

Annex A

Next Steps for Employment Injury Assistance

Respondent Information Form

Please Note this form **must** be completed and returned with your response.

To find out how we handle your personal data, please see our [Privacy Policy](#).

Are you responding as an individual or an organisation?

- Individual
 Organisation

Full name or organisation's name

Scottish Trades Union Congress (STUC)

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The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

- Publish response with name
 Publish response only (without name)
 Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.

We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

- Yes
 No

Questionnaire

Question 1

Do you agree or disagree that the Industrial Injuries Scheme is not fit for purpose and should be reformed?

- Strongly agree
- Mostly agree
- Mostly disagree
- Strongly disagree

Please give reasons for your answer.

We agree that the current UK system of employment injuries assistance (EIA) is not fit for purpose and is unfair. A very small proportion of claims are made by women and, as the consultation highlights, people who are Black or from an ethnic minority are more at risk from workplace hazards, yet less likely to access benefits.

However, there is still a need for a no-fault compensation scheme for disablement arising from injuries or disease caused by work – including new and emerging workplaces injuries and disease, such as long-covid, brain injuries linked to professional football, and a range of other modern-day industrial injuries.

While the last four decades has seen the existing scheme undermined by successive UK Governments', the principles which established the scheme in 1948 should continue to inform the implementation and development of the Scottish Employment Injury Assistance Scheme (SEIA).

Question 2

Of the two options (1 – prioritise like-for-like benefit delivered with full case transfer and benefit reform to follow in the longer-term, and 2 – prioritise reform to deliver an updated benefit and a modernised approach delivery) which do you think the Scottish Government should proceed with?

- Option 1
- Option 2
- Neither
- Don't Know

Please give reasons for your answer.

We recognise the challenges the Scottish Government faces with the devolution of a complex clerical based system and the importance of a modernised approach to delivery. Occupational illnesses have changed, the structure of employment has changed, and our understanding of disability has changed.

It is crucial that we maximise the opportunity of devolution to design a scheme which addresses these changes – designates new occupational illnesses, supports self-employed workers access the scheme, and recognises a social model of disability.

However, it is also crucial that those who currently access the scheme continue to do so – and do not lose out – as the benefit is devolved.

As Thompsons Solicitors highlight, there is a close link between the IIDB scheme and the 2008 Mesothelioma Act and the Diffuse Mesothelioma Payment Scheme (DMPS) and the Pneumoconiosis etc. (Workers Compensation) Act 1979, as well as the Coalworkers Pneumoconiosis Compensation Scheme 1974 (CWP), all of which remain reserved to the UK Government.

When introducing a Scottish Employment Injuries Assistance scheme, we must ensure that no one in Scotland loses out on connected compensation payments from existing reserved UK compensation schemes.

Question 3

Please tell us if there is anything relating to the timelines set out above that you wish to provide feedback on. Please specify which timeline you are providing feedback for.

Industrial injuries benefits were devolved from the UK Government to the Scottish Government through the Scotland Act 2016, and responsibility passed to the Scottish Government in April 2020. STUC's affiliates are therefore understandably frustrated with the length of time it has taken to consult on implementing a Scottish scheme that will not come into force until 2026 at the earliest.

Going forward it is imperative that the advisory group is constituted as quickly as possible and that Scotland's trade unions have meaningful representation on that group, and ongoing engagement with further consultation processes.