

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

On call

Rozanne Foyer, STUC General Secretary (RF)

NR	STUC Deputy General Secretary	NR
NR	STUC Deputy General Secretary	NR
NR	UCU	NR
NR	PCS	NR
NR	EIS	NR
NR	GMB	NR
NR	FBU	NR
NR	Unite	NR
NR	UNISON	NR
NR	EIS	NR
NR	GMB	NR
NR	CWU	NR

SG Side

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

Opening Remarks

RF referred to the continued serious situation we are still in with the virus and new variant of the virus and of the concerns around the re-opening of schools. RF reported the STUC had been in contact with HSE who also have a number of concerns around areas like construction and manufacturing. RF further referred to a letter from the British Occupational Hygiene Society raising concerns, which is included on the Agenda for discussion.

JH spoke of the Independent Review of Adult Social Care in Scotland document recently published. It was noted discussions had been held with Unite, UNISON and GMB which was appreciated and that it was encouraging to see a full chapter on Fair Work and some of the opportunities, and challenges, which present themselves around that particular area. JH further highlighted the expansion of the criteria on

self-isolating to support those on low incomes and the Scottish Government would continue to look at finances to top up the support currently being provided.

RF referred to press releases the STUC and affiliates had circulated broadly welcoming the report, and if carried out and taken up by the Government that it does have the opportunity to change things in noting the only negative point in the report is the around the potential profit element within the structure.

1) Vaccination

a) Phased return of pupils to schools &

b) Transmission of new variant amongst school pupils

NR referred to the FM's announcement in Parliament on a full-time return for Primary 1 – 3 children and limited for senior pupils (S4 – S6) to enable them to carry out assessment work; and is of the understanding that for older pupils returning schools will have around 8% of pupils back and there will therefore be physical separation in place which will allow for physical distancing. It was noted that this would not be the case for the younger primary school pupils and that they would be 'normal' classes. **NR** pointed out that if looking at other Scottish Government guidance it encourages teachers to teach pupils as they normally would so in essence no social distancing. It was appreciated that it was difficult to teach younger children social distancing etc. but there is concern for the safety of members. It was noted EIS would be holding an emergency committee meeting the following week to discuss further. Concern was raised that children outside of school should not meet in large groups in the current level but yet you can put 30 households plus a teacher (who is not wearing medical grade face covering) in the one classroom. It was felt the way the decision was made by the Scottish Government did not feel inclusive (notwithstanding the good work SERG has made). It was understood from discussions that SAGE UK would publish a paper on the transmission of the new variant of Covid amongst children, this has not yet been published and **NR** queried if the Scottish Government had made their decision on pupils returning without this paper this would be a cause for concern, as it is of **NR** understanding that children are less likely to fall ill / be symptomatic with the new variant but more likely to spread it. **NR** welcomed the interpretation that the JCVI regulations document covers staff that provide personal care to ASN pupils and welcomed that they are being vaccinated but is

concerned that this is within settings that are exclusively for ASN pupils or mainstream hubs staff that are directly involved with those children and that other staff who are working in the same building and sharing common spaces do not get vaccinated. It was noted there is a balance of harms but there is potential risk, especially with new Covid variant, to teachers. In closing **NR** advised that Public Health Scotland showed teachers were more likely to test positive for Covid than the general population.

JH understood the concerns raised and advised the Scottish Government is continuing to look at balancing of harms – one of which is the educational experience of young people and that is what is driving the agenda to get schools back. It was noted other mitigations remain the same within the school environment. It comes back to discussing with SERG, and to encourage and utilise this as a forum to raise these concerns which factor into the considerations of the Education Recovery Group.

NR Covid-19 Education Recovery Group, spoke of the publication of the report of children and young people by the advisory subgroup and indicated that members of the subgroup attend the SERG group. **NR** advised that in respect of the blended learning it was noted the impact of the R number and transmission would be greater if it were P4 – P7 pupils returning. It was noted the SAGE mtngs are confidential and so there is no control over when the report is published. In making a recommendation to the FM in respect of P1 – P3 and senior phase the group took account of transmissibility of the new variant. Additional mitigation which will be put in place later this month ~~is the~~with testing for all school staff, and self-testing kits will be rolled out to all schools next week.

JH advised that the self-testing was not in lieu of the usual test and protect strategy, which is still built into the system. It was noted the concerns raised would be flagged with the relevant Ministers and policy areas.

