

<b>Institution:</b> Northumbria University at Newcastle		
<b>Unit of Assessment:</b> 17 (Business and Management Studies)		
<b>Title of case study:</b> Supporting UK trades unions to advance social justice and inclusion for migrant and blacklisted workers		
<b>Period when the underpinning research was undertaken:</b> 2005-2020		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Ian Fitzgerald	Reader/Associate Professor/ Professor	1998 – present
Ron Beadle	Professor	1992 – present
<b>Period when the claimed impact occurred:</b> 2014-2020		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b> (indicative maximum 100 words)		
<p>Workers within the UK's construction industry can be subject to unfair treatment. Research led by Professor Ian Fitzgerald at Northumbria highlights the scale of this problem among Polish migrants, revealing significant tensions and exploitation, yet few migrants seek out support from trades unions. Fitzgerald's research uncovered systemic issues that hamper inclusivity at the Trades Union Congress (TUC) and recommended strategies to integrate Polish workers, including enhanced digital engagement and awareness of racism, subsequently implemented by the TUC on regional, national, and international levels. The TUC completely re-wrote its <i>Leading Change</i> programme, to address issues within leadership and democratic decision-making processes. Fitzgerald's research further informed the UK High Court litigation for the blacklisted worker's court case (2014-2015) contributing to out-of-court negotiated compensation settlements of more than GBP75,000,000 from construction firms to nearly 800 blacklisted workers - the largest ever compensation payment won by the Union of Construction, Allied Trades and Technicians on behalf of its members.</p>		
<b>2. Underpinning research</b> (indicative maximum 500 words)		
<p>The 2004 accession of Central and Eastern European countries to the European Union (EU) and the Posting of Workers Directive (where workers are 'posted' by their employers to other EU countries to work for designated periods) sparked an increase in migrant workers to the UK, with a significant proportion arriving from Poland. Trades unions faced major challenges on how to recruit, organise, and support these migrant workers, vital to protect the migrants themselves, and ensure equal rights and pay for both migrant and indigenous workers, particularly in sectors that recruit large numbers of migrants as a source of 'cheap labour'.</p> <p>Since 2005, Professor Ian Fitzgerald at Northumbria University has led a programme of collaborative action research projects - predominantly with the TUC, a national organisation supporting 5.6 million working people via 50 affiliated trade unions (e.g. GMB, Unite, Unison) - exploring the experience of Polish migrants in the North of England and their engagement with trades unions [R1, G1, G2]. This research was facilitated by Fitzgerald's unique access to local migrant/Polish communities in the North East (through his position as a Patron of the local Polish association Pegaz and his links with Solidarność - the Polish trade union). Utilising a mixed methods approach, including questionnaires, interviews, and action-based research techniques, Fitzgerald's research revealed the exploitation of Polish workers in the construction industry - a difficult-to-regulate sector with long-standing reliance on cheap labour and subcontract</p>		

arrangements. This exploitation includes poor working and housing conditions, illegal employment contracts and bogus self-employment, low pay, and violent employers [R1]. Beyond this, Fitzgerald's research highlights that migrants also face difficulties with language barriers and practical problems, e.g. getting access to bank accounts [R1]. Working with Dr Rafał Smoczyński (Polish Academy of Sciences), Fitzgerald also uncovered class-based conflicts within the migrant communities themselves [R2], and racist and discriminatory behaviour from the local indigenous UK population fuelled by a hostile political narrative and misleading media coverage [R3]. In relation to unions, this research revealed the difficulties faced in recruiting and supporting migrant workers, including overcoming the feelings of fear and insecurity that comes with their vulnerability. It identified effective strategies that could be employed to engage this group - most notably utilising online resources (e.g. networking and language websites), connecting with community and faith organisations, and union presence on construction sites – to break down barriers and develop trust [R1, R4].

