

# *Scottish Labour Party*



**Scottish Policy Forum**  
Focus on the future

## *Scottish Hazards Response*



SCOTTISH HAZARDS



***February 2025***

## **Introduction**

Scottish Hazards is an occupational health and safety charity providing support, advice and representation to workers who, for whatever reason, are not in trade unions. We work closely with Scottish unions and the STUC

These workers may be employed by trade unionised workplaces but failed to understand the importance of being in a trade union and only make this realisation when they require help. In other cases our clients work for employers who do not recognise trade unions, or worse are hostile to them to varying degrees.

Our work supporting clients is varied, from providing basic advice to help individuals address health and safety concerns to more involved cases where health and safety failures result in serious injury or death.

Scottish Hazards is a member of the Partnership for Health and Safety in Scotland and seeks to inform public policy on health at work at every opportunity. Scotland used to be at the forefront of developing and delivering innovative approaches to occupational health provision including the Healthy Working Lives Plan for Action in 2005, introduced by the previous Labour administration. This is not the case now and sadly, twenty years later, Healthy Working Lives has not developed in the way our organisation envisaged.

It is concerning that this document only seeks views on devolved matters and we feel this is a serious shortcoming. In our view, particularly in relation to responses to Commissions 1 and 4, the fact that Scotland does not have control over health and safety, equality and employment rights remains a significant barrier to achieving the aims of these Commissions.

Scottish Hazards welcomes the opportunity to respond to Scottish Labour's Policy Review and our response to the commission and the questions where we have an interest are outlined below.

## **Commission 1 Becoming an Economic Powerhouse to Improve Lives**

### **Skills**

#### **1. How can we plan for a Just Transition by delivering improved retraining options for those affected by decarbonisation of the economy?**

Scottish Hazards supports Fair Work although remain frustrated at the lack of progress made since 2015. Just transition provides challenges and opportunities for the Scottish Labour Market as well developing just transition jobs utilising the skills and experience displaced workers will bring to new employment opportunities.

It is worth remembering the employment conditions and anti-trade union practices that existed in the oil industry in its infancy.

Any public funding provided for just transition projects should be subjected to the closest of scrutiny to ensure employers are delivering fair, safe and healthy work. Employers should have to evidence they are committed to effective voice, preferably an independent trade union voice as well as the other fair work dimensions of opportunity, security, respect and fulfilment.

Scottish Hazards believes if collective agreements are in place in companies delivering employment opportunities, then the remaining fair work dimensions will follow

Opportunity, providing training and development to allow employees to progress in their new industry.

Security, trade unions provide the best chance of displaced workers accessing well paid employment as well as being less likely to be harmed at work through established health and safety structures being in place.

Respect and fulfilment, the question here would be does Scotland want to be an economic powerhouse where employers use right to manage arguments as a barrier to fair work and see no need for respecting their workers or providing fulfilling work, or one where trade unions, employers and the Scottish Government work together in social partnership to create a sustainable and inclusive economy.

Scottish Hazards becoming an economic powerhouse is not about attracting new industry to Scotland and more emphasis should be placed on the quality of jobs created as well as the culture and ethics of companies doing business or setting up in Scotland.

These companies, particularly those in receipt of public funding should have to demonstrate their commitment to developing the skills of displaced carbon economy workers and, as part of any review of public grant funding, their performance across skills development, fair work and health and safety and should be monitored.

Scottish Hazards believes the weighting given to fair work and health and safety when awarding contracts needs to be reviewed. For contracts and/or public grants related to the decarbonisation any weighting given to skills development should be at a level that ensures this influences decision making. Scottish Hazards would also argue this should also be the case for fair work and health and safety, so that quality of work being provided is seen just as important in award decision as value for money.

The HSE acknowledges that young workers, those who are new to a workplace or in new roles are more at risk of injury than those with experience. North Sea oil has an ageing workforce, a third of the workforce is over 50 and the industry has always been driven by profit, often at the expense of health and safety. As Piper Alpha shows us the offshore business model can have tragic consequences. The industry was heavily involved in blacklisting, more commonly known as Not Required Back (NRB). NRB was used to deny workers or contractors raising health and safety concerns employment opportunities in the industry. The industry actively fought trade union organisation in the years after Piper Alpha.

