

# 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.

an individual

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".)

Academic with expertise in a relevant subject

Please select the category which best describes your organisation

*No Response*

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).

David Walters Emeritus Professor Cardiff University

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.**

I concur entirely with the reasons already identified by the Bill's proposer that such a reform is necessary, as the present regulatory requirements are out of date, provide inadequate cover and weak in comparison with those in other European countries and elsewhere.

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
<b>Scrutinise legislative proposals on the overarching design of the employment injuries assistance (EIA) system and its entitlement policy.</b>	X					
<b>Continually advise and recommend changes to EIA (including on policy design and entitlement)</b>	X					
<b>Investigate and review emerging industrial and employment hazards</b>	X					
<b>Commission its own research and make recommendations</b>	X					

**Please explain the reasons for your response.**

I feel the body needs wide-ranging powers if it is to be able to respond effectively to the occupational

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

safety and health consequences of the rapid changes occurring in the organisation, structure and control of work

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

Updating and extending existing measures and creating a fairer scheme with improved cover for workers who have suffered harm as a consequence of their work

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

The organisation of employment is changing rapidly. I think the Bill needs to reflect this and to ensure that workers who are not employed with conventional forms of employment contract are also adequately protected

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.**

It is essential that organisations representing workers are fully involved if the scheme is to be effective — research has already identified the important role they play in this respect

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.**

As the authors of the consultative Document are aware, I reviewed the IIDB scheme in comparison with other national systems in 2007. My review is cited in the Consultative Document along with its conclusions. I think they are even more valid today than 13 years ago.

## 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**

Generally speaking research shows that the largest proportion of the costs of work related injuries and ill-health are borne by society and not by the organisations who create the risks that lead to them (eg employers and controllers of business undertakings). In many other countries schemes to compensate workers for work-related harm are often linked to those that are aimed at preventing such harm (such as in Germany for example). The present Bill does not go so far as to propose such reforms that would be in line with social insurance systems such as found in Germany, but it may go some way to encourage better prevention as well as more equitable distribution of compensation. I would therefore anticipate its overall effect to result in reduced costs to society overall, but this is speculation and remains to be tested by its operation.

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

See above. There are lessons to be learned here from other national systems

## 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.**

One of its stated objectives is to address the gender gap in current arrangements

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

*No Response*

## 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

## General

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

No further comments