When the 2016 EU Referendum and Brexit arrived on the UK's political agenda, Fitzgerald, collaborating with the TUC, investigated the actions and views of the trades unions on the issue, through interviews with trade union leaders and officials before and after the vote. This research discovered that for Remain-backing trade unions, poorly timed and cautious campaigning with national- rather than regional-level messaging, did not resonate with members' own experiences, and unions' standpoints carried little influence in the way their members chose to vote. Unions also discovered the widespread concerns of their membership around migrant workers late in the campaign and were then reticent to engage with them to address any misconceptions. Ultimately, the research uncovered how out-of-touch unions were with members' views and this was due to significant issues with co-ordinated strategic direction, leadership, inadequate member engagement, and participation processes within their organisations [R5]. This discovery led Kevin Rowan (TUC Head of Organising, Services and Learning) and Carl Roper (National Education and Organising Manager) to ask Fitzgerald to collaborate with them on strategies to address these issues.

Fitzgerald's early expertise on trade unions and migrant workers' rights in the construction industry and his later roles as a national UK expert in two EU commissioned studies on the Posted Workers Directive and the protection of workers' rights in subcontracting processes [R6, G3, G4], led to a request to be one of four academic experts in the UK High Court litigation on blacklisted workers in 2014-2015 [G5]. For this, Fitzgerald and his colleague from Westminster University, Professor Linda Clarke, used their knowledge and understanding of the sector to calculate the 'lost' wages of construction workers unfairly added to a blacklist (a document which prevented workers from gaining employment, often due to 'unofficial trade union activities') shared for over 40 years by well-known building firms including Balfour Beatty, Carillion, Costain, Kier, Laing O'Rourke, Sir Robert McAlpine, Skanska UK and Vinci. These findings were subsequently used by Thompsons Solicitors, the legal firm leading the High Court litigation, to support their case.

### 3. References to the research (indicative maximum of six references)

**R1. Ian Fitzgerald (2006)** 'Organising migrant workers in construction: Experience from the North East of England' *TUC Report* <http://dx.doi.org/10.13140/2.1.1376.8002>

**R2. Smoczyński, R., Ian Fitzgerald, and Zarycki, T\*. (2016)** 'The intelligentsia informed habitus in social distance strategies of Polish migrants in the UK' *Ethnic and Racial Studies* **40** (6): 951-968 <https://doi.org/10.1080/01419870.2016.1216140>

**R3. Ian Fitzgerald and Smoczyński, R. (2017)** 'Central and Eastern European Accession: Changing Perspectives on Migrant Workers' *Social Policy and Society* **16** (4): 659–668 <https://doi.org/10.1017/S1474746417000215>

**R4. Ian Fitzgerald** 'Polish migrant workers in the North – New communities, new opportunities?' in J. McBride et al (eds) *Community Unionism: A Comparative Analysis of Concepts and Contexts* 93–119 (Palgrave: London **2009**) [https://doi.org/10.1057/9780230242180\\_5](https://doi.org/10.1057/9780230242180_5)

**R5. Ian Fitzgerald, Ron Beadle, and Rowan, K.\*\* (2020)** 'Trade Unions and the 2016 UK European Union Referendum' *Economic and Industrial Democracy* 1-22  
<https://doi.org/10.1177/0143831X19899483>

**R6. Clarke, L., and Ian Fitzgerald (2020)** 'The changing nature of labour regulation: The distinctiveness of the National Agreement for the Engineering Construction Industry' *Industrial Relations Journal* **51** (1): 58-74 <https://doi.org/10.1111/irj.12280>

\*Zarycki, T, University of Warsaw, \*\* Kevin Rowan, TUC

#### Research funding

**G1. Ian Fitzgerald**, Working in the UK: Polish Migrant Worker Routes into Employment, TUC, 2007, GBP4,500

**G2. Ian Fitzgerald**, A Moving Target: The informational needs of Polish migrant workers in Yorkshire and the Humber, TUC Yorkshire and the Humber, 2008, GBP4,300

**G3. Ian Fitzgerald**, Improving best practices on the working and living conditions of posted workers: Country report UK, European Federation of Building and Woodworkers, 2010, GBP5,163 (VS/2009/0475)