No industry should ever be allowed to exploit our natural resources to maximise profit for mainly overseas companies, without considering the health, safety and welfare of their workers.

The fact that the oil industry got away with such poor employment practices is an indictment on successive UK Governments and Scottish

Labour, if elected, must ensure it uses all levers within its powers to ensure our clean energy industry is not allowed to follow suit.

## **2. How can we re-train and up-skill people so that they can return to the workplace, such as women returning after maternity leave, or stay in work, such as older people?**

If Scotland is truly to become a fair work nation, then workplace inequality needs to be challenged. In the absence of powers over equality legislation then we must rely on employers to accommodate any requests for flexible working for returning mothers or make other reasonable adjustments for other workers with protected characteristics.

In non-trade unionised workplaces legal redress of breaches of equality legislation is less likely to be an option due to costs involved and lack of awareness of other organisations that might support a case.

Disabled people fare significantly worse than those with other protected characteristics, with 46% of people with disabilities in employment compared to 82% of those without disabilities, for workers with mental health problems the picture is even worse with only 30% in employment.

Unfortunately, in Britain we have never been able to grasp the concept of functional capacity, the concept involved in modifying jobs around individuals and their needs such as age, disability and women's health instead of attempting to mould the individual around jobs and work environments that fail to consider their needs.

The legislative solution lies outwith the scope of this review, but fair work potentially provided the opportunity to bring forward non-legislative measures to encourage employers to go beyond their legal obligations to create opportunities for those furthest from the labour market or those seeking to return to work after breaks from work for whatever reason.

We will return to the concept of functional capacity later in the consultation, but at this point we would ask that Scottish Labour investigate the role of trade unions and advocacy groups like ours and how funding could be provided for training in non-medical vocational rehabilitation interventions to support reintegration into the workplace or to prevent others falling out of work.

## **Net Zero and Just Transition**

### **2. How can Scotland take advantage of renewables supply chain opportunities and ensure onshoring of jobs?**

Scottish Hazards envisages billions of pounds of public money being invested in just transition and renewable energy projects. Any future Scottish Labour Government must use public procurement to drive improvements in healthy, safe and fair work.

There should be more effective monitoring of how public bodies procure goods and services and ensure principal contractors deliver on their commitments to fair, healthy and safe work. Where work is subcontracted to small businesses the principal contractors should have to assume responsibility for ensuring that work is carried out in a health and safe manner.

The way in which health and safety is managed, even in the smallest companies can have an impact on the health and safety of others. We are aware of one public procurement contract worth tens of millions of pounds where the two joint successful bidders committed to outsourcing 85% of the work to SMEs. This suggests to us the main functions of the two principal contractors awarded that contract was to act as a clearing house for trades without any indication of how the massive outsourcing element of this contract would be managed to ensure the subcontracted labour understood their health and safety obligations.

Embedding fair, healthy and safe work in renewable energy projects should have been one of the foundations of the industry. We see little evidence this is the case. A Scottish Labour Government should engage

with the STUC, its energy affiliates as well as other stakeholders to ensure this is the case going forward.

**5. What steps must be taken to secure a Just Transition, protecting and improving wages and conditions, and ensuring the skills and expertise of those working in the hydrocarbon economy can be redeployed over time?**

There should be no return to the anti-trade union stance taken by companies in the early days of the hydrocarbon industry. Effective voice should be demonstrated, preferably an independent trade union voice, as should a commitment to all the other fair work dimensions.

Thought must be given to how the mental and physical health of workers impacted by just transition is managed. There may be some transferrable skills, but others may require workers needing to acquire new skills. A commitment to fair work across the sector would ensure workers are best placed to fit into new their new roles and ensure sustainable and ongoing employment.

The ageing offshore workforce will potentially create problems for workers impacted by just transition; as the name implies, the process of transitioning must be done fairly. Workers should be provided with access to ongoing comprehensive occupational health services, skills development and employment support as they transition into new roles.

**Workforce**

**2. How do we ensure workers in Scotland are equipped to deal with the challenges and opportunities of AI?**

Scottish Hazards believes AI may well provide advantages for workers, but it is also likely to be used to intensify work for many.

