

STUC – Jamie Hepburn Meeting
11.00 am – 12.00 noon
29 May 2020
Note of Meeting

On call

Rozanne Foyer, STUC General Secretary Designate (RF)

Helen Martin, STUC Assistant General Secretary (HM)

Name Redacted

SG Side

Jamie Hepburn, Minister for Business, Fair Work and Skills (JH) and a range of supporting officials.

Opening Remarks

RF opened the meeting advising of the letter sent to the First Minister on the test, trace, isolate and protect element. It was noted that we are now entering a key period in terms of monitoring how to reopen the economy. There was recognition that things will be difficult and there will be areas that were thought might work but may not work and that there will likely be a number of difficult conversations but given the relationship built up with the Scottish Government any issues would be dealt with constructively.

JH agreed with this sentiment and although had not yet had sight of the letter to the First Minister he would ensure a response is provided as soon as possible. It was noted we are now moving into a period where there is a need to ensure the guidance is effective and practical. He noted that we are dealing with a disease that is new and which is not yet fully understood.

It was also noted that unions have a huge role to play in assisting to get things right and this has worked in terms of the guidance produced and the Scottish Government is committed to make sure it is under constant review in-line with statutory requirements and as issues arise.

JH provided an update on items raised at the previous meeting and in terms of courts and associated functions it was noted Humza Yousaf (HY), Cabinet Secretary for Justice, had met with the Lord President to discuss the issues which PCS raised with a further meeting between HY and PCS to follow. Feedback would be provided in due course.

RF responded thanking JH for taking this forward and noted that PCS are aware of this and that progress is being made.

JH referred to the discussion around waste recycling centres reopening and guidance published earlier this week and is aware of the concerns raised by Unite on the practice of drafting the guidance without union involvement. It was noted the Scottish Government had taken this forward with COSLA and pressed the issue with them. COSLA will be contacting Unite to ensure commitment to ongoing dialogue and COSLA will be writing to local authorities to ensure involvement of unions.

RF again thanked JH and welcomed progress and will await update.

JH then referred to key workers and pay campaign the STUC is running and is of the understanding that steps have been taken to get 'all right people in room' to try and progress this dialogue.

RF advised that she is aware of the progress and is in dialogue with affiliates and hoped a meeting would be arranged quickly to ensure this is taken forward.

1) Forward Look

JH noted the standing items on testing and PPE and noted that these meeting also allowed immediate issues to be flagged up. The Scottish Government are committed to the twice weekly calls to ensure regular engagement, but consideration would be given to exploring, when useful other Ministers / Cabinet Secretaries / Officials on the calls when useful and reflecting the timescales set out and the route map.

JH advised another issue to consider is to review and refresh the Fair Work principles and to look to engage with employers to make sure this is being taken forward and would bring this issue back to the group for discussion. JH further advised the First Minister had indicated the next Biannual meeting with the STUC and its General Council would take place at the end of June.

RF welcomed the offer of the Biannual meeting with the First Minister and noted the STUC had already started to consider agenda items. It was noted the STUC would contact the relevant officials next week with suggested agenda items. In terms of future meetings, it was essential to talk regularly, and RF reaffirmed the meetings to date had been very helpful. RF concurred the mix of different Ministers and Cabinet Secretaries had also been helpful along with key officials and put forward a request for a meeting with the Transport Minister as transport is an area of concern as it reaches right across all affiliates.

JH advised officials would take forward the request to meet with the Transport Minister, Michael Matheson, and would be in touch in due course with further details.

Action: Officials to follow up STUC request for Mr Matheson to lead an early focussed call on Transport related issues across all sectors to review and reflect on Transport sectoral guidance issued this week.

2) Safety Guidance

JH referred to the announcement by the First Minister on Thursday of the move to Phase 1 of the route map in terms of the trace and protect system. It was noted there are still many restrictions in terms of workplaces as we are still at a critical phase to suppress the transmission of the virus, with some relaxations in other places. JH advised the sector guidance remains very important in terms of laying out the expectations of employers. He noted that this week the Scottish Government had published recycling centre guidance, and as well retail manufacturing sector guidance. It was noted there had been a good process in having the unions voices and involvement in pulling guidance together. In terms of going forward there is a very clear need to ensure that the voice of the workforce through unions is heard as they continue to develop more sectoral guidance.

JH advised there is progression around the creative industries and a meeting would also take place next week to discuss the financial services guidance and that officials have reached out to the STUC for the appropriate trade union involvement. Given this looked to be Unite only consideration was being given to invite either more than 1 representative from Unite and / or representative from the STUC to ensure appropriate representation on the group. In terms of review this is imbedded into the approach the Scottish Government are taking and will continue to hear unions voices as part of process.

