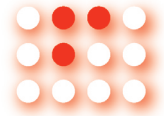
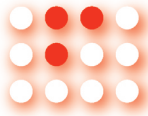


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## More action against blacklisting firms

High court proceedings have been issued by the Unite general union to bring the “controlling minds” behind the systematic blacklisting of workers to justice and force them to give evidence in court for the first time.

The high court case for unlawful conspiracy is against David Cochrane, Cullum McAlpine, Danny O’Sullivan and Stephen Quant. These four men were chairs of the blacklisting organisation, the Consulting Association.

McAlpine and Cochrane were the first and last chairmen of the Consulting Association both of who were employed by Sir Robert McAlpine Ltd. O’Sullivan was employed by Kier Ltd and Quant was an employee of Skanska UK PLC.

The action against the four leading blacklisters is part of a wider case being brought by Unite on behalf of over 70 construction workers who were blacklisted by the Consulting Association. These cases are for breach of privacy, defamation and for *Data Protection Act* offences.

As part of the legal action, proceedings have also been issued against: Sir Robert McAlpine Ltd, Skanska UK Plc, Laing Limited, John Laing Construction

Ltd, Kier Ltd, Balfour Beatty Kilpatrick Ltd, Balfour Beatty Construction Ltd, Crown House Technologies Ltd, Costain Building & Civil Engineering Ltd, Costain Ltd, Costain Oil Gas & Process Ltd and Carillion Construction Ltd.

Unite announced its latest round of legal cases ahead of the anti-blacklisting day of action and lobby of Parliament which took place on 6 December.

The lobby of Parliament and day of action has been called as part of its continuing campaign for justice for blacklisted workers. The union is calling for:

- a full public inquiry into blacklisting;
- for blacklisting to become a criminal offence; and
- for companies caught blacklisting to be barred from bidding for public sector contracts.

Unite assistant general secretary Howard Beckett said: “It is simply unacceptable that those companies guilty of blacklisting continue to benefit from public procurement and simply beyond reason that those individuals who gave the instructions for the blacklist to be created remain at the top of the companies concerned and have not been subject to any discipline proceedings whatsoever.

“If our members arrive late for work they are subject to discipline. The greedy bosses place trade unionists on blacklists, cost their companies millions of pounds in legal costs and damages and get away without sanction.

**LABOUR RESEARCH DEPARTMENT**

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"They think they live by different rules than the rest of us, well it is not acceptable and this is why Unite continue the legal fight for justice to see individuals who are responsible answer to a court of law."

**Addison Lee** Courier firm Addison Lee has been accused of "blacklisting" a gig economy worker because he had successfully sued a rival company for the right to the minimum wage and holiday pay.

Andrew Boxer was told by managers at the London-based private hire and courier company that he could not work when they realised he had won an employment tribunal case against Excel, according to his union.

The firm reportedly told Boxer they could not risk him taking a similar case against Addison Lee, which has a turnover of £260 million, and asked: "Is there an ulterior motive [for why] you want to work here? Do you want to report back to the union?"

The Independent Workers Union of Great Britain (IWGB) said it would launch legal action against the company, alleging blacklisting and union victimisation.

On 6 November, Boxer said he was told he could start work, but at his induction three days later, he was told he could not.

According to the IWGB, the head of Addison Lee's courier business, Kevin Valentine, told Boxer: "I'm not blacklisting you, I just think it's insensitive that already we have Mr Gascoigne that is ... taking us to the tribunal and to have someone else on our books that is also taking someone else to tribunal I think is a little bit insensitive."

[www.unitetheunion.org/news/unite-to-bring-leading-blacklisters-to-court/](http://www.unitetheunion.org/news/unite-to-bring-leading-blacklisters-to-court/)  
[www.unitetheunion.org/news/unite-to-lobby-parliament-as-part-of-blacklisting-day-of-action/](http://www.unitetheunion.org/news/unite-to-lobby-parliament-as-part-of-blacklisting-day-of-action/)  
[www.theguardian.com/business/2017/dec/06/addison-lee-accused-blacklisting-andrew-boxer-employment-tribunal-excel](http://www.theguardian.com/business/2017/dec/06/addison-lee-accused-blacklisting-andrew-boxer-employment-tribunal-excel)

## Workers on board plans watered down

A shorter, sharper code of corporate governance proposed by the Financial Reporting Council (FRC) appears to confirm that the government has abandoned Theresa May's pledge to put workers in the boardroom.