The plans for Britain to become an AI powerhouse do not appear to have considered any downside threats to jobs or increased risks to health and safety. Scottish Hazards sees a contradiction between the

UK Government wanting to tackle economic inactivity by creating employment opportunities for those furthest from the labour market while, on the other hand promoting the need for the UK to become “one of the great AI superpowers”.

Research by the IPPR suggests that the biggest hit will be felt by workers in back office, entry level and part time jobs, roles that are more exposed to automation that are more commonly held by women and others returning to the workplace or new into employment.

In our view AI is likely to lead to increased intensification as workers will be controlled and managed by AI and not by humans. Under the Safety Reps and Safety Committee Regulations 1977, trade unions have the right to be consulted on any matter that impact on the health and safety of workers, as AI will undoubtedly do. Similar provisions exist in the regulations applying to non-unionised workplaces.

Scottish Hazards believe trade unions will ensure they are part of any discussion on introduction of AI in their workplaces, but we are doubtful this will be the case where unions are not present, and the workers are denied a strong independent and effective voice.

Scottish Hazards would support the formation of a group, with membership drawn from a wide range of stakeholders including trade unions, employer's bodies and the Scottish Government and tasked with examining the potential impacts of AI on jobs in Scotland and on the Scottish economy.

**3. Fifty years after Barbara Castle’s Equal Pay Act and 14 years after Harriet Harman’s Equality Act, women are still fighting for equality in the workplace. What devolved measures can be taken to help close the gender pay gap and ensure women have opportunities across the employment sector?**

Scottish Hazards would suggest that a cross Government approach has to be adopted with the UK, Scottish Government and Welsh Assembly working together to close then pay gap. The Scottish Government

should seek to include details on gender pay discrimination in public procurement tenders. Suppliers' commitment to fair employment, including fair work, health and safety and equality should carry far more weighting in the quality criteria to ensure only businesses committed to ensuring their workers enjoy the highest standard of rights at work receive public contracts or public grants

Equal pay, equality, as well as women's health at work are important to ensuring inequality is challenged in the Scottish labour market and increased investment in any future fair work directorate and health at work is crucial to achieving this aim.

**5. There are significant barriers to disabled people and those from BAME backgrounds. How can we reduce those barriers and close pay gaps for those in employment? How can we ensure employers recognise and support people with disabilities, neurodiverse conditions and hidden disabilities?**

Scottish Hazards believes that discrimination against any minority group of workers is wrong and continuing discrimination is likely to have an impact on the health, safety and wellbeing of the workers concerned if it is not addressed. Additionally, both disabled and BAME workers are more likely to have underlying health conditions than others, conditions that, in the absence of any comprehensive occupational health provision, will be less likely to be adequately managed in the workplace and threaten the employment of the individuals.

Scottish Hazards is seeking funding to work with trade unions and public sector employers to develop Fair Work charters for workers with sight loss. Discussions are at an early stage with the RNIB but we see these charters being based on the fair work dimensions, employment rights and health and safety.

Scottish Hazards calls on any future Scottish Labour Government uses Fair Work as well as Health at Work to develop a package of non-legislative measures to make our workplaces fairer, healthy and safer workplaces for all workers with protected characteristics.

## **6. Can we better use employability programmes and re-training to get people who are economically inactive back into the workforce?**

Most employability programmes are based on results, and mainly reducing the numbers of economically inactive. UK Govt programmes as far as we see do not ensure sustainable and effective return to work. Scotland needs to introduce in work employability programmes as well as more effective support to ensure those returning to work have more positive outcomes. Scotland needs more local occupational health advocacy services to compliment employability programmes supporting returners, but also to stop workers falling out of work.

## **7. How do we build on the new UK Labour Government's Employment Rights Bill and what changes are required to the Scottish Government Fair Work agenda to ensure more people are better protected at work?**

There is no commitment to health and safety in ER Bill. Committed to reviewing health and safety legislation, the UK Government is silent on what the Prime Minister words mean. Health and safety ideological cuts since 2010 in legislation and resources to the HSE

Reserved matters referred to above should be devolved, devolved legislation would provide the levers to drive the FW agenda. OH services essential to FW. You cannot have fair work where that work is neither healthy or safe. Enforcement of FW.

