

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

On call

Rozanne Foyer, STUC General Secretary (RF)

[NR], STUC Deputy General Secretary [NR]

[NR] UCU [NR]

[NR] EIS [NR]

[NR] STUC Disabled Workers' Committee [NR]

[NR] GMB [NR]

[NR] Unite [NR]

[NR], SSTA [NR]

SG Side

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

Opening Remarks

No opening remarks.

1) Strategic Framework

RF welcomed the Government's cautious approach as laid out by the FM and of the necessity to be very careful around pinning down key dates.

JH thanked RF and intimated the Scottish Government are trying to convey a sense of forwarding momentum and that circumstances will change but on a consistent basis in line with the public health approach.

[NR] advised the overall ambition is to prevent any further lockdowns and to protect workers and requested clarity on levels and the next steps.

[NR] referred the FM statement advising that it was hoped from 26 April Scotland may go back to levels on the tiered approach but that there could be differences in areas. [NR] requested that unions be consulted on any tweaks with regards to levels, tiers, and guidance as there will be areas within this that unions will not be comfortable with; and some employers will be pushing the Scottish Government for more.

NR referred to the HE / FE sector and the announcement by the FM of no more than 5% of students allowed on campus, which was the first time unions were aware of this. It was noted union have a lot to put forward and was felt unfortunate that unions had no input in this decision.

JH on the point of employers raising certain perspectives and criticism, the Scottish Government is cognisance of fact that some people may take a different approach, but they would be engaged with as equally as others. JH referred to the PM's statement which included specific dates and by implication / extension when the FM made their statement it led to some disappointment. The Scottish Government are trying to convey a sense of hope and at the same time not provide false hope, which can at times be a hard message to communicate. JH would feedback on the concern raised in respect of no engagement on the students allowed on campus. It was noted this was not drastically different from the first position, this figure was the maximum allowed on campus and is predicated on where face to face teaching is necessary and people are unable to study remotely. It was noted there is still opportunity to engage on the return to levels approach. Further detail on levels will be published around middle of March and there is therefore the opportunity to have a dialogue and discussion around the perspective on what unions think this should look like and JH will ensure there is a structured way for affiliates to feed in.

NR responded advising there is also the challenge of workers being forced to return to the workplace but that it was easier to sell a harder message to union members if the unions are involved in the decisions.

RF welcomed the opportunity to have a specific discussion on levels; concerns were also raised on the dilution of levels and that level 4 is not strong enough in for instance non-essential construction and manufacturing.

NR Outbreak Management Team at the Scottish Government, advised there are many different parameters being worked with but would be in touch with STUC the following week to arrange a further meeting.

JH reinforced the cautious nature, and that we are not going to be in a position to return to variable levels approach until we have gone through the vaccination process for all on the JCVI prioritisation list.

NR raised concerns on the schools reopening and requested more flexibility for councils to decide on opening of schools, blended learning, and remote learning (in noting blended was preferred as it allowed for a 2 metre physical separation). It was noted the Scottish Government has the power to do this but not Councils and pushed for this to be given to fit with local circumstances and the concerns of parents, staff, and pupils on a local authority basis or school by school basis. It was further noted this freedom is currently missing from the Strategic Framework.

NR advised there is a lot of pressure on all jurisdictions, and in terms of levels there isn't much difference in schools guidance between levels 3 and 4 but that this will require some consideration due to the new strain. It is important that the Government provides clear guidance on what the flexibilities are so that there are no discrepancies on the ground as it is often left open to interpretation. If providing further guidance to schools to go further, it must be very clearly laid out. Wish for the flexibilities but need the guidance to build up on – not go below.

JH advised there is guidance in place, and there is a specific group which looks at the return of education and that unions are engaged in and would be the most appropriate forum for this discussion. JH referred to the Strategic Framework and that the phased return to school is carried out in the safest way. In respect of **NR** comment on pressure from HE employers, they are entitled to have their opinion – but the Scottish Government will only move forward when it is safe to do so.

Elizabeth Morrison (EM), Scottish Government Learning Directorate, spoke of the group chaired by the Deputy FM which unions also sit on, along with a number of professional associations, input from local government and other groups like Education Scotland, General Teaching Council and the SQA, as well as a young person. That collective responsibility has been a strength of recovery in terms of reopening schools. EM spoke of the updated Strategic Framework and the safety of staff and pupils is paramount. EM understood the comments on local councils and powers / flexibilities they have, but there is a questions around equity and ensuring this equity. There is a concern that if local councils start making decisions this could impact on equity. Currently Directors of Education describe any cases with the Learning Directorate a sounding board to ensure there is consistency in local authorities and it was important to have national approach to ensure there is equity in the system.

