

**STUC – Jamie Hepburn Meeting**  
**11.00 am – 12.10 pm**  
**02 October 2020**  
**Note of Meeting**

**On call**

Rozanne Foyer, STUC General Secretary (RF)

**NR** STUC Deputy General Secretary **NR**

**NR**, Unite **NR**

**NR** UCU **NR**

**NR**, Prospect **NR**

**NR** EIS **NR**

**NR** PCS **NR**

**NR** UNISON **NR**

**NR** CWU **NR**

**SG Side**

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

**Opening Remarks and Update on Actions**

JH opened the meeting and thanked all for attending today's meeting and provided updates as below:

PPE Action Plan

JH referred to the call earlier this morning and hoped it had been helpful and any issues could be flagged up for follow up today.

Hunterston

It was noted that this had been touched on previously and that Government officials are in the process of arranging a meeting and it was hoped this would be confirmed shortly.

Draft Infrastructure Investment plan

It was noted that Michael Matheson had launched the plan which covers the next 5 financial years; provides a response to phase 1 of the report; and sets out the long term vision. The consultation is open until 19 November and would welcome views from the STUC and affiliates.

### Test and Protect Presentation

It was reported the presentation would take place at 1.00 pm and that Jonathan Cameron would present and answer any questions which may arise.

RF thanked JH for the update and the work on Hunterston and the Draft Infrastructure Investment Plan. RF informed JH on the very difficult week in relation to the Transport Cabinet Secretary and of the repeated delays of Cabinet Secretary's engagement and urgent dialogue with the transport unions. Given everything going on in air transport and workers in the transport areas, this has left the transport unions enraged. The STUC was left in a completely unacceptable situation whereby we had to beg to get a meeting in his diary. The STUC will be writing to the Transport Cabinet Secretary raising strong concerns and RF advised that it was important that JH was made aware of this situation and of the difficulties in building engagement in all parts of the Government.

In terms of the renewable sector, RF reported the STUC, Unite and GMB met with **NR** Chief Executive of **I&S** with regards to the contract awards that **I&S** put out and of the impact on BiFab. The STUC, Unite and GMB were very shocked when they were informed that **NR** had not told his workforce prior to the announcement as he had been asked not to by the First Minister's office and the workforce therefore heard the news from the media. RF stipulated that this was not the relationship the STUC and Unions thought they had with the Scottish Government and not the dialogue expected to be had with the Scottish Government on these very important issues as we have been working very constructively with the Scottish Government.

RF appreciated the work with regards to the PPE Action Plan and of the constructive conversations taking place but to provide the STUC and Unions with 24 hours to respond to a final draft of the Action Plan did put the STUC and Unions in a good place, especially when some affiliates are struggling to get facility time. Unacceptable to have such a last minute and be consulted as afterthought.

RF advised that she had received a response from the Cabinet Secretary for Health in respect of the request for a trade union voice on the Social Care Panel. It was reported the response advised that this had not been agreed to, yet the STUC and Unions are aware that other key stakeholders are on the panel. It was noted that RF would be responding to the letter, welcoming regular dialogue with the Chair and Fair Work agenda, but that this was not substitute for having workers' voices included in what will be a very strategic discussion around care services moving forward. The letter will include a request for an urgent meeting with the Cabinet Secretary and affiliates representing these sectors and it

was very disappointing that at a time when the Cabinet Secretary has got much more important things to do that, we are having to request a meeting to be 'in the room'.

RF continued advising that this was not painting a pretty picture on where relations are at the moment. The General Council held its meeting the day prior and felt that it was important to put down a marker on the growing level on frustration and members of the General Council are now questioning whether we are a real social partner. RF informed JH that they were now feeling quite excluded from strategic discussions and are being consulted as an afterthought. This is not where we would want to see worker and union voices be in terms of constructive dialogue with Government and hopefully JH would be in a position to report this back to colleagues in noting the STUC and Unions would be raising this at other departmental meetings of the growing unease with how things are developing.

