

STUC – Jamie Hepburn Meeting
11.00 am to 12.00 noon
12 February 2021
Note of Meeting

On call

Rozanne Foyer, STUC General Secretary (RF)

NR	1.	STUC Deputy General Secretary	NR
NR		STUC Deputy General Secretary	NR
NR	UCU		NR
NR	EIS		NR
NR	FBU		NR
NR	EIS		NR
NR	GMB		NR
NR	CWU		NR
NR	SSTA		NR

SG Side

Jamie Hepburn, Minister for Business, Fair Work and Skills (JH), and Christina McKelvie, Minister for Older People and Equalities (CM), along with a range of supporting officials.

Opening Remarks

RF welcomed the recent BiFab announcement; and advised that in respect of the 2 Sisters discussion held at the previous meeting, Susan Robertson, Unite, had yet to hear from Scottish Government officials.

JH noted the comment re: 2 Sisters and requested officials take this forward. JH also noted the meeting with Trade policy officials had taken place and hoped this had been helpful; it was also reported vaccinations in Scotland had now hit the 1 million mark.

1) Plans for Phased Reopening

- a) What are the indicators or trigger points that Scottish Government will consider?

RF referred to testing regimes and wished to open up discussion on phase 2 of the vaccine; the need for unions to understand prioritisation and how this will unfold to ensure that proper plans are put in place.

NR spoke of being involved in meaningful dialogue. In terms of moving forward for P1 – P3 pupils returning on 22 February it was noted that primary school pupils do not have physical distancing in place but bubbles, whereas secondary pupils will have physical distancing, which was welcomed. It was noted the EIS has concerns around the lack of physical distancing for primary pupils and had read in the guidance mentioned the week prior the new variant is more transmissible for 0-9 year olds; and there are also issues around added risks and EIS would be looking for revised risk assessments and medical grade face masks for teachers. In respect of the next phase of reopening for P4 – P7 and more senior pupils along with the transition from P7 to S1, there are key decisions to be made. It is of the EIS's view that blended learning needs to be considered. There are also issues around the triggers used by the Scottish Government, if using figures 'out there' on community transmission (level 2) it is over 5% which means the pandemic is not under control. The WHO states the rate must be less than 5% positivity in order to have control. The community Covid rate was almost 0 when schools reopened in August 2020, but we are now looking at a different set of circumstances. On FE there were initial concerns around some colleges not fully complying, but these have since been resolved and the college sector is currently in a good place with staff.

NR echoed **NR** concerns and also welcomed the cautious approach the Scottish Government is taking. **NR** advised the Ministerial Leadership Group meeting, which included the Deputy Chief Medical Officer, held recently had been helpful, and it is clear that there cannot be any change until at least 3 weeks after the opening of schools. **NR** referred to St Andrew's University who had indicated that all learning will be online for the rest of the semester and a number of other universities had also intimated they will do the same. **NR** thanked JH and Scottish Government officials on the issue raised previously in respect of libraries and that the dialogue with universities is much better. The announcement from the Scottish Government on additional bursaries for dental students to repeat their year was also welcomed but there are still issues around capacity in the sector as there will be other students hoping for entry.

NR advised that teachers want to be back in school and referred to the hard work teachers are doing with regards to remote learning, but when talking of starting to bring pupils back in the secondary school phase there needs to be a measure of parental expectation. **NR** further advised

there are a large number of supply teachers who are not receiving work, yet they will be needed when pupils return to school.

It was noted there is a battle between what the Scottish Government wants and what local authorities want to do. In terms of recovery plans must entail for a 2 year recovery – not 1 year; and will schools be fit and ready for exams next year as there is very little direction in preparing for this year's exams.

JH in a general sense the Scottish Government are approaching the return of pupils and students on a cautious basis. The Strategic Framework is under review and sectors of the economy will not be opened up until it is safe to do so, it has always been made clear to balance this on different harms caused. Union input has always been taken very seriously and JH requested that should there be any feeling that this is not happening to raise this, and it will be looked at. On the issues flagged, it was encouraging to hear that college sectors are in a better place. On the point around employers flexing regulation of the legal framework in place, the FM has made it clear that people should be acting within the spirit and law of the regulations. With regards to supply teachers, this was raised with the FM the week prior and it was made clear there is funding available for this specific purpose, but again to flag if this is not the case.

RF referred to the need to begin opening up the dialogue to get some indication on what the indicators will be when we start to perhaps looking at different industries. It was understood there is a whole grid to consider but RF wished for unions to be involved in the discussion.

JH suggested holding a specific session set up for this dialogue, but not at the expense of these meetings, to help inform some of the discussions.

JH further agreed to pick up on the concerns raised on exams.

