a significant number of Unite's members.

By way of example, it came as no surprise to the Union's Branch Official and qualified electrician Steve Acheson that his details were contained on the blacklist held by The Consulting Association. Despite buoyant growth in the electrical contracting sector, Steve had spent much time out of work since he successfully won an employment tribunal for unfair dismissal in 2000.⁵

Consultation Questions

For the purpose of Unite's response the specific questions raised in the consultation document have been reproduced below and our responses follow each of the questions.

1. We propose that, in light of the activities undertaken by the Consulting Association, suitably drafted regulations under Section 3 of the Employment Relations Act 1999 should now be implemented. Do you agree with this approach?

Unite is mindful of the obligation made by Government following the earlier consultation in 2003 that, should evidence of blacklisting emerge, appropriate regulations would be implemented, and the Union welcomes the Government's prompt actions thus far in response to the ICO's investigations into The Consulting Association.

Unite agrees that suitably drafted regulations should now be implemented. Whilst it recognises the relevance and importance of existing legislation in this area, namely the Trade Union and Labour Relations (Consolidation) Act 1992 and the Data Protection Act 1998, these pieces of legislation do not provide adequate protection for those who are the victims of blacklisting, nor do they adequately penalise those involved in blacklisting activities. As a result, the introduction of regulations under section 3 of the Employment Relations Act 1999 is welcomed.

⁴ Building Magazine – 20th March 2009

⁵ Building Magazine – 20th March 2009

2. Do you have other evidence of trade union blacklisting?

Unite is mindful of the fact that The Consulting Association had in its possession information which pre-dated its existence and Unite believes that this demonstrates effectively the long standing operation and use of blacklists in the UK construction industry.

Whilst the nature of the industry has made it difficult to establish their existence, Unite has been advised by a number of its members that blacklists other than the one held by The Consulting Association exist.

In addition Unite believes that a range of less formalised arrangements have also existed which in effect lead to blacklisting. Anecdotal evidence suggests that a number of organisations in the construction industry have in the past engaged relatively junior members of staff to monitor employment tribunals and local media for the sole purpose of identifying individuals who are perceived to have had previous 'employment issues' and who may make an application for employment in their organisation.

Unite would also highlight the somewhat contentious practice which has previously operated in the offshore oil and gas industry, known colloquially as 'NRB' or 'not required back'. This practice involved operatives, engaged indirectly through a contract with a service provider, being removed from site at the discretion of the offshore installation manager, acting for the duty holder. The power afforded to the offshore installation manager has meant that the operative has had little or no recourse to the decision which can effectively blacklist them from the whole sector.

Unite's members have expressed concerns that they have been subject to such procedures simply because of their union involvement and activities.

More recently Unite has welcomed the efforts made by the Oil and Gas UK to remedy this situation and has endorsed the publication of *Guidelines for the Removal of Offshore Personnel*.

3. Do the regulations adequately cover all the possible ways, including use of internet and other electronic media, whereby blacklisting could be undertaken? If not, how could they be improved?

Unite welcomes the efforts made by Government to ensure that the regulations are applicable in as wide a range of situations as possible.

Unite is aware of the fact that the recent investigation undertaken by the ICO into The Consulting Association exposed a lack of sophistication in their record keeping. It may well be the case that this, and similar organisations, have deliberately avoided electronic databases and similar, in the belief that their records thereby do not fall within the definition of filing systems to which the Data Protection Act applies. However, we welcome the consideration given to the development of new technology in the consultation paper.

It seems entirely plausible to Unite that those individuals or organisations who might operate blacklists in the future would seek to utilise electronic communication.

It is extremely likely that those operating or using information from blacklists will use electronic means of communication to do so. That said, Unite would caution against the assumption that all blacklisting in the future will be in electronic or other written/recorded format, leaving a trail. Based on our experience, our members are as likely to experience detriment in the workplace as a result of blacklisting resulting from informal and 'word of mouth' arrangements. It is noted that this type of blacklisting is not specifically mentioned in the regulations. It is noted that self-compiling websites might not fall within the remit of the regulations as currently drafted, and we consider that the regulations should be amended so as to ensure that such websites do indeed fall within their remit.

4. Do the regulations adequately deal with blacklists maintained and hosted abroad? If not, how should they be revised?

Unite recognises the geographical constraints of the legislation, but we are equally mindful of the global nature of business.