Fair Work in Scotland should be more prominent in the Scottish Labour market with employers compelled to evidence their Fair Work Actions. Public sector trade unions should be involved in procurement processes and at every stage of the procurement journey.

Scottish Hazards believes there should be more openness and transparency in public procurement and public bodies should engage with stakeholders including trade unions to ensure fair, safe and healthy work in all public sector contracts. In our view, the focus on job creation should be on public sector employment, returning services in house where possible when services are being retendered.

When City of Edinburgh Council<sup>1</sup> tendered for a new facilities management contract, they ignored the requests from Unison and Unite to investigate bringing certain aspects of the work back in house. The Council continued to refuse to engage with the unions and procurement officials did not follow Scottish Government guidance in our view, not even asking the question if bidders recognised trade unions, the successful bidders did not.

## **Commission 2**

### **A Modern NHS and Social Care System That Puts People at the Centre**

#### **Introduction**

#### **1. The Scottish Government has taken lots of one-off steps but what would a longer-term plan for health and social care look like?**

In your introduction, you state: 'The NHS and Social Care Commission believes that social care should be given parity with the NHS because supporting people to live independently in their own communities is crucial to dignity, empowerment, and allowing everyone to fulfil their potential' We totally support this and have argued for a separate and equivalently valued and resourced social care service to run alongside and work with the NHS.

In 2021 Scottish Hazards responded to the consultation on proposals for a National Care Service<sup>2</sup>, ***the key principles we believe should be incorporated into a Scottish NCS:***

\*The service should be, as is NHS care, free at the point of need;

\*An NCS should provide care from the cradle to the grave. We welcome the proposals in the consultation for it to encompass a wide range of care services;

\*All care should be not for profit, as has been accepted is the case for children's services, thereby retaining money within the sector;

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<sup>1</sup>

<https://hazards.scot/wp-content/uploads/2022/03/edinburgh-council-final.pdf>

<sup>2</sup> Scottish Hazards response to the National Care Service Consultation

<https://hazards.scot/wp-content/uploads/2025/01/Scottish-Hazards-Response-to-the-NCS-consultation-Introduction-and-key-principles.pdf>

\*There should be an end to competitive tendering – price cannot be the priority factor in care provision;

\*Pay and conditions for the social care workforce should be based on national pay scales and national pay and conditions, including training, education and health and safety, which are determined by national collective bargaining;

\*Conditions for social care workers should adhere to Fair Work criteria;

\*Social care users and workers should not be cinderellas to those in the NHS;

\*There should be standardised, paid for, good education and training for workers throughout the sector;

\*There should be 'effective voice' for workers and users in social care. For workers this means as well as involvement in national collective bargaining, involvement at community and workplace level in the design and provision of care. For the people in need of care and their supporters, this means a commitment to their being able to exert as much control over their care as possible which could be done collectively rather than necessarily individually. Final arrangements for social care should be agreed through collaboration among government, local government, workers and users;

\*The NCS at Scottish Government level should be tasked with:

a) providing adequate ring-fenced resources to provide good quality care to those needing it and fair pay and working conditions to those providing it

b) establishing collective bargaining involving the NCS, employers and trade union representatives to agree national pay and conditions

c) design and provide good education and training for all those working in the sector, including a level of education prior to employment and then continued training and education throughout the time of employment

d) create a good single IT system including individual health and social care records and collection of data on need, provision, cost, etc

e) Set national standards for care and for social care contracts;

\*Within this national framework social care services should be the responsibility of democratically elected and accountable Local Authorities;

\*Local Authorities should then further devolve provision of services to local community hubs which can actively involve service providers, those needing care and those with lived experience to create local, flexible, inclusive services;

\*The IJB / CHSCB model should be abandoned. Primary and community health services should continue to be part of the NHS and work closely at local level with LA services. The NCS and the NHS should be separate, parallel services working closely together;

\*There should be quality equity within local authority areas and across Scotland;

\*We agree that human rights should be at the core of the service, but they will only be meaningful if accompanied by **resources** that are sufficient to provide services which can meet need, clarity about where **responsibilities** lie and a system that prioritises the development of good, sustainable **relationships** between those providing care and those in need of it.