Action: SG to arrange separate session for dialogue on next phase; and look into concerns over this year's exams.

2) Face Covering Exemption Guidance for Vaccinators

NR spoke of reports heard from a small number of places that people who are exempt from face coverings were being asked to wear them whilst being vaccinated, which was causing some distress. JF queried if

medical practitioners had been advised to tell people who are exempt to wear face coverings whilst being vaccinated.

JH thanked **NR** for raising the concern and is conscious there are groups of people who will find this distressing (i.e. those with autism) and agreed to look into this.

Action: **NR** to look into advice on face covering whilst receiving vaccinations.

3) Support for Adults with Learning Difficulties during Lockdown and to attend Vaccinations

NR referred to Public Health England who have determined that people with learning difficulties, aged between 18 – 34, were 30 times more likely to die from Covid and questioned what the Scottish Government is doing to support this group of people and their access to vaccinations.

JH is aware of the statistics and the Scottish Government is working closely with representative organisations of those with learning disabilities.

Name Redacted Scottish Government official, advised that in terms of face coverings, urgent clarification has been sought on this. In terms of those with learning disabilities, the Scottish Government has been working closely with policy leads and learning disability organisations on vaccinations and are looking at the possibility of co-vaccinations in certain circumstances by looking to utilise learning disability nurses to provide vaccinations in settings which are more familiar; and also looking at different ways on where people fall within this. It was noted this is moving a pace and all options are being considered. JH requested that unions advise of anything which may have been missed.

NR asked whether adults with learning disabilities are higher up on the vaccination list.

NR confirmed that all adults with down syndrome are on cohort 4 and part of group 6 is adults with profound and severe learning disabilities, in noting the different in timings between cohorts 4 and 6 is a few weeks.

4) Current and future plans to support those with long Covid / post-Covid syndrome

NR referred to long Covid / post Covid and the damage which can be done to the body including damage to lung, heart, brain kidney, fatigue (chronic fatigue) etc. and that under the Equality Act, individually these are classed as disabilities. **NR** queried what the Scottish Government is doing for the people who have long Covid / post Covid now and what for the future.

JH responded noting there are 2 issues to this – one is how we act as an employer and those covered by Scottish Government's public sector policy. It was noted there was engagement with civil service unions on this matter and there is an agreement on how we view long Covid / post Covid syndrome. This is being viewed in the same way as other health conditions in the same sort of category in terms of impact, which allows the Scottish Government to take the approach where sick pay is extended. The second issue is how to approach the wider society which again comes back to the challenge of employment law.

NR Scottish Government official, advised the Fair Work Statement was drafted prior to understanding the long term effects of Covid. It was noted officials are looking to reshape the Fair Work Statement and it is a very new topic for discussion at the moment on how to ensure people are supported as well as treating the myriad of conditions people are facing.

a) How can the SG ensure the Fair Work statement covers all sectors, and workers with long Covid are protected going forward?

NR raised concerns on what appears to be rogue employers who are still not giving cognisance to people not being disadvantaged. There is reluctance from businesses that pay, and terms and conditions, should be applicable when it comes to long Covid and there are far too many employees on reduced terms and conditions, and they are therefore moved to the accelerated lower pay and may not have the luxury of full pay terms and conditions. **NR** requested the Scottish Government look to enforce employers to ensure that workers are not disadvantaged.

JH responded advising this area is not so much set out in regulations and not being able to regulate it is a source of frustration but would continue to push message; but that it comes back to the point made prior in needing to look at the Fair Work Statement to ensure it has relevant messaging and expectations.

Action: SG to reinforce message to employers.

5) Clarity for testing of support staff working in education.

NR raised concerns regarding the phased return to schools and the resulting risk to staff within the education support system, i.e. school bus drivers. **NR** requested the Scottish Government consider the option of vaccinations for this group of workers.

6) Plans for vaccination rollout to key workers in essential retail and supermarkets

RF in general principles the STUC and affiliates support phase 1 of the vaccinations but wished to raise there is a debate to be had for phase 2 and to start to look at the younger cohort as well as protecting frontline key workers etc.

NR advised there are a large number of members working in retail who feel very vulnerable. As they are classed as keyworkers and are mixing with high number of public **NR** queried when the vaccine is going to reach this group of workers. **NR** further advised that colleagues have informed that Renfrewshire had run out of vaccines and have sent letters advising that vaccination appointments have been cancelled.

JH responded advising that this is an issue what has been raised and discussed previously. The JCVI produce the prioritisation list which is being worked through and it is estimated to address 99% of avoidable mortality. For those working in retail and construction settings, it is a very concerning time, but the statistic quoted speaks volumes and hopefully gives rationale for following the JCVI. It is again all contingent on supply as vaccines are in global demand. JH reiterated that Scotland have given over 1million people their first dose of the vaccine and it was

hoped to have all those on the priority list be invited for their vaccination by May. Although there is a question on how we then further prioritise after this.

