

12 March 2013

Dear Colleague

Blacklisting by the Consulting Association

Unite is now in possession of a list of names and some other information relating to individuals, mostly employed in construction. The information has been provided to us by the Information Commissioner's Office (ICO) and is from the information seized by the ICO from The Consulting Association in 2009. The list relates to files compiled by the now banned Consulting Association that together formed a Blacklist. The purpose of the Blacklist was to inform prospective employers of union and political activities of potential employees. The effect is that workers were deprived work.

The information provided to Unite by the ICO indicates that there might be information about you within the Consulting Association files. In some cases we have more than one match. As mentioned the list is mostly members employed in the construction industry up until 2009 and held union roles such as shop steward, convenor or health & safety representative.

If you would like confirmation about whether or not the information does relate to you, you can do this by contacting the ICO directly. The ICO will require proof of some of your details in order to be able to further check the information it holds and provide confirmation to you.

The ICO will need:

- 1) Proof of your identity – copy of passport, driving licence or birth certificate
- 2) Your National Insurance number
- 3) Proof of your current address – copy of recent utility bill/mobile phone bill
- 4) Details of your previous addresses (this is because a lot of the information is historic and refers to what might be previous addresses)

You can send this to the ICO by post or by email to:

Information Governance Department, Information Commissioner's Office, Wycliffe House, Wilmslow, Cheshire, SK9 5AF or informationgovernance@ico.gsi.gov.uk

If you would like to check this process directly with the ICO please contact them on 0303 123 1113 and select option 4.

Immediately upon receipt of the documents from the Information Commissioner you should copy them and send them to **Richard Arthur, Thompsons Solicitors LLP, 18 Lawford Street, Bristol, BS2 0DZ**

It is vitally important that you do not delay at all in taking any of the above steps because it is possible that the documents will show that a prospective employer refused you a job because of records held by the Consulting Association and this may mean that you have been discriminated against on the grounds of your Trade Union membership and/or activities. If that is the case then a claim can be brought

on your behalf in the Employment Tribunal. However, strict time limits apply to Employment Tribunal claims and most claims must be commenced within 3 months less 1 day of the act complained of. An extension to the 3 month limit is rarely granted by the Tribunals and cannot be relied upon. If the refusal of employment was a long time ago then it is likely that the 3 month time limit has passed . If a claim is to be run on your behalf it is essential that it should be commenced as soon as possible. Therefore you should not delay in making the above enquiry and forwarding the papers as requested.

If there is reference to you being refused a job by a company identified only by a reference number and you can identify that company then you should contact both the Information Commissioner's Office and **Richard Arthur, Thompsons Solicitors LLP, 18 Lawford Street, Bristol, BS2 0DZ** immediately and not wait for the ICO to process your request.

Please be aware that the activities of the Consulting Association received extensive publicity and a hotline was set up about 2 years ago to deal with concerns from workers who suspected they were on a blacklist. Because the existence of the hotline was widely known, if your claim is outside the 3 month time limit it may mean that a Tribunal finds that you have not progressed a claim within a reasonable period of time and may refuse to hear your claim.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Gail Cartmail', written in black ink.

Gail Cartmail
Assistant General Secretary