JH thanked RF for the detail and points raised. JH advised that does perceive the STUC and Unions to be a valued social partner and would reflect on the comments raised and ensure that each and every element is taken up with various parts of Government. JH further advised that if anyone is encountering difficulties at any juncture to contact him and not wait until the meeting to discuss so that it can be acted on accordingly.

RF thanked and appreciated JH's response.

**Action: JH to raise concerns raised by STUC and Unions on lack of engagement with colleagues in Government.**

## **1) Response**

### Return to Campuses

**NR** advised that she would require to leave the meeting at 11.30 am due to dispute resolution. **NR** reported that this was an issue raised at prior meetings and that JH has been very helpful in terms interpretation of the guidance to include colleges and universities. Unfortunately, the Scottish Government guidance is allowing universities to do far more teaching on campus than they should be doing and there is real ambiguity of the term blended learning. The UCU are getting a lot of tension from St Andrew's University and Edinburgh University Edinburgh and too many members are being coerced to be on campus instead of remote learning. **NR** understood that there are clearly times when you have to be on campus

i.e. lab work and equipment which requires face to face learning but there is too much thought being put on face to face learning. It has been proved that you can get a good experience of learning online and it feels like this is a tick box situation requiring people to be on campus or to satisfy the university principal. [NR] advised a key part being asked for is protection of jobs and to address issues surrounding support staff at this time. [NR] referred to the Ministerial Leadership Group and conversation with Jason Leitch where he presented clear black and white scenarios. [NR] requested greater clarity around blended learning and for the university sector to be treated the same as every other sector where remote working is possible it should continue to be so.

JH responded noting previous discussions on this top and advised he has always made this presumption in the wider economy and that as [NR] advised there are some forms of teaching in further and higher education that cannot be delivered in person. It was noted there are challenges around autonomous institutions making decisions about what happens in their environment and agreed to continue to flag up with the appropriate Government departments and further referred to the letter [NR] had written to the Deputy First Minister a few weeks ago.

[NR] further responded advising that the Government has 3 outstanding letters on these issues over the past month. [NR] accepted that institutions are autonomous, however she has been able to deal with the situation in a much better way with some institutions and they have been able to work around this. It is possible to spread work out in a safer way. Hopefully, next year when the virus has subsided more face to face learning can take place, when it is safer to do so. [NR] referred to a discussion with the union rep at St Andrew's and that students do not look entirely comfortable on campus - they do not have a choice of where they sit; interaction is incredibly limited; no face coverings are required in class; and reiterated that seeing people face to face on Teams or alternative platforms provides a better experience at the moment.

[NR] echoed [NR] comments, and had written to Government indicating that teaching should take place remotely where there is a requirement in nature of the course. [NR] was not buying into the challenge around autonomous institutions, over last 6 months the Scottish Government have been able to be quite directive in terms of direction required with regards to compliance and can apply this to universities. Frankly, the return of students to campuses has been a PR disaster and mishandled on every front. There is real concern in schools about the placement of student teachers because of the perception of university campuses being

breeding ground for the virus. There is a requirement to ensure that universities are made to comply with the same directions for everyone else. It was noted the EIS offices are not currently open just now because of Scottish Government – the exemptions to this should be limited. Universities should not be allowed to carry on the way they have been and the Scottish Government needs to stand up to them on how they should be operating.

JH advised there is an issue around prescriptive guidance and would take on board the points raised.

Susan Gallacher, Scottish Government official, reported the current outbreaks are within student accommodation and in this setting, there is no requirement to wear face coverings. The Scottish Government have put out sectoral guidance for universities to follow which talked of a blended learning model. The Minister has also talked of blended learning and reflected on advice from SAGE and their comments were included in the paper on the learning route. Reflecting on the Leadership Group and the comments by Jason Leitch, Jason made it clear further and higher education were important priorities for the Government and of balancing risks. He also talked about the importance of risk assessments and the approach being used and the Scottish Government would expect universities to be doing this. SG would take forward **NR** comments around St Andrews and Edinburgh Uni.

