

Proposed Scottish Employment Injuries Advisory Council Bill

Introduction

A proposal for a Bill to establish a Scottish Employment Injuries Advisory Council to shape, inform and scrutinise the social security available to people injured in the course of their employment. The consultation runs from 10 November 2020 to 1 February 2021. All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document. Questions marked with an asterisk (*) require an answer. All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response. Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded. Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here: [Consultation Document Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice attached to this consultation which explains how my personal data will be used

About you

Please choose whether you are responding as an individual or on behalf of an organisation. Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Third sector (charitable, campaigning, social enterprise, voluntary, non-profit)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

deafscotland is the national, specialist organisation working on the theme of deafness across a spectrum

Please select the category which best describes your organisation

which includes: Deaf/Sign Language users; Deafened; Deafblind and Hard of Hearing. A million Scot's are directly affected by some level of hearing loss. We influence policy, promote awareness & support good practice. We aim for equality, access and citizenship for those affected by deafness.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

deafscotland (Scottish Council on Deafness)

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number. We will not publish these details.

[REDACTED]

Aim and approach

Q1. Which of the following best expresses your view of establishing in law a new, independent Scottish Employment Injuries Advisory Council (SEIAC)?

Fully agree

Please explain the reasons for your response.

We support the principle that a body should be responsible and resourced to address workplace protections and citizens' rights. That principle includes rights to redress; and such a body and relevant network development would support active pursuit of good practice, prevention and redress through a fair, transparent and dynamic system.

Q2. Which of the following best expresses your view of giving a statutory Scottish Employment Injuries Advisory Council the following functions?

	Fully agree	Partially agree	Neutral	Partially disagree	Fully disagree	Unsure
Scrutinise legislative proposals on the overarching design of the employment injuries assistance (EIA) system and its entitlement policy.	X					

Q2. Which of the following best expresses your view of giving a statutory Scottish Employment Injuries Advisory Council the following functions?

Continually advise and recommend changes to EIA (including on policy design and entitlement)	X					
Investigate and review emerging industrial and employment hazards	X					
Commission its own research and make recommendations	X					

Please explain the reasons for your response.

We agree the system needs accountability, scrutiny, research and development. We would want it balanced by community based facilities including light touch resolution for early & positive redress rather than being significantly bound in high end, legislative, costly and onerous requirements. We would prefer to see emphasis on prevention, early intervention/resolution and protracted casework. We would also want to see greater understanding of reasons for aggravated deafness; new, digital causes and interventions to protect hearing similar to industrial work in the 1960s. We would want to see the Council to work to and apply the Principles of Inclusive Communication to all its work.

Q3. What (if any) do you think would be the main advantages of the proposed Bill?

A focus for change; a recalibration of protections and rights to redress; and a dynamic, positive mechanism for improvements.
A community based, dynamic solutions focussed approach.
Inclusive communication being at the heart of the Bill.

Q4. What (if any) do you think would be the main disadvantages of the proposed Bill?

Cumbersome system with costly administration and heavy emphasis on expensive, legal solutions out of reach and inaccessible for most people.

Q5. Which of the following best expresses your view of making it a legal requirement that the SEIAC's membership includes workers with experience of being exposed to the risk of workplace injury, and their representatives, including trade unions?

Fully agree

Please explain the reasons for your response.

To operate effectively the system requires a dynamic approach of "healthy tension" - the inclusion of those with lived experience across a range of injuries; and those who are rights defenders and duty bearers.

Q6. Which of the following best expresses your experience of the current Industrial Injuries Disablement Benefit (IIDB) scheme (personally and/or professionally)?

Mixed experience

Please explain the reasons for your response. Please do not provide personal information or highly specific information which might identify you (if you wish to remain anonymous) or any third parties in your answer.

Q6. Which of the following best expresses your experience of the current Industrial Injuries Disablement Benefit (IIDB) scheme (personally and/or professionally)?