RF welcomed leaving the door open to review the process and allowing unions to contribute as this is important and referred to the enforcement statement that a risk assessment is carried out with involvement of trade union reps and that support can be provided by union Health and Safety Reps in non-unionised workplaces. RF stressed the need to ensure this is integrated into all guidance.

NR noted the sector guidance which had emerged over last couple of days, noting that transport and construction were the most concerning. In terms of transport, **NR** also welcomed leaving the door open to review but that there is a requirement to have firm dates set in not too distant future, preferably next week, for those involved in the guidance to have a further discussion. **NR** stressed that the transport guidance was rushed and noted that it would underpin the opening up of the economy. **NR** advised that the wording in the draft was extremely soft in certain areas (i.e. referred to 'employers could consider') and that it was also very short on detail in some parts. **NR** highlighted that the guidance tries to be all encompassing but lacks detail on different modes of transport. In terms of buses, there is no real identification on the maximum number of people allowed on this form of transport, it does not require that exclusion zones be clearly marked, nor ensure social distancing is maintained. In London and Yorkshire, it was reported that bus companies are setting 20 seats on double decker buses, with 13 seats on single decker buses and that some of the companies operating in England also operated in Scotland. With regards to construction guidance, it was noted that this had been relatively good but the guidance could be perceived as being superseded by the operating guidance which talks of the 2 metre distancing not being adhered to in some circumstances, and makes references to PPE not being encouraged, and therefore further work needs to be done to pressurise construction industry in Scotland to follow the 2 metre guidance and provide PPE.

NR referred to the clause in the joint enforcement statement in directing people to get support from trade union Health and Safety reps which had been included in the Scottish Government's construction guidance but reiterated this should be included in all guidance.

JH noted the clear request for urgent engagement on transport guidance and Scottish Government officials would take this forward. Similarly, on construction, the point is pertinent that government guidance has to have primacy on sectors own guidance. The Scottish Government have published this guidance for a reason and expect employers to adhere to what has been laid out. JH would be happy to look at the wording and incorporate across the board. The Manufacturing guidance underlines the value of involving everyone in these discussions, but clearly there is also an issue of other sources of support and advised that trade union health and safety reps are a very valuable resource and would take this away for consideration.

NR referred to a useful conversation with the Council of the Isles and in particular how Ireland has addressed construction and how they emphasised that a commitment in the early stages to inspect sites and ensure that construction sites were adhering to the rules. **NR** understood that there would be a resource issue but noted that this approach had also been extremely useful.

JH would again take this into consideration and speak to colleagues.

Action: Request for further engagement on Construction sector guidance to consider how to incorporate messages and tone from SG level guidance into site operating procedures. Request from Mr Hepburn to keep Mr Stewart informed as lead minister for this sector.

3) Self-Employment Scheme

NR referred to the self-employment support scheme (SESS) noting that this ultimately emanated from UK level. There is growing concern that while the JRS had been extended there is no indication as of yet of the SESS being extended and this is beginning to cause some worry. For example, in relation to the test, trace, isolate and support system, and those with no other source of income (ie. Taxi drivers), there is a possibility of being asked to isolate on more than once occasion.

There is a danger that this will impact on the number of people reporting that they have symptoms or have been in contact with someone who has.

NR reiterated **NR**'s concern and noted that the reticence from UK Government to continue the SESS is of a concern. RH appreciated the assistance from the Scottish Government and noted that finances are limited, but advised that whilst lockdown will start to ease some people will not be able to just walk back into work and they will continue to be reliant on the universal credit system, which will in turn cause pressure on this system. It was noted that people are having to make choices on whether to keep some of their equipment, which they need to make a living, or sell it now to make ends meet which in turn means they fall out of sector. **NR** further advised the sector is being damaged, and it would not recover overnight and would appreciate any pressure the Scottish can put on the UK Government to extend the scheme to assist this vulnerable group of workers.

NR echoed the comments made above and that he would like to see support to the precarious workers falling through gaps. Many of his sector work in mixed economy and most on PAYE are short term contracts and therefore do not qualify as 50% self-employed, and in turn are not receiving any JRS either. **NR** enquired if there are any support schemes in Scotland to assist these people as incomes are drying up completely.

