

## STUC - Fiona Hyslop Meeting

11.30 am – 12.20 pm

7 April 2020

### Note of Meeting

#### On call

Grahame Smith, STUC General Secretary (GS)

Rozanne Foyer, STUC General Secretary Designate (RF)

Helen Martin, STUC Assistant General Secretary (HM)

NR	Unite	NR
NR	Prospect	NR
NR	FBU	NR
NR	CWU	NR
NR	GMB	NR
NR	Unison	NR
NR	EIS	NR

#### SG Side

Fiona Hyslop, Cabinet Secretary for Economy, Fair Work and Culture (FH)

A range of supporting officials

#### Opening remarks

FH advised that they are considering the future economic plan. There are four phases to this – response phase, reset phase (which we are currently in), restart phase and recovery phase.

FH further advised that she would be meeting with the Economy Ministers across the UK this afternoon and would raise the issue of the job retention scheme.

FH reported that work is ongoing on cross referencing the economic response and public health patterns. She highlighted issues around poverty which interacts with public health concerns and the need to protect jobs.

FH further reported that arrangements are being taken forward by Aileen Campbell to meet with COSLA.

## 1) Consistency and effectiveness of Guidance

**NR** welcomed guidance issued on Saturday which provided greater clarity on essential and non-essential work. **NR** raised the question of how we move into the restart phase as guidance states non-essential work should stop until clarity is provided. **NR** emphasised that we must look at how we get clarity - what the process will be and how are unions going to be involved. There is a need to see clear a statement of principal. This should be done on a risk-based approach to ensure effective enforcement of health and safety and restore confidence in the workforce.

In terms of the construction guidance, **NR** advised that discussions are taking place with Scottish Government officials on the one outstanding issue which is yet to be resolved. It is important to understand the role of the Scottish Government and how it will ensure that when arrangements are put in place that they are also implemented in the workplace, particularly when unions are not on site. Where the Scottish Government has a direct link to construction work being undertaken, it is essential that they ensure union health and safety reps have a presence on the site. This work will be essential as we move to the phase of non-essential work beginning again.

FH responded that these are very important areas and agreed on the need to work now to ensure processes are in put in place for when people go back to work. In respect of construction FH requested all points be put in writing.

FH advised that there are two key factors – risk assessment factors and economic factors – and there was a need to look at a sectoral approach. It was noted that London is ahead in respect of the Covid-19 curve but data in Scotland is not complete. It is important that everyone understands the situation as it applies in Scotland. It was further advised that FH has spoken to a number of business organisations (around 50) to ensure they understand the guidance and process and they very keen to have sector by sector guidance. FH is currently liaising with SG officials as to what should be included within this guidance.

**NR** reiterated that there is a need to continue to raise immediate issues which are undermining people's confidence and to deal with people's concerns.

**NR** reported that there are a number of issues that require discussion around the consistency of guidance. He highlighted the introduction of the 1 metre rule and questioned how this comes together with wider health and safety messages on social distancing. **NR** also referred to the letter from the Chief Nursing Officer to COSLA with PPE guidance for home and social care workers and passed to **NR** to provide an update.

**NR** reiterated that this was a critical and urgent issue. On Thursday of last week, the 4 Country's circulated an advice note on PPE and cleared the ground on a number of areas. The letter to COSLA contradicts that national guidance and there are issues in several areas including what PPE is appropriate in different instances, social distancing, and capacity of individual workers to make their own self-assessment. **NR** advised that UNISON has since written to the Chief Nursing Officer (CNO) and COSLA pointing out their concerns. **NR** made clear he was requesting the immediate withdrawal of the CNO's letter.

**NR** further advised that the letter was raised at a COSLA meeting earlier today with no view taken on it. **NR** further reiterated that supply issues are a major part of this, and appropriate supply cannot be established without effective guidance setting out how equipment should be used.

FH advised that Health officials would take this forward with Jeanne Freeman and Aileen Campbell immediately.

**Name Redacted** from the Social Care Support Division confirmed they were aware of the letter and it is currently being actioned. It was noted **NR** would provide an update as soon as discussed with colleagues.

**NR** welcomed the recent guidance on construction and that it had been welcomed by unions in terms of providing clarity on essential and non-essential work. It was reported that colleagues in England are now also calling for this guidance to be followed by the UK Government and throughout the UK.

**NR** advised there was also a need for a discussion around the energy sector. Work is still taking place on a number of sub-stations, some of which is critical but others not.

**NR** further reported that the union similarly welcomes the general guidance on Saturday. **NR** also raised concerns which remain in areas where employers are not sharing information with trade unions or refusing to provide unions with a breakdown of tasks in the workplace.

The example given was **I&S** which distribute food, which is classed as essential, but they are also distributing other non-essential items (i.e. garden gravel). The Police have visited but any advice has been ignored.

**NR** reported that there is also a major issue in the finance sector with large call centres still operating. It was understood that some call centres are essential i.e. banking, whereas others working on car insurance are not essential. It was reported that sadly Barclays had recently had a fatality due to Covid-19. Some call centres are allowing workers to work from home, but others have a full workforce continuing to work with trade unions again requesting a breakdown of tasks but businesses not providing the information to help unions ascertain what is essential and non-essential work. **NR** advised he would provide a note in writing to FH and requested Scottish Government support and involvement.

FH agreed to take steps in the financial sector to ensure that they are focusing on what is essential only. In respect of **I&S** it was noted that this fell within FH's constituency and FH would take this forward in her constituency capacity.

**NR** reported on discussions held with enforcement agencies and it was anticipated this would secure a way forward. **NR** advised that he would provide in writing what the STUC and its affiliates wish to see.