Instead, the FRC, the regulator responsible for corporate governance, is consulting on three options to bring more worker representation to executive decision making: to assign a non-exec-

utive director to represent employees, to create an employee advisory council or to nominate a director from the workforce.

Put like this, none of these options are satisfactory, according to Janet Williamson, writing on a TUC blog. "To maximise the effectiveness of worker directors, it is essential that they are elected by the workforce, rather than chosen by management, and there should be a minimum of two to avoid the risk of being a lone voice on the board," she said.

"A formal workforce advisory panel must include trade unions where they exist (and many large listed companies do recognise unions) and not cut across established channels for collective bargaining. It is essential that the final version of the code makes this clear.

"The final option – designating a non-executive director – will widely be perceived as a continuation of the status quo and risks being just that."

The TUC will be encouraging all companies to implement this provision by including at least two worker directors, elected by the workforce, on their boards.

Peter Cheese, chief executive of the CIPD human resources professional association, said the new code was "a significant step forward in recognising the value of the workforce and the need for its voice to be heard at board level".

"The FRC rightly recognises," he said, "that in order to drive sustainable culture change and build trust in business, boards must focus more on values, behaviours and a wider stakeholder voice beyond that of shareholders, with particular attention to the voice of the workforce."

He added that the CIPD supported the three options to enhance employee voice, saying: "No single approach can suit all firms' situations so it's important that there is flexibility for businesses in choosing an option that is most appropriate for them."

The proposed revised corporate governance code focuses on sustainable, long-term issues in an attempt to address issues of public trust in listed companies and aims to ensure that the UK continues to attract global investment after Brexit.

The revised code also sets out good practice so that boards can:

- establish a company's purpose, strategy and values and satisfy themselves that these and their

culture are aligned;

- undertake effective engagement with wider stakeholders, to improve trust and achieve mutual benefit, and to have regard to wider society;
- ensure appointments to boards and succession plans are based on merit and objective criteria to avoid group think, and promote diversity of gender, social and ethnic backgrounds, cognitive and personal strengths;
- be more specific about actions when they encounter significant shareholder opposition on any resolution, including those on executive pay policies and awards; and
- give remuneration committees broader responsibility and discretion for overseeing how remuneration and workforce policies align with strategic objectives.

Under the proposals, executives would be required to hold on to bonuses paid as shares for a minimum of five years, in an attempt to encourage leadership behaviour geared toward long-term success.

But Stefan Stern, director of the think tank, the High Pay Centre, said: "No incentive plan which pays out after five years should be labelled 'long-term'. But insisting on a five- rather than three-year period for such schemes is a modest improvement." He added that such incentive plans remain a flawed instrument which should be dropped.

[www.personneltoday.com/hr/corporate-governance-proposals-rule-workers-boards/](http://www.personneltoday.com/hr/corporate-governance-proposals-rule-workers-boards/)  
[www.tuc.org.uk/blogs/new-corporate-governance-code-out-%E2%80%93-so-how-much-has-really-changedhttp://highpaycentre.org/blog/initial-response-to-frc-consultation](http://www.tuc.org.uk/blogs/new-corporate-governance-code-out-%E2%80%93-so-how-much-has-really-changedhttp://highpaycentre.org/blog/initial-response-to-frc-consultation)

## Reductions in working time – new guide

A new guide from the European Trade Union Institute (ETUI) maps out the debate on working time reduction and provides multiple examples of experiments carried out in a number of EU countries.

*The why and the how of working time reduction* finds that reducing working time is a historic demand of the trade union movement that in recent years has been pushed off the bargaining table.

Nevertheless, while the working time of full-time employees in Europe has accordingly stabilised, on average it has continued to decline due to an overall increase in part-time work. This decline over the past 10 years has contributed in part to a working-time redistribution equivalent to about 4.5 million jobs.

However, these developments give little cause for cheer. This kind of working time reduction through part-time work is fully financed by the employee via lower wages, meaning it can serve to aggravate rather than fight existing inequalities. The part-time jobs created are increasingly involuntary, offer less career opportunities and are concentrated in lower-level occupations.

And as most part-time jobs are still occupied by women, they tend to confirm existing role patterns. The current working time reduction through part-time work therefore largely represents a business-oriented solution rather than an opportunity for a more satisfying work-life balance for workers.

The guide provides numerous real-life examples as well as five in-depth case studies of working time reductions: part-time work in the Netherlands; an experiment in a Swedish retirement home; legal action in France; and measures taken by employers in Belgium – at Volkswagen and at a Flemish radio and television company – in order to prevent lay-offs.