JH advised that it was a helpful point to make and the Scottish Government need to be aware of examples and re-emphasised the points made previously that the guidance was meant to be directive but we need to also rely on employers to work with their workforce to apply risk assessments. If the Scottish Government receive specific examples this provides more information on the challenges. It is critical that there has to be proper employer / employee engagement to ensure working practice is safe – if this is not happening the Scottish Government need to know.

**NR** referred to the guidance and agreed there needs to be a collaborative approach to agree guidance, the real concern is that the term 'if you can work from home you should' disappeared from the guidance and it was UCU's impression this was because university employers removed it due to being too restrictive. **NR** then spoke of SAGE and independent SAGE arguing that all teaching should be carried out remotely as mentioned by SG and would be pleased to follow this. **NR** further referred to the reference by Jason Leitch's comments that schools are the most important thing – more important than universities and colleges which

were the next most important thing; and that should we therefore be having restrictions in other areas? It was felt that members are being put at greater risk - you don't necessarily need to wear face coverings inside but expect that you should as there is still a risk. Students are going to be sitting in rooms in October and November the cold winter days, with all windows open. **NR** advised she would report back to SG but that a message from the top was felt to be much stronger.

JH agreed and the message needs to be informed by experience. It was reported the issue was raised with the First Minister and is an internal challenge of dealing with comparative harms. JH agreed to take on board everything said and that SG would refer back to colleagues.

**NR** then spoke briefly echoing comments by **NR** and **NR** and that UNISON are also extremely alarmed. On the difference between quality of guidance and nuance addition to the role of risk assessment as a planning tool, **NR** advised the best way to achieve this is to have regular inspections and would it not therefore be helpful for the Scottish Government to direct these institutions to resources where union reps conduct regular workplace safety inspections to identify areas where current practice is not being delivered in respect to the current guidance.

JH thanked **NR** and was content to take away, in noting that he had not seen the guidance in detail so was unsure of what was precisely detailed but would raise this with colleagues dealing with further and higher education.

**NR** asked that support workers are not forgotten in all this. Although he is supportive that learning should be done online we are in a position, despite having previously warned about the dangerous consequences of opening up campuses, that support workers, cleaners etc are facing the prospect of being made redundant. The Job Retention Scheme is coming to end shortly, and we now have the Job Support Scheme. These workers are very fearful and are being forced into a position based on the decision of other people. The Government have a duty, if these university and college buildings are clear and these workers cannot go into work, that they should have their jobs and wages protected. The Scottish Government need to underwrite this as there is a danger the position of support workers is forgotten.

JH reassured **NR** that those who do not work in the teaching side and are working in institutions as support staff have not been forgotten. The Scottish Government are very conscious of the impact on these workers.

Some of the challenges arising are out of what support is being provided for those who may, or may not, be required in workplaces over the short term period but would be required in the medium to long term period. In terms of the ending of Job Retention Scheme and the replacement of the Job Support Scheme, this is a challenge the Scottish Government are having to grapple with. JH hoped this reassured **NR** but reiterated there are challenges, and this is not resigned to higher and further education but other sectors also.

SG reported that discussions were ongoing around support for support staff and are working to reply to queries submitted on this and it was expected a response would be sent to **NR** next week.

