

# Policing for whom?

## David Whyte explores recent revelations of collusion between construction companies and the police

Public debates on the Edward Snowden case – which revealed the almost unfathomable scale of covert electronic surveillance conducted by the British state – have so far focused upon the morality and/or illegality of those operations. Similarly, debates on the recent exposures of covert operations in which police officers infiltrated political groups as *agent provocateurs* (see Gilmore and Tufail, this issue) have been concerned with the rights and wrongs of undercover work. Clearly, given the levels of exploitation and deception that those operations involved, and the human right abuses that they entailed, such debates are important. Moreover, the individuals within the police and the security services who committed those abuses, as well as those who gave the orders, need to be held to account. Yet there are much bigger issues at stake here. A debate on what those cases tell us about the fundamental character and function of policing and surveillance in this country is yet to be opened up. We have not begun the process of understanding who is being watched and why.

### Blacklisting ‘troublemakers’

Of particular interest in terms of getting close to the ‘why’ question is evidence that trade union activists appear to be one of the groups under close watch. Anyone who has even a rudimentary knowledge of trade union history in Britain will not be surprised by this. However, what has been surprising for some is that, as the pieces of this surveillance network fall into place, there is evidence of a very close level of collusion between the police and private corporations in covert operations.

Some of this evidence revolves around a ‘blacklist’ of construction

workers that has been illegally operated since 1993 by the 40 main building firms in Britain. The blacklist was run secretly by a company trading as The Consulting Association (CA). Construction firms supplied names of ‘troublemakers’ and personal details of those individuals to be held in a joint database that they in turn used to vet employees. The CA is a direct offspring of the notorious Economic League which operated as a clandestine anti-union outfit between the early 1970s and early 1990s. Ian Kerr, the head of the CA for the 15 years it was in business, had previously worked for the Economic League.

It was evidence in a tribunal initiated by Manchester electrician Steve Acheson that led to the discovery of the blacklist. In this tribunal, Carillion was found to have

unlawfully dismissed him from the Manchester Royal Infirmary site. During the hearing, the head of the company’s personnel department revealed that Acheson had been on a blacklist of known ‘troublemakers’. In 2008, following those revelations, the UK Information Commissioner launched an investigation. His findings stunned the British trade union movement. More than 3,200 workers were found to be on the list. The Commissioner immediately closed down CA, and it is widely thought that the Information Commission is holding information that might reveal a much bigger

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scandal involving other industries. When the blacklist was revealed, John McDonnell MP pointed out that this was ‘one of the worst cases of organised human rights abuse ever in the UK’ (Chamberlain, 2009).

### Police and security intelligence

In more recent cases, it has become apparent that police and security intelligence have been centrally involved in supplying the blacklisters with information. It was at another employment tribunal that this possibility was first raised



Steve Acheson (in fluorescent jacket) on the picket line at Fiddler's Ferry power station near Warrington where an attempt at an anti-terrorism injunction against him failed

Photo courtesy of David Whyte

in public. At the tribunal, in March 2012, David Clancy, investigations manager at the Information Commissioners Office who had led the investigation of the CA, gave evidence that the information held on workers in the CA files could only have been supplied by the police or the security services. Clancy, a former police officer, had picked up on the specifics of the 'operational' presentation of the information.

More concrete evidence of police collusion emerged when Ian Kerr himself gave evidence at a Scottish Affairs Committee hearing into the blacklist. In his evidence he revealed the names of key senior managers in the building firms that had set up the CA, and on questioning admitted that there had been a 'two-way exchange' of information between the Economic League and the police about trade union activists. Kerr's evidence was not clear on the relationship between the Consulting Association and the police, and this is a point that the Committee may well have asked him back to clarify. It is also possible that this would have been a subject he would have been quizzed about in the forthcoming civil case that the blacklisted workers are taking against Sir Robert MacAlpine and nine other construction firms. Unfortunately we will never hear his evidence on the role of the police. Kerr died suddenly, only two weeks after he had appeared in front of the Select Committee.

