

Equality Impact Assessment

Scottish Employment Injuries Advisory Council Bill	
(1) Aims of the Policy	
<p>What is the purpose of the proposed policy?</p>	<p>The Bill's policy objectives are to:</p> <ul style="list-style-type: none"> • Establish a statutory Scottish Employment Injuries Advisory Council (SEIAC) as an independent advisory non-departmental public body. • Give the SEIAC duties to: <ul style="list-style-type: none"> ○ scrutinise legislative proposals for the overarching design of the employment injuries assistance (EIA) system and entitlement policy; and ○ continually advise and recommend changes to the EIA entitlement policy and its design. • Mandate the membership and membership balance of the Council, including the representation of workers and their trade union representatives on the Council. • Ensure the Council has the independence that it requires to carry out its functions.
<p>What are the anticipated outcomes of the policy?</p>	<p>The policy will create a new body, the Scottish Employment Injuries Advisory Council (SEIAC). The Bill provides for the Council to have the expertise and research function to look in depth at the range of injuries and illnesses in workplaces in Scotland, with the aim of updating the benefit in question to ensure the best outcomes for people who have been affected by injury at work and who have to claim the benefit.</p> <p>The Bill provides for a tripartite approach, whereby the Council will include equal representation from employers and employees, as well as having independent members.</p>
<p>Who will be affected by the policy?</p>	<p>Any employee who experiences injury or disease in their place of work, as a result of their work, will potentially be affected by the policy</p> <p>Anyone who becomes a member of the Council will be affected by the policy.</p>

(2) What is known about the diverse needs of those who will be affected by the policy	
Gender* (including transgender, maternity and pregnancy)	As is discussed in more detail later in this document, there is evidence that women are disproportionately more likely to be concentrated in lower-paid jobs. There is separate evidence that there is a link between low pay, low job security and the risk of employment-related injury. The Bill establishes an employment injuries advisory council, ensuring that its membership includes representation of employees, and giving the Council the power to scrutinise, report and research into areas such links between low pay and low job security and employment-related injury. It therefore follows that women have diverse needs that mean they are proportionately more likely to be affected by the policy.
Religion and Belief	No known diverse needs.
Age*	All people, regardless of age, should have the right to claim employment injuries assistance (EIA) when they are injured in the course of their employment. The list of existing diseases with which people can claim Industrial Injuries Disablement Benefit (IIDB) (the existing Department for Work and Pensions' (DWP) benefit that is being replaced by EIA) tend to be diseases associated with more traditional manufacturing industries. Therefore, existing claimants of that benefit tend to be older. Should new diseases be added to the list then a wider range of younger people, may be able to claim that benefit.
Disability*	People in receipt of IIDB and EIA are, by definition, in receipt of a disability benefit.
Ethnicity and Race	As is discussed in more detail later in this document, there is evidence that people from minority ethnic backgrounds are disproportionately more likely to be concentrated in lower-paid jobs. There is separate evidence suggesting a link between low pay, low job security and the risk of employment-related injury. The Bill establishes an employment injuries advisory council, ensuring that its membership includes representation of employees, and giving the Council the power to scrutinise, report and research. It therefore follows that people from minority ethnic backgrounds have diverse needs that means they are proportionately more likely to be affected by the policy.
Sexual Orientation	There is no specific information related to how the Bill may affect people based on their sexual orientation. No particular direct or adverse impacts are expected as a result of the Bill.

Marriage and Civil Partnership	There is no specific information related to how the Bill may affect people based on their marriage and civil partnership status. No particular direct or adverse impacts are expected as a result of the Bill.
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Gender* (including transgender, maternity and pregnancy)	<p>Yes – because, as highlighted in response to the next question, studies have shown that women are disproportionately more likely than men to be concentrated in lower-paid jobs, while reports, such as this one by Hazards Magazine, have made a direct link between low pay and low job security and the risk of employment-related injury.</p> <p>Moreover, as a significant aspect of the Council's role is the publication of reports and the carrying out of research, the council's work in itself would form part of the evidence base for understanding the needs and/or experiences of those affected by any changes to the benefit.</p> <p>The list of existing injuries for which Industrial Injuries Disablement Benefit can be claimed covers those more commonly associated with traditional heavy industries, such as manufacturing and coal mining which have been dominated by men. As such industry has declined in recent years, it follows that people entitled to those benefits would tend to be older and male. Should the Council recommend that new benefits be added to this list, then it is possible that a wider range of people, in professions predominated by women, or new professions in which both men and women work, are able to claim EIA. Depending on what the new injuries are, there may be more of an uptake in benefit claims for EIA from women.</p>
Religion and Belief	N/A
Age*	<p>Yes, although this is a difficult question to answer definitively, as any impacts of the policy are entirely dependent on steps the advisory council might take upon establishment.</p> <p>Moreover, as a significant aspect of the Council's role is the publication of reports and the carrying out of research, the council's work in itself would form part of the evidence base for understanding the needs and/or experiences of those affected by any changes to the benefit.</p>