**NR** reiterated that these workers should be in slightly different position, if they are not able to go to work and do not qualify for the Job Support Scheme they are being placed in this situation by the decisions of employers and they do need to be protected by some means

**Action: SG to raise with appropriate departments, concerns around universities hiding behind SG guidance and concerns around clarity of work from home statement.**

**Action: SG to take forward **NR** concerns around St Andrew's University and Edinburgh University.**

**Action: SG to take forward suggestions of union reps conducting regular workplace safety inspections.**

**Action: SG to respond to **NR** concerns on support for support staff.**

#### Response to High Positive Test Levels and Support for Workers

**NR** raised concerns in terms of testing percentages where only just over 2 weeks ago, when in meetings, reference was made to the fact that if the positive test rate rises to 5% that would send warning signals which will require drastic action has to be taken. We are not in a position where the figure was 10.3%, yesterday, and possibly as high as 10.8% and this therefore raises the question as to what position (either percentage figure, R figure, or level of cases) do we require to be in to trigger circuit breakers. If circuit breakers do happen – and the signs are given what is currently happening with figures and the restrictions in place which do not appear

as yet to be rolling back the growing tide of cases – and the Job Support Scheme comes into place [NR] advised that it will be inadequate. There are employers saying that it is not enough and some will therefore resort to fire and rehire as it will be cheaper to pay people off than to utilise the scheme. Workers who may qualify and are on the minimum wage or just above will be taking a cut in wages. [NR] advised that it will be big companies where the largest job losses will come from and if people cannot work, they will therefore not qualify for the scheme. It also does nothing for people on zero hour contracts, or those in high risk sectors i.e. care workers. [NR] further referred to the previous advice whereby he was advised that care workers were covered by the hardship fund but that this appears to not be the case. JH advised that this was his mistake and apologised for the misdirection as he had assumed it would be the case. In terms of the other aspect of the UK Government announcement on the Job Support Scheme, [NR] advised this will affect the self-employed as it accounts to around 20% of what is deemed to be profit and we will end up back in the area whereby the likes of construction umbrella companies will suffer. [NR] reported on the immediate situation within taxi companies where operators are leaving the trade in large numbers (i.e. 30 taxi drivers in Dundee coming out of the trade) and requested the Scottish Government give consideration to advise local governments to waive fees on license plates, radios, vehicle tests etc. which may help mitigate this. [NR] also advised the UK Government had said they would monitor the Job Support Scheme, is the Scottish Government aware on how often this would be?

[NR] finalised by reiterating his two points on: What is the trigger point in terms of circuit breakers and what are we going to do for support; and how to build pressure on the UK Government to come up with a better scheme than the Job Support Scheme.

JH responded advising that he did not think it was as hard and fast as the percentage of people is 'x' figure so we will move to circuit breakers and did not think it was as straightforward as this. JH did advise that the restrictions do not appear to be reducing the numbers and the challenge is that people are not necessarily adhering to the restrictions currently in place. All the available evidence is that it is not activity in workplaces, but more about the way people have been behaving domestically. The next challenge would be if you put in place wide ranging restrictions the effect this would have on the economy where people can't work, and how do we therefore support them? The Scottish Government were very clear that Job Retention Scheme was appropriate at the time. The Chief Economic Advisor advised that even a short 8 month extension, with the cost comparison to Job Retention bonus, was only marginally higher but with



much more economic benefits. JH reiterated that this was not in the hands of the Scottish Government and they would need to keep asserting the case with the UK Government, which they are continuing to do and are also aware the STUC and affiliates are doing the same. On the issue flagged up around support for self-employed people, and the particular sector cited by **NR** this may be a sector where the Scottish Government can work with local governments to look at costs and JH committed to looking into this and that this would likely fall into the Justice portfolio.

Anne, Scottish Government official, highlighted that the percentage is based on newly tested individuals. Any individuals repeatedly tested are not included in the figures unless they test positive. This then is considered broadly with other information to Ministers.

**NR** reiterated his question on 'what is the package of figures on how the decision to move to circuit breakers would be based on', and referred to instances like Coupar Angus which is a workplace where covid cases were experienced. **NR** further raised that schools are also affected. It was accepted that there may have to be some further restriction for public health reasons, and if there was an idea on the trigger points the unions would be able to prepare employers with the eventuality. **NR** further reiterated that there should be planning for the worst case scenarios. The fact people aren't adhering to the restrictions may be due to confused because of the different mechanisms. If there is going to be circuit breakers, or something akin to this, it has to be clear for people to adhere to it.