**G4. Ian Fitzgerald**, Clarke, L., and Hudson, L., Study on the protection of workers' rights in subcontracting processes in the European Union: UK National Report, Coordinator: Ghent University, 2012, EUR420,000 (DG EMPL/B2- VC/2011/0015)

**G5. Clarke, L. and Ian Fitzgerald**, Thompson Solicitors: Estimation of Earnings for Blacklisted Construction Workers, 2014-2015, GBP12,450

#### 4. Details of the impact (indicative maximum 750 words)

Fitzgerald's research has changed two main areas: 1) Trade union engagement strategies, leadership and democratic decision-making, and the integration of migrant workers, regionally, nationally, and internationally; and 2) Justice for blacklisted construction workers.

##### 4.1 Trade union engagement strategies, leadership, democratic decision-making, and integrating migrant workers

At a regional level, Fitzgerald's research informed strategic recruitment drives from the GMB and Unite and inspired '*the establishment of new [union] branches in 2014 for East European workers across the Humber region*', as acknowledged by Bill Adams, Regional Secretary for TUC Yorkshire and the Humber (YHTUC) [E1]. Further, Adams attested that regional Trade Union Councils are using the research to engage with residents and newly residing Polish nationals through differing programmes and initiatives. Significantly in 2014, due to Fitzgerald's research, through the YHTUC, the GMB were able to secure GBP75,000 and three (headcount: 3) project workers (through Unionlearn, the TUC's learning and skills organisation; to help integrate migrant workers into the community [E1]. This supported provision of training for indigenous and migrant workers, including workplace training in English for Speakers of Other Language (ESOL); '*seven courses on Tackling Racism in the workplace for trade union representatives*'; and 2 workplace union learning centres facilitated by further education colleges were established [E1]. These courses continue to run, e.g. the Trade Union Studies Centre, East Riding College, Hull included 'Tackling Racism' courses in their April-July 2020 course brochure [E2, p7]. Bill Adams stressed that these initiatives, inspired by Fitzgerald's research, '*helped to improve relations between local indigenous and migrant workers. In particular, in Malton North Yorkshire and Kingston upon Hull*' by '*combatting issues due to far-right activity*' [E1].

Internationally, Fitzgerald's research informed initiatives in Tunisia through the twinning agreement signed between YHTUC and Tunisia's general labour union - Union Générale

Tunisienne du Travail (UGTT). Bill Adams' own positive experiences with the research in Yorkshire and Humber led him to emulate them within the partnership. Adams noted that this had many benefits, most notably the opening of a trade union learning centre at the UGTT office in Tunisia which went on to deliver ESOL training and courses to tackle racism [E1]. Overall, this activity *'helped raise awareness of diversity and international solidarity for thirty young trade unionists from England and hundreds in Tunisia'* [E1].

As a result of Fitzgerald's research on trade unions and the EU referendum, unions recognised the need to improve the speed and timeliness of their democratic and participative decision-making processes, generating discussions among affiliated trade unions (e.g. GMB and Union of Shop, Distributive and Allied Workers (USDAW)) leading to best practice sharing [E3]. Bill Adams stated the research *'provided much needed weight to my existing belief that member unions can be too national focused [...and that] not enough due care and attention is given to the views of local and regional memberships'* [E1].

On a national level, Fitzgerald's research has increased the TUC's awareness and understanding of Polish communities, informing how the organisation approaches membership campaigns with this group. Kevin Rowan, TUC Head of Organising, Services and Skills, acknowledged that Fitzgerald's work informed their move towards digital forms of inclusion and democratic participation with the Polish community, most evident in the formation of the 'digital lab' in 2019 – a TUC initiative aimed at building practitioners' experience in new digital disciplines *'to improve democratic participation'* [E3]. This included a series of best practice workshops run throughout 2019 and 2020, including the first one attended by representatives of over 14 unions [E4], that *'focused on areas of core activity for unions, such as organising, member engagement, balloting, and more'* [E5].