JH thanked the above for their input and shared their concerns. It was reported that the Scottish Government are already pushing the UK Government on the issues raised and FH had written to Rishi Sunak urging the UK Government to extend the JRS. It was anticipated that an announcement from the UK Government would be forthcoming in the next day or so on JRS and SESS. In terms of Scottish Government provision where gaps have been identified in relation to UK Government schemes, the Scottish Government have tried to fill them – for instance, the Scottish Government created a hardship scheme to assist those who became newly self-employed. The Scottish Government are also looking at what else can be done but that there are financial implications and also challenges.

NR, Fair Work, advised that an announcement would be made on the JRS and extension of the SESS would be mentioned, at some point later today.

4) Testing and Data

RF referred to the letter sent to the First Minister to seek further clarity on test, trace, isolate and support. RF requested weekly updates on the estimated level of cases and whether this figure is reducing as this is a major element of targets. She also requested some sense of what case levels should be to allow us to move through the phases of the route map and moving forward into other phases.

NR referred to the test, trace, isolate and support system and of the red lines around returning to work. It was noted the EIS are sceptical that it might be launched with moderate targets to be reached. The point around monitoring and how this develops is important, noted he had received a number of emails requesting how this system will work as it was not clear. Schools will be returning and there is a requirement for level of assurance for both teachers and pupils. **NR** spoke of people isolating, showing symptoms and therefore being tested and if clear could return to work before the 14 day isolation period and referred back to the knowledge that tests could show clear on day 3 but that you may still show symptoms on days 5, 6, 7 and throws up the question on how this works. It could have a significant impact on schools restarting and schools eventually being closed down due to staffing issues. **NR** requested further information on more active monitoring around the capacity and ability to access testing and then once beyond this what extent are the Scottish Government tying to proactively test people in schools etc.

NR raised the issue of firefighters and the impact of self-isolation on this group of workers given the close proximity firefighters have to work with each other, and how they are expecting a higher amount to be off work because of the test, trace, isolate, protect strategy. **NR** gave the example of a watch of several firefighters and one tests positive, all those who have been in close proximity will therefore be asked to self-isolate, which will have a major impact on staffing of an emergency service.

NR endorsed other concerns raised. **NR** highlighted concerns in the postal sector where if staff tested positive, self-isolated for the 7 days and returned to work- will there be a position where there is testing prior to return to work to ensure staff are clear. On the telecom sector side **NR** reported of conversations between **NR** and **NR** requesting proof or evidence which could be perceived by workers as a lack of trust of the workforce.

NR also flagged issues of concern around staffing capacity in labs.

JH thanked the above for raising their concerns and advised that this mainly relates to specific detail around capacity and the underlying scientific methodology and would therefore take away the concerns and prosecute within various areas of the Scottish Government on public health as he was unable to provide meaningful answers at this point. JH noted the impact on public services and the issues raised in respect of schools and emergency services and Scottish Government officials on the call would take forward and report back at the earliest opportunity

RF reiterated the tight timeline and urgency of addressing these issues as they are a real red line for building confidence in the workforce.

Action: Infection rates trigger points: Relevant officials to provide further information to STUC on levels of cases expected to enable safe entry into stages 2, 3 and 4 of leaving lockdown. Also, to respond to STUC request for weekly updates on monitoring of numbers of cases and capacity for testing.

Action: Officials to respond to query from [NR] of EIS on further detail on guidance around teachers self-isolating and Test Trace Isolate Support (TTIS).

Action: Officials to respond to query from [NR] of FBU on TTIS guidance for firefighters and consider more in depth dialogue on the impact of TTIS on emergency services - in particular can regular testing be undertaken so that crewing levels are not under pressure from staff having to isolate for 14 days even if not infected

Action: Officials to look into query from [NR] of CWU on TTIS re messaging for employers in terms of their expectations re the assurances employees can feasibly provide on return to work post self-isolation. E.g the example was given of workers being asked to provide evidence of a clear test following self-isolation period.

5) PPE

RF advised that there were no specific issues to raise on PPE but given we are now starting to reopen the economy, a key area is the ability of employers to carry out risk assessments and what plans are there to ensure employers can access adequate PPE, and is the Scottish Government going to have a role in assisting employers to access PPE. RF stated she would appreciate feedback on this issue at the next meeting.

JH agreed there would clearly be a huge demand on PPE and the availability of supply. The Scottish Government were looking at sourcing of PPE and other necessary items to sustain NHS and the care sector and are also thinking around how other parts of the labour market and economy fit into this.

RF suggested a meeting with Ivan McKee, Minister for Trade, Investment, and Innovation, may be useful in this instance and JH agreed to take this forward.

Action: Officials to investigate possibility of focussed/separate call with Mr McKee on provision of PPE for non-essential workers.

Closing Remarks

JH will put into action issues raised and bring back to next meeting.