JH responded advising that where there is significant and material changes to restrictions put in place it will be communicated and made clear for people to adhere to it. The Scottish Government want to be moving into other phases and removing restrictions but there was always a possibility that circumstances would be such that it would not be an entirely linear process. The Scottish Government rely on another administration to put in place significant packages of support and can only try to engage with them to understand there is a necessity to do so. **NR** reiterated the Furlough and Job Retention Scheme was an appropriate mechanism at the time and was working but by comparison to the Job Support Scheme put in place, it was better.

RF responded and advised that what is trying to be put across is that it is accepted the Scottish Government has some very difficult potential decisions ahead, but there is a need to prepare for the worst and the STUC and Unions want to be involved and consulted on what the

contingencies will be and what the scenarios will be. For instance: how long will the circuit breakers be and what will be in place for workers. RF acknowledged and thanked JH for owning up to the misinformation and that it was an easy mistake to make, as we would automatically assume these workers should be included and that it is a public health concern with them not being covered given the movement from workplace to workplace.

JH responded to RF on the point there is a Social Care Workforce Team which **NR** represents the unions on these matters and suggested it be flagged there. On the wider point, JH advised officials on the call will have heard the points made in respect of full involvement around processes that may have to be followed. The other challenge is that this situation can move very quickly and there may be things the Scottish Government has to do as the information garnered through the R number, hospital admissions, positive testing etc. comes at you pretty quick but ensure this is taken away and look to try to have a mechanism for union dialogue around these matters as JH understood the importance of it.

DWP

**NR** referred to news from the Scottish Government that staff will not be returning to the workplace until 2021, however in the DWP, despite the u turn from the UK Government on returning to the workplace, it has been brought to PCS attention the DWP plan to extend opening hours to Saturdays within job centres and also offer face to face interviews with clients. **NR** advised there is not requirement for face to face interaction in these buildings as interviews can be done over the phone. **NR** referred to the serious situation in Shettleston and the outbreak on the premises and that this is not just a pandemic with an illness, but potentially long term illnesses. People may not fully recover and there are real concerns about the expansion of DWP operations. There are also issues emerging in Baillieston and these workers will have interactions with other staff and family members so there is danger of cross contamination by location. **NR** appreciated the helpful discussions previously around adhering to Scottish public health guidance but wished to make JH aware of these issues and that it would be helpful for a meeting with Scottish Government officials in this area.

JH responded advising the guidance around working from home where possible remains in place and the UK Government has now adopted this position laterally. The DWP have enabled face to face for advice where possible although face to face advice is not necessarily same as face to face interview. JH agreed to pick up with officials and look into what needs

to be taken forward. JH further reminded colleagues of the single point of contact email and that union reps should be using this to raise any issues.

On behalf of FBU, RF raised concern that firefighters have been informed they will not be receiving the flu jab. These workers are frontline and live in close quarters with each other. We do not want the risk of crossing flu and Covid affecting our emergency services and RF requested the Scottish Government look into this immediately

JH agreed to take this away and look into. It was reported the Scottish Government has expanded the range of people who can access flu jabs and this is always focussed on those at greatest risk but would pursue with relevant policy area.

**Action: SG committed to look at situation with taxi drivers and liaise with local governments.**

**Action: STUC to flag up concerns around care staff not being included in the hardship fund with the Social Care Workforce Team.**

**Action: SG Officials to take forward concerns around lack of union involvement in terms of Covid.**

**Action: SG to raise with relevant policy area concerns that Firefighters are not receiving the flu jab.**

### **Closing Remarks**

It was noted there are a few issues to take away from this meeting and these would be explored at the next meeting on 9 October at 11.00 am.