Based on previous experience and anecdotal evidence Unite would concur with the assertion that British based organisations who seek to utilise blacklists contribute, at least in part, to their content and, as such, should be defined as compilers for the purpose of the legislation. In this respect Unite welcomes the definition within the regulations which ensures that the legislation is applicable to both the direct and indirect use of a blacklist.

Unite does, however, note that there is a drafting ambiguity in the draft regulations, which should be rectified. Regulation 2(3) suggests that only those who contravene regulation 3 outside of Great Britain by *supplying* information should be found to fall foul of these regulations. Regulation 2(3) does not deal with the other specific actions that are mentioned in and would contravene regulation 3, i.e. compiling, using or selling a prohibited list. This would leave some undesirable gaps, such as the accessing and use of blacklists of workers in Britain by recruitment agents/consultants/intermediaries etc outside Great Britain, who might not then be covered, as their actions would simply constitute "use"

and not “supply”. We consider that this ambiguity can be resolved by making the following two amendments:

Firstly, regulation 2(3) should be amended to make it clear that it applies to all actions referred to in regulation 3.

Secondly, provision should be included to the effect that an employer in Great Britain, in relation to employment/work within the tribunal’s jurisdiction, will be vicariously liable for the actions of their employees/agents acting within the course of their employment or under their authority, whether or not such actions occurred in Great Britain.

5. Do you support the way in the regulations clarify the meaning of a prohibited list? If not, how should a prohibited list be defined?

Unite entirely agrees that the definition of a prohibited list is a key issue.

Part (a) of the definition in regulation 2(1)

This refers to a prohibited list being one “which contains details of members of trade unions or persons who have taken part in the activities of trade unions”.

We have a number of comments about this part of the definition. In the first instance, there is no definition of “trade union” included in the regulations (although we note and welcome the clarification supplied in relation to membership of sections of unions provided in regulation 2(2)). Reference could usefully be included in regulation 2(1) to the definition contained in section 1 of the Trade Union and Labour Relations (Consolidation) Act 1992. Section 3 (6) of the Employment Relations Act 1999, which stipulates that, in general (and save for a few exceptions), the definitions/meanings applied in the 1992 Act also apply to section 3 of the 1999 Act, lends support to this suggestion.

We further note that the definition refers to members and persons. It is possible that there may be doubt as to whether the regulations apply to the maintenance of multiple lists each containing one name. The definition section could usefully make it clear that, for the avoidance of doubt, such multiple lists of single names are caught by the regulations.

In addition, regulation 2 does not specifically cover a list of details of former members of trade unions in its definition of a prohibited list, and we consider that there should be particular reference to this. We would suggest that this part of the definition be amended so that the words “or former members” are inserted after the words “contains details of members ...” in part (a). We consider that this would be an appropriate amendment, given that s3(1)(a) of the 1999 Act (and indeed regulation 2(1)(a) itself) specifically make provision in relation to a list of those individuals who have in the past taken part in trade union activities. To distinguish between a list of individuals who have taken part in union activities in the past (which, under current drafting, would be a prohibited list) and a list of those who were union members in the past (which, under current drafting, would not) would, we submit, be arbitrary and confusing.

Equally, the regulations make no specific reference to the inclusion of details of members of trade unions/persons who are suspected to have taken part in the activities of trade unions. We consider that there should be such a reference, to ensure that individuals who are effectively in breach of the spirit of these regulations do not avoid falling within their remit by arguing that the list in question was simply a list of those suspected of union membership/activities. We would suggest that this could be remedied by the words “or suspected members” being inserted before the words “of trade unions” in part (a). Similarly, the words “or who are suspected of having taken part” should be inserted after the words “who have taken part” in part (a). We note that under s 3(3) (i) of the 1999 Act, there is provision to include supplemental/consequential provisions in the regulations. If it is considered that s 3(3)(i) (or indeed s 3(3)(j), which provides for regulations to make different provision for different cases or circumstances) is not sufficiently wide to allow such an insertion to be made, then we would like to draw this potential loophole to the attention of the Department and to point out that this gap may cause there to be costly and time-consuming satellite litigation about the issue.

We consider that, to assist with interpretation, regulation 2(1) could specifically state that a list containing “details” of relevant persons would include a list that was simply a list of names of such persons. We would also point out that the clarification of a “list” provided at section 3(5) of the Employment Relations Act 1999 has not been incorporated into regulation 2(1) and we consider that it would be appropriate for it to be so incorporated to remove any legal doubt.

Part (b) of the definition at regulation 2(1)

This stipulates that the list is one which “is compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers.”