NR referred to **NR** indication the EIS do not feel they have been included in decisions and that this feeling is shared by other unions. **NR** spoke of the situation at Larbet and Bannockburn bus depots who are both involved in school runs and requested a return to the approach taken in the first lockdown on getting pupils to and from school. **NR** queried whether the testing at schools would be for all school staff, including support staff, and if transport staff would also be included.

NR confirmed the testing would be for all school staff but would liaise with colleagues in respect of transport staff.

Action: **NR** to flag concerns raised in respect of physical distancing in schools; vaccinations for all staff in ASN settings; vaccinations for school transport staff.

c) Fire service control room staff

NR referred to JCVI and clinical priorities and that NHS 24 staff in call centres are now in the process of receiving vaccinations. **NR** requested clarity on where firefighters in control rooms are on the vaccination list and are the Scottish Government working outside the JCVI recommendations.

JH was aware this has been flagged previously and advised there is a slight difference in NHS 24 and firefighter control rooms. One of the cohorts identified through JCVI was effectively front line NHS staff, and the decision taken to recognise those working in NHS 24 as frontline staff is to ensure there is the capacity and support within the NHS to respond to Covid-19, which is the rationale.

d) Information and guidance following vaccination.

NR raised the issue around messaging of the vaccine and that when you receive the vaccine it does not dispense with FACTS as it has become apparent that the message does not seem to be getting out. It was noted this information is included in the letter and leaflet to continue following FACTS advice but on speaking to people at the local council they have advised they are having to correct people who think they are now immune and that having the vaccine is a ticket back to 'normality'. **NR** raised concerns that these people are coming into contact with vulnerable people or people who have yet to be vaccinated.

JH agreed with **NR** concerns and understood that people are conceiving they are immune. There is still evidence that it will help with transmission rates overall and the severity of the virus should a person contract Covid but it was right to raise that there are other measures to be followed. JH agreed to take this away and look at how to continue to push the message, as it may require a newer message that FACTS are

vital even where you have been vaccinated. The assistance of unions in that regard is very welcome.

David McPhee (DMcP), Safer Workplaces Team, concurred with JH and advised that this is a very live issue and colleagues are aware of this and compliance in general. It was noted Comms colleagues are thinking of how to get the message out to people and businesses even as vaccines rollout and beyond. The understanding is that evidence is starting to show reduced transmission to some degree but could not report further as they do not have the full evidence but that this will be looked at by clinicians and others.

NR echoed above comments in relation to the vaccine and transmission and there is some data on the Oxford vaccine in that it does reduce transmission, but it is at very early stages. **NR** agreed there is more work to do in relation to comms and this is underway. It was also the expectation that at the point of vaccination that messaging on continuing FACTS would come through the vaccinators.

JF responded advising that she had spoken to a small number of people and that not all had read the letter and leaflet. **NR** also checked if their medical practitioner confirmed this at their appointment and none of the people asked said yes so this may be an alternative direction to take.

JH agreed to take this away for consideration and to make sure this is reinforced to medical practitioners and others in the field.

Action: **NR to reinforce message on FACTS following vaccinations.**

2) Higher Education

a) Concerns over in-person teaching and libraries.

NR advised this was a frustrating issue to raise again, that is not to say there is not good practice in place and there are some managements who do take on board issues that unions bring forward and welcomed institutions that have clearly said teaching will be online for the semester to September, but **NR** now has examples where [institutions](#) are not adhering to the rules. **NR** referred to Strathclyde University (in noting this has been raised with officials already and is being pursued with them employer) but they seem to think they have latitude to push the guidance further than it is set out. It was noted the FM would report

back in 2 weeks on institutions returning but advised that some teaching restarted this Monday, and these were the plans pre-Christmas. Another concern raised was around the use of libraries. It was noted that Glasgow, Heriot Watt and Aberdeen University libraries have seen a volume of students circulating, which does not sit with the current situation but that a high level of students have returned. Part of the problem is the delay between the FM's announcement on 4 January to the guidance being published on 15 January.

NR further raised concerns on the number of students using libraries.

JH advised that colleagues online would pick up on this. In terms of the issue on guidance, it was noted the eternal challenge is around the necessity to announce something quickly and getting guidance in place. Everyone should be acting in the spirit of what the FM has announced and what is written. ~~and if you can't rely on senior management of HE institutions then this is a matter of concern.~~

Action: **NR** to take forward concerns over HE / FE institutions not abiding by guidance; and concerns around libraries.