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Disability*	Yes – by definition existing claimants of IIDB and future claimants of EIA are in receipt of disability benefits.
Ethnicity and Race	Yes because, as highlighted in response to the next question, studies have shown that people from minority ethnic backgrounds are disproportionately more likely than average to be concentrated in lower-paid jobs, while reports, such as this one by Hazards Magazine, have made a direct link between low pay and low job security and the risk of employment-related injury.
Sexual Orientation	Yes
Marriage and Civil Partnership	Yes
If not, what other information is required	
(4) What does the information given say about how the policy might impact positively and negatively on different groups	
Gender* (including transgender, maternity and pregnancy)	<p>There are not expected to be any negative impacts on gender equality as a result of the Bill.</p> <p>In respect of positive impacts, as highlighted in response to previous questions, the establishment of a tripartite council, with a diverse membership, and with the power to scrutinise, report and research on employment injuries ought to have a positive impact on gender equality.</p> <p>Studies, such as this research published by the Living Wage Foundation, have shown that women are disproportionately more likely to be concentrated in lower-paid jobs. Other reports, such as this one by Hazards Magazine, have made a direct link between low pay and low job security and the risk of employment-related injury. Specific responses to the consultation from, for example, Engender, Close the Gap and Inclusion Scotland</p>

expressed concerns regarding women being disproportionately in “high risk” employment and facing structural issues that results in them not claiming EIA.

Engender’s response, which. as with all responses. was submitted during the Covid-19 pandemic, stated that:

“77% of workers in “high risk” roles are women, work which is frequently undervalued and underpaid, and of the million workers in high-risk roles during the covid-19 pandemic response paid less than 60% of median UK weekly wages, 98% are women. Critically, these roles are poorly paid and precarious and in sectors that are undervalued explicitly because they remain associated with women’s work. While accidents at work and in sectors that employ men have reduced with advances in health and safety and technology, there is evidence to show that accidents at work have increased for women over the same time period.”

In [its response to the consultation](#), Close the Gap expressed concern about structural issues with the current system, pointing out that:

“At present, only 16% of those claiming IIDB [Industrial Injuries Disablement Benefit – the Department for Work and Pensions equivalent benefit] are women. Analysis of IIDB statistics, published by the Department for Work and Pensions (DWP), also highlights that women are less likely to make claims than men. Women account for just 13.5% of all new claims in the ten years up to December 2019. This means women are grossly under-represented in both successful claimants and claims, as women account for around 48.7% of those employed in Scotland. These statistics point to structural issues with the current system. Indeed, the Scottish Government have acknowledged that the current scheme does not recognise the injury and disease women face in the workplace.”

Close the Gap added that:

“women’s occupational injuries and illnesses, such as work-related stress, musculoskeletal disorders and dermatitis have been largely ignored, under-diagnosed, under-reported and under compensated. The Bill therefore presents an opportunity to address women’s under representation in industrial injury benefit and tackle structural issues within the current system. The proposed Bill has a number of advantages across a range of areas.”

In its response, [Inclusion Scotland](#) added that:

“In particular current gender bias in identification of injuries and disease that attract compensation could be addressed and involving disabled people with lived experience in the Council would also tend to reduce discrimination.”

Therefore, the Member considers that this Bill, in creating a council that can scrutinise, report and research on areas,

