

Scottish Parliament Social Justice and Social Security Committee

Scottish Employment Injuries Advisory Council Bill

Written submission by the STUC, 29 September 2023

The Bill would create a separate body for Scotland to advise on Industrial Injuries benefits. Do you agree with the creation of this body?

Yes. The STUC fully supports the creation of a unique Scottish Industrial Injuries Advisory Council. Critically, the STUC endorses the Bills proposals for a permanent role for workers' voice on a new Industrial Injuries Advisory Council, and for at least 50% of seats allocated to trade union representatives. Workers, and their trade unions know their workplaces and the risks to workers' health best – it is imperative that the voices of workers and unions in Scotland are at the heart of the devolution and development of a new modern industrial injury benefit system that is shaped by and for workers.

The current UK IIDB scheme is shockingly discriminatory, inadequate, and outdated. The devolution of IIDB to Scotland presents the Scottish Government with an opportunity to build and deliver a system which is reflective of the diseases, illnesses and complexities of the 21st century Scottish modern-day workforce, and a scheme that truly supports all workers if the worst at work may occur.

As well as complementing the development of a fairer and more equitable scheme in Scotland - the development of a separate advisory council would also be in line with the Scottish Governments commitments to Fair Work.

Workers need an injury benefit fit for the 21st century, tackling the illnesses and diseases workers are facing right now and a Council that is flexible, prepared, and resourced to consider illness, injury, and diseases, that may emerge in the future. Workers need a fair, equitable, guaranteed support system that will provide a safety net for workers and their families when/if they face illness, injury, disease, or impacted by a loved ones' death at work.

Does the Bill require any further powers or functions to be effective?

Yes. As aforementioned, the STUC supports proposals for permanent workers' voice on any new developed council. To do this, the Bill must put into statutory legislation that trade unionists have a permanent role on the Council and that this council is independent of Government. The STUC also fully supports proposals for the council to have research and advisory powers, which is currently absent from the UK Governments existing Industrial Injuries Advisory Council.

Statutory research powers and sufficient research resourcing is fundamental to the success and effectiveness of the IIDB to Scotland. The necessary research and appropriate investigations of new and emerging workplace diseases, illnesses, and

injury will also play an important role in supporting the appropriate preventative measures that should be put in place to reduce workplace injury, illness, disease, and death.

As part of these research powers, the STUC support proposals for the council to advise upon long-COVID as Industrial disease. The STUC strongly advocates that long-COVID is a workplace injury and that long-COVID should be accounted for as part of the IIDB. Moreover, long-COVID should be treated as a disability and protected under the Equality (2010) Act, and sufficient reasonable adjustments must be put in place by employers in Scotland.

Furthermore, the council's statutory research powers should be aligned to equality impacts and outcomes. Women's health, gender, ethnicity, and the disability pay gaps in Scotland should be embedded into the council's work and formulate a key part of how the Scottish Government will deliver the IIDB once devolved. The council should have statutory research powers to ensure that the benefit is linked to a driving mission to close the Gender, Disability and Ethnicity pay gaps and that equality remains at the forefront. The council should also have powers to engage with equality experts' when and if required.

The Policy Memorandum explains that the Advisory Council is to be established in advance of the Scottish Government legislating for Employment Injury Assistance. The Scottish Government has yet to consult on the benefit and the need for an Advisory Council. What are your views on the timing of the Bill?

The STUC believe that an advisory council should and can be established now. We believe that there is a vital role for a new Scottish Employment Industrial Advisory Council to play in the roll out and in the scrutiny of the legislative design, implementation, and communication to ensure that a transition of IIDB being administered by the Scottish Government results in a modern, equitable benefit fit for purpose unlike the existing IIDB scheme. By starting the work on developing an advisory council this would also demonstrate the Scottish Government's commitment to Fair Work and ensure that workers' voices and trade unions are involved in the process, design, and implementation from the get-go – not an add-on.

The STUC supports the proposal for independent oversight of the scheme from day one of the benefits being transferred to the Scottish Government. Continual oversight of the benefit by an independent body from day one is essential, not only to ensure a smooth transition but also ensure that the scheme evolves into one that delivers for those who need and deserve it and leaves behind the unfairness and inequality of the existing benefit.

The existing scheme is designed for and around male-dominated industries and diseases, subsequently, women are discriminated by the current benefit award in Scotland – it is therefore crucial that an advisory council is in place ahead of the benefit to define how and who will be awarded the benefit and for the inequities of the existing system to be understood and corrected before implementation.

The Scottish Government's consultation has repeatedly been delayed, meantime, key workers and women across Scotland continue to be excluded and left-behind suffering without the support they need and deserve. The set-up of an advisory council with trade union representation should be implemented sooner rather than later.

The Scottish Commission on Social Security already has powers to scrutinise Scottish social security regulations and to provide reports to the Scottish Government when asked to do so. What are the benefits or drawbacks of creating a new Advisory Council and how would this body operate alongside the Commission?

Workers' and trade unionists know their workplaces best and the risks to workers health and safety. Workers and trade unionists have no permanent, independent, role on the Scottish Commission on Social Security – there is no guarantee that workers voices and concerns are being heard, represented, or listened to in that space. We need a dedicated expert council, one which is independent of government, that understands workplace injuries, illnesses, diseases, and the emerging workplace risks to workers lives and livelihoods.

The valuation, knowledge, and contribution of trade union representatives should be imperative and viewed as essential for the delivery of this benefit. The advisory council should have permanent seats for trade unions and be fully resourced to enable the council to be effective.

Following devolution of the benefit Scottish Ministers will no longer be able to seek advice from the UK IIAC – where will Ministers get such advice? The best place is an independent advisory council with workers' and trade union voices represented.

The Financial Memorandum sets out the anticipated start up and running costs for the Advisory Council. Will the Bill have any significant resource implications for the Scottish Government, the public sector, business, and individuals?

The death, disease, injury, and illness to workers in Scotland is more costly than implementing and fully resourcing a potentially transformative and modern benefit to workers who have experienced the worst at work.

The development and implementation of a Scottish Employment Injuries Advisory Council has longer-term economic benefits and is value for the public purse. It is our view that the longer-term potential preventative measures driven by research commissioned by the council could reduce occupational ill health and disease as well as creating a more equitable and less discriminatory social security benefit.

Not investing in this risks further illness, injury, disease, disablement and death in Scottish workplaces and a system which continues to discriminate. This is something the Scottish Government must fund and can fund.

What is your view on whether the size and balance of Advisory Council's membership is correct to deliver the Bill's purpose? If you think there should be changes to the membership set out in the Bill, please tell us why and what changes need to be made.

Workers Voice is a basic principle of Fair Work, an ambition of the Scottish Government. The STUC are firm that the Advisory Council must have permanent seats reserved for trade union representation with at least 50% being allocated to trade unions.

Do you have any other comments about the Bill?

The Scottish Trade Union Congress and our affiliates fully support this proposed Bill in its entirety and proposals to develop a Scottish Industrial Injuries Advisory Council. Our STUC Disabled Workers' Committee and wider affiliates based across all sectors have been involved in shaping the proposed Bill and campaigning for its implementation.

This is a rare and unique opportunity for the Scottish Government to work with trade unions and workers to deliver a benefit in a fairer, equal, transparent, and just way. A benefit that will truly support workers' when they need it most. We strongly urge support for this Bill and the development of an advisory council.

The STUC warmly welcome further engagement, including by way of giving oral evidence to Committee on Scottish Employment Injuries Advisory Council Bill.