We consider that it might be useful to include a definition of a “worker” for the purposes of part (b). Whilst we note that s3(5) of the 1999 Act refers to the definition of a worker given at s13 of the 1999 Act, we consider that the definition needs to be wider than that at s13, to incorporate reference to those seeking work as well as those in work. We believe that it would be appropriate for a new definition of “worker” to be included, amalgamating the definition at s13 of the 1999 Act with the definition of a “worker” in s 296 of the 1992 Act.

We consider that the question of the purpose of a compiled list changing over time is still of concern. Whilst we note that the current consultation document seeks to allay concerns (at paragraph 2.18 of the consultation document) on the basis that a change of purpose would almost always be accompanied by the compilation of a new list, it is submitted that there may be situations where no amendment or manipulation is required, at least not for a period of time after compilation of the original list (and it may be that inappropriate use of such a list occurs prior to any amendment or manipulation taking place). To remedy this ambiguity, we consider that the words “or is used” could be inserted after the words “with a view to being used” in part (b). We would again refer to the provisions of s 3(3) (i) and (j) of the 1999 Act. Again, if it is considered that these insertions would be ultra vires, then we would like to draw this potential gap in the regulations to the attention of the Department.

Unite notes that section 1 of the Employment Relations Act 1999 (“the 1999 Act”) provides that regulations may be made prohibiting compilation of blacklists themselves. Such provisions have not been incorporated into the draft regulations, and Unite considers that they should be.

6. Do you support the drafting of the exemptions and should others be created? Where applicable, please explain why you consider the drafting to be defective.

Unite accepts that there will be circumstances where some distributors (such as those referred to in the consultation document) could not reasonably be expected to know that they were participating in the distribution of a prohibited list. As a result, we do not object to the exemption in regulation 4(2).

Unite has two concerns about the exemption in regulation 4(3). First, the inclusion of the words “or principal” in regulation 4(3)(b) seems to be superfluous. Unite considers that for this exemption to apply, the individual’s sole purpose in contravening the regulations should be for whistle-blowing reasons. The public interest disclosure provisions in the Employment Rights Act 1996 do not contain such words or anything similar, and we do not consider that these words should be included in the regulations.

The second concern about regulation 4(3) relates to the requirement to obtain the consent of all of those named in the prohibited list. We consider that this may be unduly onerous, and in a number of situations, unworkable and unrealistic. We would therefore suggest that this provision be amended, perhaps so that the individual only needs to take reasonable steps to seek the consent of all of those on the list, rather than obtaining such consents.

The Consulting Association

7. Do you support the Government’s view that enforcement should take place via the civil law? If not, what approach would you favour?

We note the comments in paragraph 2.24 of the consultation document. Whilst the ability to join compilers/maintainers of lists to proceedings is welcomed, this in itself seems to provide an insufficient response to and an insufficient disincentive to those who would compile or maintain prohibited lists as these provisions are solely dependent on an application being made to join a party.

Under the regulations as currently drafted, if a party is joined, any remedy awarded in the event of a complaint being upheld will either be made against the employer, the third party, or will be split between the two - there is no additional award made. As a result, there is very little incentive for an individual to apply to join a third party. The fact that an employer and a third party may ultimately end

up sharing liability for any award made, which softens the blow for both parties, appears to us to be contrary to the spirit of the regulations.

In our view, the preferable option would be for there to be a right of separate complaint against a third party in the employment tribunal. If this is not considered to be feasible, then there should at least be provision for a separate award to be made against any joined party.

We also note that, in the form in which the regulations are currently drafted, the only means by which an individual can directly bring a complaint against a compiler/maintainer of a list is via the county court. Given the potential costs exposure in the county court and the more complex procedural requirements in the county court, Unite does not consider that many complaints of this nature will be raised by individuals. Unite would suggest that provision be included in regulation 15 for trade unions to be able to pursue such complaints on behalf of groups of their members. This suggestion could be considered in conjunction with our suggestion about protective award style remedies in our response to question 10. We consider that section 3(3)(d) of the Employment Relations Act 1999, which allows provision to be made for trade unions to bring proceedings on behalf of their members, lends support to this suggestion.

We note the comments in paragraph 2.24 of the consultation document. Whilst the ability to join compilers/maintainers of lists to proceedings is welcomed, this in itself seems to provide an insufficient response and an insufficient disincentive to those who would compile or maintain prohibited lists, as it is solely dependent on the employer seeking to join such a party. We would refer also to our comments at question 10 below about the low level of fine awarded to Mr Kerr by the ICO and how this in itself is extremely unlikely to be a disincentive. As a result we would suggest that there should be a specific right of complaint about a maintainer/compiler of lists. In addition we suggest that trade unions have the right to bring representative complaints for a number of their effected members.