	<p>such as any structural issues that may result in women not claiming EIA, will have a positive impact on gender equality.</p> <p>Further information on women's workplace health can be found in this report by the British Occupational Hygiene Association, which was published in August 2023.</p>
Religion and Belief	There are not expected to be any particular positive or negative impacts on religion and belief as a result of the Bill.
Age*	<p>The Bill provides for the establishment of an advisory council, which would be able to scrutinise, produce reports on, and carry out research into, EIA. In practice, this could include research into emerging industrial diseases. This may lead to new diseases being added to the list of employment injuries, which would allow for a claim under the benefit. This may in turn mean that a wider range of people are able to claim the benefit. In particular, this may mean that a greater number of younger people are able to claim EIA for new or emerging diseases associated with more modern industries (an example might be the addition of long Covid to the list of employment injuries). At the same time, it would not have a negative impact on existing claimants.</p> <p>The impact of the policy on different people based on their age would depend on what, if any, steps the Council took to recommend the addition of new diseases to the list and whether any such recommendations were acted on by Social Security Scotland.</p>
Disability*	<p>The proposed powers in the Bill could allow the Council to operate in a Scotland-specific context with relevant research and advice. If this led to Scottish Government policies that were more tailored to Scotland, it could result in diseases being added to the list of prescribed diseases that determine eligibility for EIA in Scotland. This could lead to improved support for a greater number of people, who have been disabled as a result of employment-related injury or disease.</p> <p>Therefore, the policy will affect this group in a positive manner, as the Council will be able to carry out work researching, scrutinising, and reporting on their behalf and potentially adding new types of injuries to the list covered by EIA.</p> <p>At the same time, if the devolved Scottish Government policy does not diverge from the current UK policy and/or</p>

	<p>there is no or little evidence of a Scotland-specific context affecting the situation differently, there may be little or no change in the eligibility for support. Therefore, it is not envisaged that there would be any negative effects on this characteristic as a result of the provisions of this Bill.</p> <p>Furthermore, Paragraph 14 of Schedule 1 of the Bill requires the Scottish Ministers, when appointing members of the Council to have regard to the desirability of ensuring that the body has the knowledge or experience of the effect of physical or mental disability, including disability as a result of injuries suffered or diseases contracted in the course of employment.</p>
Ethnicity and Race	<p>The Council, when established, will be able to scrutinise and carry out reports into issues around any disproportionate impact of employment injuries on people from minority ethnic backgrounds.</p> <p>Studies, such as this research published by the Living Wage Foundation, have shown that workers from minority ethnic backgrounds are more likely to be concentrated in lower-paid jobs and in insecure roles (such as having too few hours, zero hours contracts, or short notice of shift patterns). Other reports, such as this one by Hazards Magazine (also referenced under gender), have made a direct link between low pay and low job security and the risk of employment-related injury.</p> <p>In its response to the Member’s consultation, Inclusion Scotland stated that:</p> <p>“We would hope that members of the BAME communities could also be involved in the Advisory Council's work in order to eliminate any direct or indirect discrimination in the award of compensation”</p> <p>Therefore, in establishing the Council, and ensuring that its membership includes representation of employees, and giving the Council the power to scrutinise, report and research, the Member considers that the Bill will have a positive effect on ethnicity and race.</p>
Sexual Orientation	No particular positive or negative impacts are expected as a result of the Bill.
Marriage and Civil Partnership	No particular positive or negative impacts are expected as a result of the Bill.
Completed by Mark Griffin MSP: 11 September 2023	

*Although not a protected characteristic, carers should be given specific consideration in this category (e.g. the potential impact on those who care for older people).

Member's Comment on NGBU's Equalities Impact Assessment

Evidence gaps identified

None

Member's comment: Key to the bill is the proposal that the Council would have a research function so that it can look fill the research gaps that prevent the current IIAC from prescribing the diseases and injuries workers get in modern workplaces.

Having such powers will allow it to commission work to help better understand how diseases like Long-Covid, cancers amongst shift workers and firefighters, are affecting workers in Scotland.

It would also be expected the same powers would allow the council to make in-roads in the massive gender imbalance of the current benefit. In my original consultation I was told how important the research function would be because a Council would be able to commission gender sensitive, sex-disaggregated data on occupational exposures, diseases and injuries, with research based on women and through be women-only studies.

Adverse impacts identified

None

Member's comment: Having trade union voices at the heart of a council, the voices of workers from across modern workplaces closest to the ill-health and disease they face at work, is key to overcoming the discrimination in the existing benefit when it is delivered in Scotland

The list of existing diseases with which people can claim Industrial Injuries Disablement Benefit tend to be diseases associated with more traditional manufacturing industries. Therefore, existing claimants of that benefit tend to be older men. As it stands the benefit does discriminate against women and BAME communities which the new benefit has to address. DWP statistics for the most recent year to December 2022 of claims in Scotland under the prescribed route show just 5% were made by women; IIDB is intrinsically set up for the benefit of men, and a council is required to so that it can advocate to support women made ill at work, and get them the social security they deserve.

Completed by Mark Griffin MSP 11 September 2023