NR advised the issue raised on vaccines in Renfrewshire is being looked into. The Scottish Government is trying to max out the supply available which does sometimes mean having to cancel or postpone appointments. The complexity is to do with the 12 week wait between doses 1 and 2. It was noted the schedule is being prepared for the 2nd dose to be given in care homes; there has been an increase in the number of people which were first estimated for cohort 2 (frontline and care home workers). It was noted the Scottish Government expect to be in a position to start phase 2 and the offering of appointments by May and an announcement is expected shortly from JCVI which will give advice to all 4 nations on the priority for phase 2. JH advised the simplest and easiest category is older people but in looking at those below 50 (40 – 49) it covers 81% / 87% of Covid deaths. Work is ongoing with policy leads on the different groups to consider all aspects (retail, transport, police, fire, teachers) and the consideration that phase 2 may be more around the 4 harms approach which is also being looked at to help inform decisions.

JH reiterated that it was important for colleagues to know that this is being discussed at a policy level and any information being gathered is being taken into consideration. This provides the ability to make ensure a structured discussion with unions.

RF thanked **NR** for the update and looked forward to hearing next week what the plans might look like for phase 2.

JH further advised Jeane Freeman recently wrote to all MSPs to inform that flu vaccine programme was now complete and those employed to administer the flu vaccine will be utilised for Covid vaccine.

Action: **NR** to provide update on Renfrewshire vaccine.

7) Construction follow up for information.

- a) UK Government are to test construction workers on larger sites, is **NR** thinking about this?
- b) Only SSP available for 14 days under the JIB agreement for those self-isolating, additional income currently being covered by levies amongst other workers.

- c) Concern that bogus self-employment in this industry will lead to contracts being terminated

RF referred to the UK Government's testing of construction workers on larger sites and wished to know if the Scottish Government are considering this also as it is felt there is a need for it. It was noted Stevie Dillon, Unite, had passed further information to the Scottish Government on outbreaks within construction sites and RF wished to also know if there was anything further to report in respect of HSE concern. It was intimated that workers on construction sites are being compelled to set up funds in which to help colleagues take the 2 weeks off to self-isolate due to only being provided with SSP for the first 14 days. There is a real concern around this as by the very nature of the job, workers do not have a positive choice to self-isolate when they need to. RF reiterated this was a growing concern from Unite and its members.

JH would be keen to understand what is happening there better and consider what can be done around it but that it does revert back to employment law. In terms of HSE JH invited David McPhee (DMcP) to provide an update.

DMcP advised the Scottish Government are speaking regularly with the HSE and to Construction colleagues to build more information but wished to hear where there are potential concerns to be able to push employers to make sure they are following guidance.

JH referenced specific communications from HSE of which had not yet had sight of.

RF clarified the communication was a range of concerns building up which the HSE were going to report to the Scottish Government with a view to help inform policy decisions around public health measures.

Action: NR to provide update to STUC on meeting with HSE

8) Vaccinations

- a) What action has already been taken, or planned, to address misinformation regarding the vaccination in BAME communities. Are there any stats NR could share with STUC and BWC on vaccination take up in BAME population?

RF intimated that no immediate answer was expected but raised the STUC Black Workers' Committee wished to know if there are any statistic which show the take up of vaccines in the BAME population and whether there were any issues regarding this.

CM responded advising the race equality team have been working with the vaccine team on this very issue and there is a huge piece of work ongoing. It was noted the stats around collection of who is being vaccinated so far was difficult to encompass as a large number of BAME are working in the care sector / frontline health. It was further noted the Black Workers' Committee raised this issue a couple of weeks ago at a meeting with CM and had thereafter been raised with the vaccination team.

NR informed the current prospective is the monitoring uptake is important and Public Health Scotland are doing work to link ethnicity and vaccination data and this will be published soon in noting there are restrictions and limitations but there is work being taken forward on this.

9. Health and Safety in Call Centres

a) Letter from STUC and campaign groups

RF advised a letter had recently been sent to JH on health and safety concerns in call centres and invited PR to update.

NR referred to the call centre working group which had an input to the sectoral guidance and requested that this be kept under review as there are a number of concerns around numbers that remain in call centre sites and face coverings; and there has been a number of conversations with various organisations with a request to update / review the call centre guidance.

JH and CM would pick up on this and report back.

Action: **NR** to pick up on and report back

Closing Remarks

It was noted the next meeting will take place on Friday 19 February at 11.00 am.