8. Do you agree with the approach taken by the regulations regarding the burden of proof? If not, what approach would you favour?

Unite welcomes the acknowledgement from Government that the covert nature of blacklisting makes it difficult for the individual to provide objective proof that they have been discriminated against. Unite also therefore welcomes the approach of the regulations in relation to the burden of proof, which is similar to that in the anti-discrimination legislation. Unite considers that it is appropriate for this to be the case, as it will import some predictability into the process as there is a settled body of case law relating to the burden of proof and how it is applied in relation to discrimination complaints.

Extending this parallel further, Unite considers that it would be extremely appropriate for a statutory questionnaire procedure to be introduced in relation to this issue (i.e. akin to the questionnaire's under discrimination legislation – but in

this case the questionnaire's purpose being to allow an employer who is suspected of having refused work or otherwise imposed a detriment on the claimant following seeing their inclusion on a blacklist. In addition the questionnaire, or a modified version, should allow bodies maintaining blacklists to be required to give details of all material held on a claimant, together with the sources of that material and the identity and address of any person or body who had accessed that material. Given that, by its very nature, blacklisting is a concealed and pernicious activity where the employer or organisation will be in possession of the vast majority, if not all, relevant information/documents/evidence, and the individual will in many cases need to act on the basis purely of their own suspicions, it would be an extremely useful tool to assist in redressing this imbalance.

9. Do you agree with the approach taken by the regulations regarding the time limits for making applications to the employment tribunal? If not what approach would you favour?

Unite supports the assertion that blacklisting operations may not come to light for a number of years and would seek to ensure that procedures are adapted to afford the individual the maximum level of flexibility in pursuing their case through an Employment Tribunal.

In order to attain maximum flexibility, we would make the following suggestions:

In the first instance, we consider that the time limit for pursuing claims in relation to the regulations should run from the date that an individual discovers that they have been the victim of blacklisting rather than from the date that an employer actually undertakes an unlawful act under the regulations. In other words, the time limit should run from the date of knowledge rather than the date of action. It will often only be after an individual is unsuccessful in a number of job applications rather than simply one or two that they begin to suspect that they might be the victim of blacklisting, and even then they will not have knowledge until discovery of a list is published, or they otherwise learn of their inclusion on a particular 'blacklist'. It is therefore much more likely in these types of cases that claims will not be brought timeously, and that individuals may only become aware of the fact that they might have grounds for a claim some time after they were refused work due to inclusion on a blacklist. A prime example of this is the situation in relation to The Consulting Association, where individuals are only now becoming aware of the fact that they were probably victims of blacklisting over a number of years, and are only now in possession of sufficient information to be able to consider pursuing a claim.

The nature of these claims is distinct from other types of trade union victimisation claim, where it is more likely that a one-off act will trigger a complaint. A requirement for individuals to lodge complaints within a time limit based on the

date of the employer's actions, would effectively deny those individuals a remedy where they were not at the time aware of the relevant blacklist.

We would refer to the provisions of the Limitation Act 1980, which (at s 11(3)) provide that courts may consider the date of knowledge of an injury when determining when time should begin to run in relation to a personal injury claim. This approach is similar to that being suggested here. In addition, we would refer to the provisions contained in the Equal Pay Act 1970, relating to concealment cases. The Equal Pay Act provides that in concealment cases (which are cases where an employer or other person has deliberately concealed a relevant fact and the individual's lack of knowledge of that fact meant that the individual could not reasonably have been expected to lodge a claim), the time limit for lodging a claim is three months from the date on which the individual discovered the relevant facts or could with reasonable diligence have discovered them. If our suggestion in relation to applying the provisions of the Limitation Act to these regulations is not considered viable, then we would suggest that consideration be given to using similar time limit provisions to those applied in concealment cases.

Aside from the above, we note that the extension of time provisions contained in the regulations use the "reasonable practicability" test. This is a more restrictive extension of time test than the "just and equitable" test. Given the circumstances in which blacklisting complaints will arise, as mentioned above, and given that it is likely that individuals will not become aware that they may have been victims of blacklisting until some time after an employer actually contravenes the regulations, we consider that the slightly less onerous "just and equitable" extension of time test be applied in place of the "reasonable practicability" test.

