

BAM's accountability concerning its use of The Consulting Association (TCA) database

1. BAM does not engage in blacklisting and believes that blacklisting has no place in the construction industry or any sector. BAM has a good reputation as an employer. We are committed to co-operating and maintaining good relationships with trade unions wherever we operate.
2. BAM apologises unreservedly for our previous, limited involvement in the TCA.
3. This statement sets out our history as TCA members; our intention to make appropriate compensation payments; and the measures we are taking to ensure that we will not repeat these past mistakes.

BAM's involvement with the TCA

4. Blacklisting is the practice of potentially denying employment to an individual on the basis of information wrongly collected, stored and shared without an individual's knowledge.
5. In 2009, an inquiry by Office of the Information Commissioner found that a database containing details of approximately 3,200 construction workers had been wrongfully established and maintained by the TCA. The inquiry found that more than 40 UK construction companies had contributed information to the database or sought information from it. This included two subsidiaries of BAM Group that operate in the UK: BAM Nuttall (formerly Edmund Nuttall Ltd) and BAM Construct UK (formerly HBG Construction Ltd).
6. BAM co-operated with the inquiry by the Information Commissioner's Office. Following our response to his enquiries, the Commissioner decided that no further action would be taken against us.
- 7.1 Between 1998 and 2009 BAM Construct UK neither sought information about any individual from the TCA database nor contributed Information about any individual to the TCA. In 2008, BAM Construct UK gave notice to the TCA that it wished to cease its membership and we left the TCA of our own accord before it was disbanded in 2009.
- 7.2 BAM Nuttall made only limited use of the TCA database.

Was anyone affected by our activity?

8. BAM has carried out extensive investigations into our previous activities as members of the TCA and we ascertained that a small number of individuals were potentially affected by our activities. BAM is committed to taking steps to make appropriate compensation arrangements regarding our membership of the TCA.

What are we doing to ensure that blacklisting does not occur?

9. BAM has taken the following steps to strengthen our internal controls and to ensure that no one on our staff would knowingly - or unknowingly - engage in practices that are akin to blacklisting.
10. All staff who have responsibilities as data controllers or data processors of personal information about individuals are having further training in the requirements of the Data Protection Act.
11. All staff are being reminded of the confidential mechanisms by which they can raise any concerns, without fear or favour, through an ethical behaviours helpline or formally via BAM's whistleblowing policy.
12. All staff involved in procurement have been asked to scrutinise the employment practices of subcontractors and agencies that supply labour to subcontractors to validate whether their employment practices are sound.

If you have information or any queries

13. If you believe you may have suffered because of our past actions in our use of the TCA database, or you think blacklisting could be taking place within our company, we ask that you please get in touch.
14. Please ring Ruth Pott (01276 63484) or email ruth.pott@bamnuttall.co.uk
15. We promise that we will treat your information confidentially, look into it promptly, and let you know the outcome.
16. BAM Group companies in the UK seek to comply fully with the Group's overriding business principles, operating in a trustworthy, reliable and considerate manner and by showing respect for everyone they work with.
17. BAM companies have demonstrated their commitment to these values. For example BAM Nuttall is a Sunday Times top 100 employer and has also achieved Investor in People Gold Standard status. We recently won a Guardian Sustainability award for our Beyond Zero approach to employee development and we are the clear leaders in the industry in developing young people through our apprenticeship programme, which has been recognized with the receipt of a National Apprenticeship Award.

To view our online Sustainability Report please click this link

<http://www.bamnuttall.co.uk/sustainability.html>

Further information about BAM's business performance can be found in other sections of the companies' websites.