

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).

We are a Disabled People's Organisation run and controlled by disabled people themselves. A proportion

Please select the category which best describes your organisation

of our members acquired their impairments through their employment. Unfortunately given the timing of the consultation (over the festive break) we have not had sufficient time to consult with our membership on the specifics of the proposed Bill and are therefore relying on principles our members have endorsed in past engagement with us.

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).

Inclusion Scotland

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 believe that such a Council would be able to bring people with lived experience of impairment into decision making .

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.

Inclusion Scotland are aware that the current industrial injuries benefits scheme is outdated and gender biased. Most of the injuries/diseases attracting compensation payments would tend to be acquired in heavy industries which were male dominated. However, newly emergent conditions in areas where the workforce is predominantly female have not been recognised for compensation purposes. This needs to change. As advice will have to be continually updated as the nature of work and hence the attendant hazards change we believe that a research, investigation and review functions are also necessary.

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

The ability of the Advisory Council to be composed of, and draw on the knowledge of, those who have lived experience of the impact of impairments acquired through their employment alongside representatives of the organised trade union movement who can draw on the collective experience and knowledge of their members. We would also hope that the current gender imbalance in payments of compensation would be addressed as would any other potential discrimination in terms of race or other protected characteristics.

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

We cannot foresee any.

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.

See answer to previous question.

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.

Those receiving IIDB just now definitely need the support which has been awarded as many have experienced very poor health, pain and in many instances reduced life expectancy. However, there has

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

been a definite gender bias in what conditions and impairments have been designated as worthy of attracting compensation.

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

As no such Advisory Council has existed before now then staffing and office costs will arise from its creation. In addition we would expect Council members to be re-numerated in the same way as other appointees to public bodies. Scottish Government might look to recovering costs of expanding entitlement to new diseases/injuries by additional levies on Business. We cannot foresee why there should be any additional costs for individuals.

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

No we think the Bill as outlined is as cost effective as we can imagine.

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.

See earlier answers. 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. 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.

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

By directly involving people with protected characteristics directly as Advisory Council members and perhaps indirectly in a stakeholders reference group feeding into the work of the Council.

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.

Because we can't foresee how it would cause such impacts.

General

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

The new Advisory Council's establishment and approach to ongoing work should be underpinned by Equality and Human Rights based principles (such as those contained in the the Equality Act, Public Sector Equality Duty, the UN Convention on the Rights of People with Disabilities, the Convention on the Elimination of all Forms of Discrimination Against Women and the International Covenant on Economic, Social and Cultural Rights) as to how it goes about its work.