10. Do you agree with the approach taken by regulations regarding remedies? If not, what approach would you favour?

We note that many provisions in the regulations seek to emulate the provisions in anti-discrimination legislation. In particular, we note that the regulations make specific reference to the term "discrimination", the manner in which the regulations mirror the burden of proof provisions in anti-discrimination legislation and the contents of paragraph 2.25 of the consultation document. We are of the view that mirroring the anti-discrimination provisions wherever possible in these regulations is to be welcomed. We do, however, consider that a similar approach needs to be applied in relation to remedies. Imposing a limit on the amount recoverable does not mirror the anti-discrimination approach to remedies and we do not consider that it is appropriate here as individuals may sustain significant financial loss as a result of being refused employment by a number of employers over a lengthy period of time.

We do not consider that the contributory fault provisions contained in regulation 11(6) are appropriate or workable in these types of cases. An individual has either been blacklisted or they have not been blacklisted, and for the regulations

to in effect suggest that there can be any intermediate position is unrealistic and not in accordance with other pieces of anti-discrimination legislation.

Unite considers that there may be merit in the regulations providing for a protective award style remedy, in addition to remedies for an individual, so that all of those individuals whose names are contained on a prohibited list recover some amount of compensation from the compiler/maintainer of the list. Whilst Unite is aware that the Information Commissioner may take action against and subject a data controller to a financial penalty, we note that in the specific case of Mr Kerr, he was fined just £5,000. We consider this to be extremely low given the profits that Mr Kerr presumably made during the life of his business, and provides no disincentive at all to an organisation or individual considering setting up a similar enterprise. We therefore consider that any additional penalty or fine would not be unduly onerous.

We note that there is provision to bring a complaint in the county court, including against a compiler/maintainer of lists, and we note that the remedy stipulated in regulation 15 is for financial loss/injury to feelings. We would suggest that it may be appropriate to include additional provisions to explain how any overlap with a tribunal claim (and remedy) against an employer would work. Whilst we appreciate that the principle against double recovery would prevent an individual from recovering the same financial loss twice, we consider that there may be a distinct financial loss in relation to a compiler/maintainer of lists, who may have caused an individual to sustain financial losses as a result of information provided to a number of employers, and that caused by the actions of a particular employer. In addition, we consider that it would be appropriate for an individual to seek and recover an award for injury to feelings against both specific employer(s) and against a compiler/maintainer of lists. We also consider that an award of injury to feelings should be assessed in the county court in a similar way to how it is assessed in the employment tribunal, and that provision to this effect should be included in the regulations in order to assist with interpretation.

11. Do you have any other views on the way the regulations have been drafted? Please submit any drafting suggestions if you have them.

Unite welcomes the fact that attempts have been made within the regulations to take account of the complexity of the supply chains and employment practices which exist within the UK construction industry.

Especially in respect of this industry, the Union believes that all too often main contractors use the complex nature of their relationship with sub-contractors to abdicate themselves of any responsibilities.

Although not a specific requirement within the proposed regulations, Unite is mindful of the responsibility that should also be afforded to the client (in effect the customer of the industry) to use their procurement policies to ensure that realistic

economic sanctions exist for contractors who would seek to use blacklists in the future.

Unite notes that there are a small number of typographical errors in the text of the regulations. First, regulation 4(4)(b)(i) should, we believe, state “experience or knowledge” rather than “experience of knowledge”. There is a superfluous comma at the end of regulation 5(2), and the word “or” appears to have been omitted from regulation 12(1), between the words “E” and “against” in the final line.

12. Do you have any comments on the Impact Assessment at Annex 2?

Whilst Unite acknowledges the relevance of existing legislation, we would agree with the Government’s assertion that such legislation (albeit generally understood) failed to dissuade those organisations exposed by the investigation into The Consulting Association from participating in the practice of blacklisting.

Unite would hope that if the exposure of such practices continues and concerns arise as to the effectiveness of the regulations in practice, then the Government would be minded to undertake a review of the Regulations.

Conclusions

Unite looks forward to the Regulations providing a deterrent to blacklisting, which is a pernicious abuse of the human rights of trade union activists. To achieve this, the Regulations must facilitate claims by ensuring a reasonable and appropriate approach to limitation, and also includes remedies which are sufficient to provide a deterrent to employers using such lists.

For further information please contact:

Roger Jeary
Director of Research

roger.jeary@unitetheunion.com

Tel: 020 7611 2630