\*Regulation and enforcement are an important element of any service. The Care Inspectorate and SSSC should be merged and work closely with the Health and Safety Executive whose remit of protecting the health, safety and welfare of social care workers (and those being cared for) is equally relevant.

## **2. What immediate priorities within the NHS do you think a Scottish Labour Government should focus on when it first enters government?**

The introduction to this section rightly refers to Labour as the party of the NHS, this is not disputed but we believe that the free-market

economy that applies to occupational health provision and intervention needs to be addressed as a matter of urgency.

Scottish Hazards believes the often quoted figure of 45% of worker having access to occupational health provision is misleading, as far back as 2002 a study commissioned by the HSE<sup>3</sup> found that only 3% of UK companies provided access to comprehensive occupational health provision including assisting with identifying risks, reasonable adjustments, vocational rehabilitation and job retention.

It is wrong to ignore the fact that our occupational health provision is mostly in the hands of private sector care providers. Large private and public sector employers are continually changing providers and have developed a “shopping basket” approach to occupational health services ignoring the most challenging and expensive interventions (e.g. vocational rehabilitation, job retention and self-referral) in favour of services that meet their own needs (sickness absence management).

Scottish Labour introduced Healthy Working Lives – a plan for action in 2005 should have set the foundations for world leading occupational health provision, yet 20 years later we are arguably in a worse position than we were then, Public Health Scotland have assumed responsibility for Healthy Working Lives and appear to be unwilling to reverse the cuts the service has suffered in recent years.

In Section 6.1 Leading Change stated the view of the Scottish Government of the time that *“Healthy Working Lives will only be successful if it enjoys broad-based support from employers across Scotland, remains a high priority for both national and local government and secures the buy-in of the voluntary sector”*.

In our view this was the case in the year between the launch of Health Working Lives in 2005 and the 2007 Scottish Parliament elections, when the SNP came into Government, and it remained the case for a number of years thereafter.

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<sup>3</sup> HSE Contract Research Report CRR 445/2002 Survey of Use of Occupational Health Support  
[https://webarchive.nationalarchives.gov.uk/ukgwa/20230103155543/https://www.hse.gov.uk/research/crr\\_hm/crr02445.htm](https://webarchive.nationalarchives.gov.uk/ukgwa/20230103155543/https://www.hse.gov.uk/research/crr_hm/crr02445.htm)

What is probably forgotten is that Scotland was leading the way in proactively tackling health concerns and societal issues impact on workers' health at work. The following are some examples of non-legislative measures initiatives introduced by the Scottish Executive Justice Department (SEJD) and Health Education Board for Scotland (HEBS).

Work Positive<sup>4</sup> launched March 2002 – collaboration between HEBS and the Health and Safety in Ireland (HSA), a risk assessment tool aimed at SME but could be applied in larger organisations, predated the HSE Stress Management Standards intro in November 2004.

Working Backs Scotland<sup>5</sup> was a campaign by HEBS in 2000 to rethink effective management of back pain, encouraging activity rather than rest. The three-year campaign was successful in changing minds with nearly double the amount of people managing back pain by staying active at the end of the pilot compared to before.

## **5. What reforms need to take place so that spending money on the NHS does not result in the same poor outcomes?**

Sickness and workless cost the UK economy over £100 billion every year. The costs of occupational ill-health and injury in Britain is £21.6 billion (2022/23) two thirds relating to health costs and one third for treatment of injury<sup>6</sup>. In Scotland, the costs for treating occupational ill health were £1.2 billion in the same period and £0.6 billion for work related injury. The costs of treatment of long latency occupational diseases such as mesothelioma and other occupational cancers are not included in these estimates.

Most of these costs are borne by individuals (60%), Government (21%) and employers (19%). This suggest to Scottish Hazards those who are

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<sup>4</sup> European Agency for Safety and Health, How to Tackle Psychosocial Issues and Reduce Work-related Stress, WORK POSITIVE' — A STRESS MANAGEMENT APPROACH FOR SMES — HEBS AND HSA JOINT COMMISSION — SCOTLAND AND IRELAND Pp 26-31 [https://osha.europa.eu/sites/default/files/TE4502967ENC\\_-\\_How\\_to\\_Tackle\\_Psychosocial\\_Issues\\_and\\_Reduce\\_Work-related\\_Stress.pdf](https://osha.europa.eu/sites/default/files/TE4502967ENC_-_How_to_Tackle_Psychosocial_Issues_and_Reduce_Work-related_Stress.pdf)

<sup>5</sup> Working Backs Scotland, <https://pubmed.ncbi.nlm.nih.gov/17762817/>

<sup>6</sup> Costs to Great Britain of workplace injuries and new cases of work-related Ill Health – 2022/23 Pp 4,17, Annex 2 and 3 <https://www.hse.gov.uk/statistics/assets/docs/cost-to-britain.pdf>

exposed to risk of ill health at work carry suffer more financially than those who create the risk, the employers.