NR responded on the idea that SERG has collective responsibility for decisions and implementation of Scottish Government policy in noting that SERG is an advisory body and to intimate this is a group with collective responsibility is misleading. There are a large number of issues around transmission in schools which is more than just community transmission. Safety of staff may be paramount but that is not the current feeling of teachers. They feel they are being sacrificed upon the alter to get pupils back into schools. The Scottish Government has constructed its guidance and powers given to Ministers so that councils have very little flexibility in implementing blended learning. The EIS are looking to implement blended learning where it would improve the safety of staff and pupils, but that is not possible at the moment. These are issues that are worrying, and these have been raised at SERG, and the EIS also wrote to the Deputy FM with the response stating it was the Deputy FM's decision to continue opening schools and it was a decision the Deputy FM was sticking to.

EM clarified that Directors do not phone up for permission they utilise the Learning Directorate as a sounding board. The Learning Directorate also use a national overview; and would expect all to follow public health advice.

NR clarified that he was not concern with SERG but making clear that SERG does not make decisions and members do not share collective responsibility. The concern is that Public Heath Directors are refusing Education Directors the ability to close schools where there are outbreaks, the needs of pupils are paramount, and to say they are safer within school (even where there are a number of cases) is not right. This means that EIS members will still have to go into work, this is a major cause of concern.

JH advised EM would feedback and reflect on advice to the Deputy FM and liaise colleagues within the relevant teams in this area.

RF closed the discussion by stating the context on bringing these issues to this forum is to raise concerns for the workforce and appreciated this would be taken on board; and was not asking for any dilution in national standards.

Action: SG Outbreak Management Team to organise meeting with unions to discuss further guidance on levels for publication in mid-March.

Action: SG Learning Directorate to liaise with colleagues on issues around re opening of schools and request for additional powers for local authorities / councils.

2) Employment and Furlough

RF noted the budget announcement due the following week and expectation of discussions around the furlough scheme and that the STUC and unions wished to see the scheme being extended to the end of 2021 to give businesses space to recover and retain jobs.

NR welcomed the Scottish Government's approach to opening up the economy however GMB still have number of members on furlough. If the Government moves at pace to open the economy and stop the furlough scheme what are the Scottish Government's plans to continue this support.

JH shared the concerns, but the Scottish Government finds itself in a position waiting on what the Chancellor will announce in the UK Government's budget statement. There could be some form of extension, but the Scottish Government receive very little insight ahead of announcement, and the Scottish Government's budget is predicated on UK budget. Fundamentally, within the parameters of resources available, the Scottish Government will continue to do what it can to support businesses and individuals and would not rule out replicating the furlough scheme but again, this would be dependent on budgets. It is hoped the Chancellor recognises we are at a juncture where the scheme has to remain in place.

3) Construction

NR referred to the many debates held previously around construction and reiterated the concerns over non-essential and essential work. Unite believe there is a lot of non-essential construction work taking place. Unite carried out a FoI request to the HSE on what concerns had been raised with them and it appears there is a large spike in cases in January / February 2021. **NR** referred to the Laing O'Rourke site at the St James' Centre, where 50 workers are currently self-isolating with 11 positive results; and that there are more cases appearing on construction sites.

NR asked if the Scottish Government are looking into construction and if this sort of spike continues what will be the Scottish Government's plans.

JH responded reiterating this had been brought up on a number of occasions and that there was an expectation from the STUC and Unite to provide additional information. It was noted there is a contrast with experience from the last lockdown and this one whereby guidance is in place. JH advised that overall they were still not detecting a significant upsurge of cases in construction. Where there has been a limited number of responses this has been done through the Incident Management Teams and making sure that all requisite steps are being taken.

NR Scottish Government, advised Kevin Stewart, Minister for Local Government, Planning and Housing (who has led on construction for the duration of the pandemic) meets with the construction sector, through the Construction Leadership Forum, of which **NR** Unite, is a member. A report is provided at these meetings by **NR** (construction lead for HSE) and hoped that these reports were shared by **NR** to colleagues more widely. On safety in general, **NR** (Outbreak Management Team) has been liaised with and his assessment is the level that is being seen which directly reflects on levels contained within the community. That won't be peculiar to construction and this will be happening across the board. It was noted the Minister wrote to the construction industry and strongly emphasised the need to avoid complacency; and the letter had been shared with **NR**

JH advised there was scope to take some space on an overall approach to the levels document and facilitating dialogue as mentioned above. JH further advised no letter had yet been received from the HSE with specifics.

RF responded advising that this had not been in letter form but the HSE had stated they would be raising their concerns with the Scottish Government. It was noted the HSE had raised significant concerns at the Ministerial group on the level of issues being encountered.

In respect of the outbreak at St James' Centre, there is concern that the action being taken there was not the same as the action taken place at the construction site in Glasgow which also had an outbreak; the number of people being advised to self-isolate is also problematic in itself due to the nature of the pay structure in construction; also that there has been only one zone of the St James' site closed for a deep clean rather than an overall shutdown which was the practice in Glasgow – the consistency does not seem as strident.

It was agreed that [NR] and [NR] liaise over the concerns raised; and [NR] share Fol responses with Scottish Government.