3) Face coverings in the workplace

a) British Occupational Hygiene Society report

RF drew attention to the open letter regarding face coverings in workplaces and PPE more widely from the British Occupational Hygiene Society to the Deputy FM. The letter details concerns around safety measures in the face of the new strain of the virus, particularly around levels of PPE being supplied to health workers and other public facing workers; and death rates (as was raised last week) coming from the ONS on occupational groupings; and the concerns over manufacturing and engineering sectors. RF asked JH to note that the STUC and affiliates are supportive of the letter over the requirement for further provision to be considered and questioned what action the Scottish Government are taking in response to the letter.

JH responded advising that he had not yet seen the letter and any communication of that type will be taken as a matter of importance. JH advised he would flag with the Deputy FM that this had been raised.

Action: **NR** to raise with DFM shared concerns raised in letter by British Occupational Hygiene Society by STUC and Affiliates and to report back on Scottish Government's actions in this respect.

b) Provision of face masks

NR reinforced the position that STUC and Affiliates have raised in believing it is the obligation of employers to provide face coverings. It was noted there is evidence that some of the larger building areas with call centres and contact centres are being populated with around 40 – 50% of the workforce – employers are not adhering to the working from home guidance. There is scientific evidence that face coverings do provide additional protection and it appears that some employers do not see the provision of face coverings as a duty of care. It was reported that BT feel it is a personal choice. It was further reported there are members who work in Emergency 999 who do provide face coverings, yet they are located in the same building as other call centre workers who do not have this provision. **NR** requested the Scottish Government look at revisiting the homeworking provision / guidance as this is all about keeping people in the workplace protected.

JH responded firstly on the issue around office working and if there are people not working from home who could be working from home it is important to remind employers of this. It is a point of law to work from home, this is not just guidance. It was noted there is also a legal obligation on employers to compel their workers to be able to adhere to the law. If there are situations where this is happening, they will be explored, as necessary. It was further noted there are on occasion issues around what is perceived to be work that can be done from home. JH agreed to pick up on the issue of PPE and what else can be done as there are avenues for employers that may otherwise be struggling to access PPE.

Action: **NR** to pick up on points of PPE and to explore concerns on employers not adhering to law of working from home.

4) Rollout of testing

a) UK Government have recommended testing on construction.

sites

NR advised the STUC held a meeting with HSE earlier in the week where concerns were raised, in noting they would also be meeting with the Scottish Government to raise issues in construction, which would be similar to concerns already reported. RF questioned what was raised at the meeting and the Scottish Government's response to concerns raised by the HSE.

NR advised that Unite had approached HSE with FOI requests and wondered if this was why the HSE approached the Scottish Government with these concerns. In terms of issues around testing in construction, **NR** referred to the FM's announcement of testing in food production centres, where at the same time receiving notification from UK Government departments that there should be testing in all construction sites with more than 50 workers present. JC queried whether the Scottish Government are also giving this consideration (which would be a welcome move) and is the Scottish Government also considering putting pressure on employers to treat people fairly who have to self-isolate in terms of pay. Unless the Government and others put pressure on these [employersemployers](#), they are likely to cancel contracts with these workers. It was reported [from figures quoted](#) that only 11% of those asked to self-isolate only do so for full period etc. Unite have been saying from the outset that pay is a public health issue and the Scottish Government need to recognise this is a sector where further pressure needs to be put on.

JH in response to the point raised on HSE, this would be taken away and reported back on. The Scottish Government have been consistent throughout where there is evidence to provide it and would consider the HSE letter and evidence. On the issue of testing, it is currently focussed on evidence provided and that maybe the evidence from the HSE will inform further decisions. All have accepted that food production is essential, and it is recognised there have been issues in certain food production sites, JH referred back to vaccinations and the continuation of FACTS. On pay, JH advised if more requires to be done in specific sectors this will be looked at but reiterated that without any responsibility for employment law it was difficult to compel employers. With regards to support for people in terms of income where they have to self-isolate JH advised he would pick up on this again with colleagues.

Action: **NR** to report back on points raised by HSE; and to pick up on concerns around self-isolating and pay in the construction sector.

5) Transport

a) Calmac Winter Timetable

NR advised that during first lockdown Calmac went on a reduced winter timetable but that this time round it has not happened. It was reported that all ferry unions are angry that vessels are running that are either packed full which is concerning, but that at the other scale, there are vessels running which are empty – this therefore raises financial issues. It was noted that Michael Matheson had been approached for an emergency meeting with the ferry unions but that a response is still awaited.

JH agreed to pursue this but that there is an internal balance to be struck on ensuring islands can get the productivity they require.

Action: **NR** to flag response awaited to request for urgent meeting with ferry unions.

Closing Remarks

It was noted the next meeting will take place on Friday 12 February at 11.00 am.