[www.etui.org/Publications2/Guides/The-why-and-how-of-working-time-reduction](http://www.etui.org/Publications2/Guides/The-why-and-how-of-working-time-reduction)

## Older workers miss out on new technology

Most workers in their 50s have not received any computer training, a survey finds.

The survey of nearly 2,000 employees, 1,000 of who were over 50, found that almost two-thirds (62%) of workers in their 50s had not received any training in computer skills.

Older employees reported feeling less encouraged by their employer to take up training opportunities. While a quarter (25%) of employees aged 50 to 59 and just over a fifth (22%) of those aged 60 to 69 felt their employer wanted them to take up learning and development opportunities, over two-fifths (44%) of 18- to 39-year-olds and around a third (32%) of 40- to 49-year-olds felt the same.

Employers must do more to train and upskill older workers and prepare them for the digital economy, according to the report from Business in the Community (BITC), supported by Tata Consultancy Services.

The report, *The missing link: an ageing workforce in the digital era*, recommended that employers support older workers to be 'digital adopters', ensuring that development and work opportunities are accessible to them.

Jenny Lincoln, BITC age research and policy manager, warned that employers need to start considering training for older workers. "Too few older workers are getting the training and information they need to prepare for increased automation and technology in the world of work," she said. "With a rising retirement age, and fewer young people entering the workforce, it's vital that employers invest in training older workers so that they are equipped with both the skills and confidence to make the most of the digital age."

"By supporting older workers to be 'digital adopters' employers can show they value experience, ambition and ensure that their businesses are prepared for future skills shortages."

[www.hrmagazine.co.uk/article-details/employers-must-help-upskill-older-workers](http://www.hrmagazine.co.uk/article-details/employers-must-help-upskill-older-workers)

## Boost to merger and takeover activity

Merger and acquisition activity (M&A) involving UK companies showed a rare recent burst of activity.

There were a total of 163 successful domestic and cross-border acquisitions and disposals involving UK companies worth £86.4 billion in third quarter of 2017, compared with 241 transactions valued at £33.2 billion in second quarter.

Outward M&A – UK companies acquiring foreign companies abroad – was the main driver for the overall value of M&A activity during the third quarter. There were 33 successful outward acquisitions worth £51.1 billion – that is the highest quarterly value reported since second quarter of 2000.

The value of outward M&A was dominated by one high value transaction. In July, British American Tobacco confirmed it had paid £41.7 billion for the 58% of US rival Reynolds that it didn't already own.

There were 52 completed inward M&A transactions (foreign companies acquiring UK companies) in the third quarter worth £16.8 billion, a 331% increase on the £3.9 billion for the second quarter.

One notable deal involved Punch Taverns, which owns around 3,200 sites leased out for bars and pubs, which has been sold in a deal worth £1.8 billion. It was acquired by pan-European institutional investor Patron Capital, which specialises in property-backed investments, valuing the pub company's equity at around £402 million.

To satisfy concerns over competition, nearly 1,900 of Punch's sites were sold in a £1.2 billion deal to Heineken UK, which leases sites through its 1,100-strong Star Pubs & Bars business.

This will leave the new owners of Punch with around 1,300 sites. Punch will continue to oversee the sites on behalf of Heineken for six months under a transitional services agreement.

Another notable deal was the £1.4 billion takeover of UK cereal firm Weetabix by US firm Post Holdings.

There were 58 successful domestic acquisitions – UK companies acquiring other UK companies – worth £5.6 billion – compared with 111 acquisitions worth £4.7 billion in the second quarter. However, as with outward M&A, the pick-up in the value of domestic M&A was mainly down to one large deal.

It's not clear how the Office for National Statistics (ONS) treated the one large transaction – the merger between Standard Life and Aberdeen Asset Management to create Europe's second-biggest fund manager. Press reports put the value of the merger at £11 billion – well above the ONS' £5.6 billion total for the quarter.

[www.ons.gov.uk/businessindustryandtrade/changetobusiness/mergersandacquisitions/bulletins/mergersandacquisitionsinvolvingukcompanies/julytoseptember2017](http://www.ons.gov.uk/businessindustryandtrade/changetobusiness/mergersandacquisitions/bulletins/mergersandacquisitionsinvolvingukcompanies/julytoseptember2017)  
[www.bbc.co.uk/news/uk-scotland-scotland-business-40922985](http://www.bbc.co.uk/news/uk-scotland-scotland-business-40922985)

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