[NR], Scottish Government, On the point of HSE, it was understood that officials spoke to the HSE last Friday following which the HSE were going to provide a report to the Construction Leadership Group. [NR] would look into this and report back to RF.

RF advised that she would be writing to the Minister for Trade, Local Government and Housing, and would forward a copy to JH, on the work that is being carried out around a construction Accord. This is seen as a huge Fair Work lever and will be welcomed. There are concerns over the timing as it was felt it was being rushed through in the coming weeks and it is the STUC's view that the Accord be delayed until the results of the Fair Work Convention's inquiry into construction have been published. It was further noted this would be a living evolving piece of work and that there has been no mention of union involvement. The STUC would like to see unions having a seat at the table and their voices heard.

JH had not had sight of what is developed but agreed to look into this and looked forward to receiving the communication from RF in due course. JH advised this had been a recommendation with a commitment to complete within the timescale in the Programme for Government and wished to reassure the Scottish Government is taking cognisance of concerns raised. It was noted the Fair Work Convention was not due to publish their findings until October, when that is published will be incumbent on the Scottish Government responding.

[NR] advised Accord is a PFG commitment from September 2019 and the Scottish Government had been intending to take forward for some time. In terms of engagement with unions, [NR] and [NR] who are leading process held a meeting with the STUC.

It was noted this was not the first engagement and the Construction Leadership Forum have received 2 updates on the Accord so far and there have therefore been regular opportunities for [NR] to be able to feed into that process. [NR] understood the concerns around the timing, but this is a positive move as this is Government and sector working together to say they want the industry to transform. It will include more about the diverse industry and Fair Work will be a considerable part of this. The Fair Work Convention comments will be fed in as they emerge. The Scottish Government have managed to generate a real wave of momentum with the sector and is keen to use that to drive positive change so that the industry can transform into industry all want to see.

Action: Unite and [NR] liaise over construction concerns.

Action: Unite to provide [NR] with Fol responses.

4) Vaccination

[NR] referred to the rollout of the vaccine process in which a number of members were coming back with concerns that some health boards are not vaccinating non-patient facing staff whereas others are and so there is an inconsistency on the rollout of vaccine in boards. Non-patient facing staff should not be disregarded in this way and Unite believes all workers working within that environment should be vaccinated.

JH referred to previous discussions on this and the expectation is it is led by JCVI which is the primary point of focus and should be followed. It was noted that within this there is a cohort of health and social care workforce and some have been down to not wasting vaccinations. It was noted it is predicated on the basis of effectively having no wastage in the system and we should still be operating on a priority list. By following this it covers around 99% of avoidable deaths. It was further noted there has been very good progress on vaccinations and that Scotland is ahead of where it was expected to be.

[NR] advised that in terms of priority group 2 in JCVI list they were very clear that patient facing frontline health care workers includes non-clinical in secondary or primary care health settings. If staff are working in red pathways they are also included because of potential exposure. In terms of progress, Scotland is making great progress and is looking to bring forward priority group 6.

The JCVI are publishing information today on the under 50 adult population, some of the highlights of this are:

Under 50's in considering all factors i.e. age, ethnicity etc;
Rapid vaccination deployment to maximise numbers;
Recommended age based approach starting with oldest first 40 – 49 / 30 – 39/ 19 – 29;
Particular update on phase 2 by men / ethnicity / social economic deprivation; and
Individuals aged 18 – 49 who are at greater risk of hospitalisation.

Given the pace of vaccination programme it is estimated that Scotland is in front of initially planned and would continue to push boundaries.
The workforce is according to vaccine supply and all boards are moving across to scheduling platform.

NR queried if the rolling out to community was dependent on the on AstraZeneca supply and was the Pfizer vaccine all used up now.

NR responded advising the Pfizer vaccine was not fully used up and there is a supply coming in. The second doses of the Pfizer vaccine are being administered so any incoming Pfizer vaccine is being directed to prioritising these doses. There are supplies of AstraZeneca. It was also anticipated there will be a third vaccine available in the Spring, but this information will now be known until nearer the time. The UK deployment plan contains other vaccines which are currently in the trial stages. The vaccines which are available will be modelled and flexed according to supply and the Scottish Government will continue to work with UK Government to ensure deployment.

Action: **NR** to circulate updated JCVI guidance.

Action: Include Vaccines as agenda item for next meeting.

5) Learning Disabled People

It was noted that due to time constraints the concerns over the use of Do Not Resuscitate orders would be picked up with officials.

JH referred to the Mencap report which was found to be concerning although it was predicated on information from England and Wales.

The Scottish Government is very clear on guidance on DNS and there is no blanket approach, every individual circumstance has to be explored with family and carers and decisions taken on that basis.

JF agreed to provide a short summary with main questions for Scottish Government officials to respond.

Action: Summary of questions to be provided to NR for response.

Closing Remarks

It was noted there JH may be unavailable on Friday 5 March due to potential all day session of the Economy Committee on Tied Pubs Bill and the meeting may require to be rescheduled.