To tackle leadership issues identified by Fitzgerald, the TUC sought to improve the training it provided. Kevin Rowan noted that as a result of the research the TUC has *'completely rewritten our 'Leading Change' programme'* – the training and development programme delivered to 20 senior trade union officers annually – to include modules on leading change with digital (supporting the 'digital lab' initiative) and democratic leadership [E3, E6]. As part of this Fitzgerald was invited to provide a Leading Change Module [E3], which Bill Adams noted is important for regional unions [E1]. Due to Covid-19 the module was undertaken online and finished in November 2020.

#### 4.2 Justice for blacklisted construction workers

Upon the request of Thompson's Solicitors, Fitzgerald and his colleague Linda Clarke (Westminster University) applied their long-standing research knowledge to inform the High Court litigation for the blacklisting of workers 2014-2015. This work involved calculating *'a valuation of loss for each claimant, what they could have earned, had they not been blacklisted'* [E7]. Fitzgerald and Clarke advised the Claimant Solicitors' Steering Group team of solicitors over the 2014-2015 period. Furthermore, they compiled an in-depth report for the team using their expertise in the industry to determine the disruption to lifetime earnings, working patterns, and career opportunities experienced by those placed on the blacklist [E8]. Richard Arthur, lead solicitor of the litigation, stated:

*'...this information was important in supporting our approach in court, as without it we would have had limited understanding of, and evidence to demonstrate, the true financial losses experienced by our claimants as a result of being placed on the blacklist, subsequently limiting our argument as to the amount of compensation required'* [E7].

Fitzgerald's contribution led to out-of-court negotiated compensation settlements of more than GBP75,000,000 from construction firms to nearly 800 blacklisted workers, with individual payouts ranging between GBP25,000 and GBP200,000. Speaking on behalf of the workers, Richard Arthur noted: *'Whilst these settlements could never undo the damage caused, many recipients were grateful that the companies had been held to account. The compensation awarded went*

*some way towards enabling some of the workers and their families to rebuild their lives' [E7]. The story was reported in The Guardian [E9] and the Construction Enquirer, and it is described as the largest ever compensation payment won by the Union of Construction, Allied Trades and Technicians on behalf of its members [E10].*

**5. Sources to corroborate the impact** (indicative maximum of 10 references)

Ref.	Source of corroboration	Link to claimed impact
E1	Testimonial - Bill Adams, Regional Secretary for TUC Yorkshire and Humber	Confirms international impact, migrant engagement and integration and shift in TUC democratic decision-making processes
E2	East Riding College, Trade Union Studies Centre, Course Brochure, April to July 2020 (p7)	Confirms continuing programme of Tackling Racism courses
E3	Testimonial - Kevin Rowan, TUC Head of Organising, Services and Learning	Confirms digital lab and 'Leading Change' programme development
E4	TUC Digital events page and event report from first workshop (April 2019)	Confirms digital lab events and participation
E5	TUC website – 'A Digital Lab for the union movement' (John Wood, 15 March 2019)	Confirms the aims of the Digital Lab and focus of best practice workshops
E6	TUC website – 'TUC Leading Change Programme 2019/20' (2019)	Confirms module information and collaboration with Northumbria University
E7	Testimonial - Richard Arthur, lead solicitor for blacklisted worker court case	Confirms how expertise supported the High Court blacklisting case and blacklisted workers receiving over GBP75,000,000 in compensation
E8	[CONFIDENTIAL] Clarke, L. and Fitzgerald, I. (2014-2015) The Blacklisting of Construction Workers: Final Submissions to Thompsons Solicitors, invited expert submissions for the blacklisting of construction workers High Court case	Demonstrates the work undertaken by Fitzgerald to support the blacklisted workers court case
E9	The Guardian – 'Construction firms apologise in court over blacklist' (Rob Evans, 22 May 2016, readership: 164,163)	Confirms the compensation figures listed
E10	Construction Enquirer – 'Eight contractors to payout £75m over blacklisting' (Aaron Morby, 2016)	Confirms the compensation figures listed and novelty of the settlement