It is certain he had much more to say about the police role. Before his death, Kerr told a *Times* journalist that the Consulting Association had established links with the police and security services. He detailed one meeting, hosted by the CA, addressed by an officer from the National Extremism Tactical Co-ordination Unit (NECTU; the Unit was funded by, and reported to, the Association of Chief Police Officers, until it was rebranded in 2010 as part of the Met's National Domestic Extremism Unit.). Eight directors of major construction firms were in the audience. Kerr told *The Times*: 'they were seeking a channel to inform construction companies [of the information] they were collecting

[and] they were wanting to be able to feed it out to the companies' (Kenber, 2013). He also recalled that the NECTU officer asked that companies pass on their own information about potential troublemakers in return. Codes used in the database were the same as those used conventionally by security intelligence. The term 'bad egg', for example, was used to denote a troublemaker.

One of those described as a 'bad egg' in his record on the blacklist is Steve Acheson, whose case made the blacklist public. Acheson has faced a bizarre array of attempts to suppress and criminalise his trade union activity. He has fought, and won, more than a dozen tribunal cases. After being dismissed from his employment at Fiddler's Ferry power station, he formed a picket to protest at his discriminatory treatment. The power station sought an injunction against him using anti-terrorism legislation, claiming that his actions threatened the nation's power supply, and therefore the national interest. The High Court turned down the injunction.

### Health and safety

Acheson ended up on the database for lawful trade union activity and for asserting his rights to safe work on construction sites. Blacklist database citations frequently include phrases like 'complains about health and safety'; a large number of workers on the blacklist are there for little more than seeking adequate protection on building sites.

In the construction industry, where fatality rates are still very high, there is a pressing need for workers to take action to make sure that safety laws are upheld. Around 50 people are killed by sudden injury on construction sites in the UK every

year. Thousands more building workers died as a result of exposure to substances such as asbestos. Indeed, Health and Safety Executive (HSE) data shows that 40 per cent of all occupational cancer deaths registered in the UK are caused by working in construction.

Most of those deaths are the result of illegal corner cutting and clear breaches in safety law (Tombs and Whyte, 2007). Perhaps the greatest irony of this, then, is that in a period of declining inspection and surveillance of employers (Tombs and Whyte, 2010), workers have been blacklisted for upholding the rule of law in the workplace.

This contradiction itself opens up an important question about the character and function of policing. Police institutions do not merely uphold 'law'. The law is used as

source of legitimacy for policing social disorder, rather than as a set of rules that are rigidly followed and enforced. But it is a particular type of disorder

that the police deal with. The police are not primarily interested in the type of disorder that kills workers on building sites, or the disorder that compromises their human rights. Policing invariably deals with the disorder that threatens the general order of things. In this case, the police uphold a social order in which workers, rather than the large building firms that kill and exploit them, are placed under suspicion, monitored and denied the right to make a living.

### Policing within the frame

Policing operates within a 'frame' or a set of social understandings of what constitutes 'crime' and the 'criminal'. This frame is closely connected to the historical role of the police as the preservers of the social order. It is this frame, rather than the law, or

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the published rules of operational procedure *per se*, that sets the parameters of legitimate police work. The transgression of rules is actually less important to the fundamental purpose of policing than the social and political expectations that are placed upon the police, or indeed is less important than the social order that policing is expected to secure and reproduce (Neocleous, 2003). In the case of the blacklisted workers, it is clear that this order is one in which the social position of construction firms – and their right to manage major building projects without hinderance – must be protected from challenge. Policing practices must ultimately protect the primacy of the economic ‘contribution’ of the industry, just as

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they must also ensure that nationally significant building projects such as the Millenium Dome, the 2012 Olympics and the Crossrail project are not interrupted.

It is thanks only to the work of blacklisted workers themselves that the covert and unlawful activities of the building firms and the police have been exposed. It was documents secured by the legal action taken by Blacklisted workers that recently forced the IPCC to disclose that it is likely that all police special branches across the country secretly passed information on individuals to the blacklist. The Blacklist Support Group is now seeking a full public inquiry into the role of the police in in this case. It is clear that there is much more to

come out about police links with private corporations in other cases, for example, in climate change protest groups. Those cases, whilst they remain a peripheral aspect of policing in terms of budgets and officers involved, actually reveal some core truths about the nature and function of policing in Britain. ■

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