**NR** reiterated that it was hoped UNISON would receive a response imminently in respect of the letter by the CNO to COSLA.

**Action: STUC to put in writing proposals as to how we move into non-essential work commencing again in the recovery phase.**

**Action: **NR** to provide in writing concerns around non-essential work, and that trade unions are not being given a breakdown of essential and non-essential roles by employers when requested.**

**Action: FH to take forward issue around letter from CNO to COSLA with Jeanne Freeman and Aileen Campbell.**

## 2) Gaps in coverage of UK schemes designed to support workers

**NR** reported on issues previously raised in respect of the UK Government's support system for the self-employed. In the interim period it was noted there had been further clarification issued around the retention scheme but not for the self-employed.

**NR** welcomed work with Creative Scotland around the bursary scheme but it was reported there were still a large amount of people falling through the holes in the Scottish Government scheme, for instance: the newly self-employed; those who are PAYE and move from contract to contract; those who pay themselves from dividends; those who moved jobs after 28 February. It was also noted it was worth raising the issue around seasonal staff again and the impact this is having on members who would have been PAYE (i.e. National Trust) and where work has now completely dried up. It was further noted that when previously discussed there was clear indication the Scottish Government would look to providing some additional backup if the UK Government scheme didn't provide a safety net for workers. It was noted there had been very little movement from the UK Government on this and **NR** would like to look at how support could be expanded.

**NR** picked up the general point in respect of the 28 February, which is causing problems across every sector, particularly those who moved jobs after 28 February. It was further noted this was also affecting those who have been TUPE transferred.

**NR** spoke to the paper he provided on construction detailing the types of employment modes that people pass through in construction, sometimes over very short timescales. It was noted this was causing issues on what scheme these people should be referred to and the requisite amount of time of being self-employed, with the added aspect of delay until June. The majority of these workers are paid on a weekly basis. There is an urgent requirement for a Scottish hardship scheme. It was also noted that umbrella companies may now be covered by the retention scheme but Unite are waiting clarification of this.

FH advised that she was keeping the pressure on the UK Government around the scheme and will continue to raise concerns.

FH further advised that there had been an announcement on Monday 6 April regarding the 28 February date but would double check what this involved.

The Scottish Government are trying to look at support for the self-employed in noting the delay until June of when the scheme comes into force. It was noted this was a live issue and consideration requires to be given to how we identify the people when issuing the grant – there is a need to look at a verification and identification process. It was advised that there are limited funds for this as pressure is coming from multiple strands and there is not enough funding to go around.

In respect of seasonal staff FH hoped seasonal staff may have access to the job retention scheme. FH advised that she would provide [NR] with the contact details of the Lead official in Scotland working on this so that [NR] liaise direct.

[NR] reported that the STUC is currently receiving a large stream of enquiries with regards to the job retention scheme and is gathering information which will require to be collated. FH asked if the information could be provided within the next hour or so to allow FH to take to a meeting, it was noted that it was unlikely the information would be available by then but [NR] agreed to provide FH in writing the information once available.

**Action: SG officials to send through the name of the SG lead on self-employed workers and the JRS.**

**Action: STUC to send through issues on JRS to feed into Cab Sec's conversations with UKG.**

### **3) Testing**

[NR] advised that she had been informed the day before that testing would begin for fire service personnel at Glasgow Airport but raised concerns that this was only open for those within 90 minutes travel of Glasgow Airport with 25 places available each day for 3 days. It was appreciated that this was a start but that it did require to be opened up and opened up to those in remote and rural areas also. There was also a requirement to open up to other critical workers.

[NR] requested details on the types of tests and the length of time it will take to receive results.

FH responded advising that it was her understanding the need is to target areas where workers are required to be back at work as soon as possible, it was also noted that there was a geographical reason behind this as Glasgow has the highest rate of Covid-19 cases; and the focus is currently on key frontline health workers and those providing immediate treatment and this will be rolled-out on a phased basis although Scottish Government officials are looking at this.

**NR** reported that it is the Scottish Government's intention to role out to key workers in health and social care and guidance was issued to the NHS to work with partners to identify the areas. It was noted it was down to the Boards to make these decisions but is based on acute staffing shortages. It was further noted that Boards are all at different stages and Scottish Government officials are in the process of trying to gather information on what stages the Boards are at.

**NR** requested confirmation as to whether this is just Glasgow Airport or if there are plans to roll out to rural areas.

**NR** advised that it was the Boards responsibility to prioritise Health and social care staff but again **NR** will liaise with colleagues to ascertain what information is currently known.

**Action: SG officials to provide information on the stages of each Health Board and their plans for testing of key workers.**

#### **4) Closing remarks**

RF very much welcomed the progress made last week on the guidance and looked forward to engaging on more sectoral guidance; and highlighted the focus on roles in workplaces. RF reiterated the discussions the STUC are having with enforcement agencies and may well come back to future meetings with further asks. In respect of the 1-metre social distancing rule there requires to be clarity on this as it undermines the 2-metre rule.

With regards to social care, the point is made very clear that there is a need for the immediate withdrawal of the letter by the CNO as it undermines what we have already worked hard for.

The meeting raised issues around Scottish hardship scheme to help plug some of the gaps and concerns put forward around the job retention scheme which FH would continue to raise with the UK Government.

In respect of testing RF welcomed the fact the social care workforce would be prioritised as well as other key workers and would very much like to see this being monitored.

RF proposed the next meeting scheduled for Thursday 9 April would focus on taking stock of discussions held and where we are with the action points raised. It would also discuss the progress within other departments.

FH agreed it would be very helpful to use the next meeting to take stock. It was noted there had been a lot of quick actions over a very short space of time and there was a requirement to look at what is taking place. FH also hoped to provide an update on the job retention scheme.