Our experience is mixed. We see an ebb and flow of understanding relating to deafness and deaf awareness which impacts on the significant challenges that workers face and a lack of consistent remedies. There is no significant PUBLIC centre to co-ordinate research, scrutinise experiences and recommend change. For example, our own social research is often underplayed or overlooked. Similarly, it is challenging to raise funds for research on deafness, including industrial causes, yet we know significant levels of damage are preventable. Audiology is seeing many more younger people with more significant damage than they did previously. The shift to digital is bringing its own industrial issues and it is problematic to get these issues taken seriously yet we know the damage to communication, health and well-being (including direct links with deafness/dementia) is stark. A new approach could impact positively on levels of deafness, protections, knowledge and range of solutions to prevent and address the challenges.

We know people affected by deafness are generally unemployed or under-employed and many leave the workplace due to mental health issues rather than their deafness. This new approach would pick up on this and similar issues providing a more positive and sustainable range of solutions for inclusion in work/society.

Far too many workers remain unaware of the damage they are doing to their hearing and this is not being picked up by the current system.

Financial Implications

Q7. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

	Significant increase in cost	Some increase in cost	Broadly cost-neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector				X		
(b) Businesses			X			
(c) Individuals			X			

Please explain the reasons for your response

If we are correct in our thinking then both businesses and individuals stand to gain benefits or at least be cost neutral in preventing and managing to decrease the level of hearing loss. Business would retain higher ability, well trained staff and staff would remain in the workplace longer.

This has an impact on reducing the duties and responsibilities of the state.

We believe there may be further benefits towards making Scotland an Inclusive Communication Nation and providing new, sustainable work streams in communication enhancement, improved public spaces and improved communication expertise.

Q8. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

We do think the system needs to be considered, dynamic and offer community/local resolutions rather than simply become a remote legislative/bureaucratic monolith. The role and involvement of rights defenders would have a bearing. Putting Inclusive Communication at the heart of the Bill would make

Q8. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

sure that all systems, roles and information are designed for the rights and needs of all the people involved and would fully ensure that the new Council is fully fit for purpose and is more cost-effective.

Equalities

Q9. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response.

We think the approach would widen and broaden the understanding of both disability and equality.

By taking a human rights approach the system is understood, becomes fairer and should be informed and improvement based. This is particularly useful if coupled with ability and understanding of the cost/benefit of active people in communities.

Q10. In what ways could any negative impact of the Bill on equality be minimised or avoided?

Obviously understanding current costs to sustainability and barriers to opportunity would inform views better.

We think that research, understanding and preventing has a cost which is outweighed by projected costs of doing nothing. Understanding the benefits of a rights based approach, communication, socio-economic development and seeking light touch remedies would improve the lives of many who often are experiencing multiple equalities barriers. Specific cognisance needs taken for knowledge/awareness, advocacy, and access to justice.

Using an Inclusive Communication approach which includes the voice of relevant experience in the operational dynamic will improve the cost efficiency and success of the system. The right approach should achieve better and improved results.

Sustainability

Q11. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

Please explain the reasons for your response.

From our lens: people affected by deafness

There will be significant challenges for deafness and communication through the naturally aging process. But what was recognised as industrial injury to hearing is changing significantly. It is no longer solely heavy industry, such as ship building and the construction industry that causes hearing loss. At the present time, if little is done, there will be a significant increase in hearing loss and damage due to the digital revolution. This will be caused by noise and vibration relating to the increased use of mobile phones,

Q11. Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?

computers and technology. There will be impacts in all these areas that are currently overlooked, under acknowledged and not recognised in the working population as the cause of significant deafness. Currently it is the NHS making a case for change due to demands on services.

The Bill provides a helpful mechanism to look at this issue and make more reasonable judgements about need and case for change based on positive and wider reaching issues. We, therefore, believe not only can the proposal be delivered sustainably but that it could contribute to a better quality debate on the notion of sustainability itself. The impacts also need to be judged on improvements to equality and reductions/revisions of committed spend in these areas.

General

Q12. Do you have any other comments or suggestions on the proposal?

Inclusive Communication has been included in several recent significant pieces of legislation and should be included in this Bill. See Section 6 of the Coronavirus (Scotland) No 2 Act 2020; Section 6 (7)(b) of the Consumer (Scotland) Act 2020; and Section 4(2) of the Social Security (Scotland) Act 2018.