The costs of occupational ill-health and injury, except for a spike in the COVID years, have remained level since 2010. Scottish Hazards believes the Scottish economy cannot sustain these annual costs and action is required to reduce to costs borne by those with the narrowest shoulder (workers) and transfer the burden to those with the broadest shoulders (employers and the state).

As stated above most occupational provision in Britain is delivered through the private sector, Scottish Hazards support mainstreaming occupational health into our NHS but this would require investment and a long-term commitment to make Scotland a healthier, safer and fairer country to work.

The 2019 Health at Work Review several recommendations including establishment of a single integrated National Occupational Health body for Scotland<sup>7</sup>. The review refers to the 2008 review of the Health of Britain's Working Age Population<sup>8</sup>, the author make the case for an ***integrated approach to working age health underpinned by the inclusion of occupational health and vocational rehabilitation in mainstream health care.***

In 2019 the Scottish Government argued the case was even stronger by that time, adding that Scotland had the right scale and the relevant powers to make it happen, but the lack of commitment, lack of vision and lack of progress is deeply disappointing.

Admittedly Brexit and COVID interfered with the review, but Scottish Hazards has been continually frustrated by the lack of progress towards a single integrated occupational body for Scotland.

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<sup>7</sup> Health and Work Strategy -Review Report Recommendation 4.3 4.3

<https://www.gov.scot/publications/fair-healthy-work-review-scottish-governments/pages/11/>

<sup>8</sup> Black, Carol (2008) Working for a Healthier Tomorrow : A Review of the Health of Britain's Working Age Population

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209782/hwwb-working-for-a-healthier-tomorrow.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/209782/hwwb-working-for-a-healthier-tomorrow.pdf)

- Review the current arrangements and training needs for specialist occupational health within the Scotland Public Sector (medical, nursing, workplace advisors)
- Consider options for a long-term funding model for this new body that balances the costs and benefits between stakeholders.
- A new national organisation would also be positioned to provide occupational health leadership and expertise to support the wider health and social care system

Scottish Hazards believes any future Scottish Labour Government should review Healthy Working Lives from its inception and commit to the Health at Work Review.

Scottish Hazards would point you towards the long defunct Lothian Occupational Health Project<sup>9</sup> and Sheffield Occupational Health Advisory Services<sup>10</sup>. Both these came into existence in the early 1990's and the latter still exists to this day. However, the Lothian Project, despite evaluating very positively, was to fall victim to funding being cut, lack of vision and the short termism so common in projects aimed at improving the health of Scotland's workers.

## Prevention

### 1. What would a greater focus on prevention look like and require to make it a reality?

In the end of the day, Scotland must be moving toward increased emphasis on prevention and on primary and community based services. However, as has been shown many times, it is very difficult to move resources to prevention when acute services are under extreme pressure. You say in your introduction that 'We believe that the NHS and social care would be an immediate priority of any future Scottish Labour government'. We welcome this and would argue for substantial increases in resources alongside the changes we argue for above. It is important in this that the pay and conditions of health and social care workers be protected and improved (particularly in social care). A

<sup>9</sup> Lothian Occupational Health Project

<https://www.enwhp.org/resources/toolip/doc/2018/04/30/thelothian-occupational-health-project.pdf>

<sup>10</sup> Sheffield Occupational Health Advisory Services

<https://www.sohas.co.uk/>

strong argument for investment in health and social care workers is that the money paid to them is almost entirely recirculated into local economies. Also, particularly in relation to social care, these are green jobs with light carbon footprints, especially if they are provided from local hubs as described above.

In social care, a move toward prevention would be providing support and care to those with moderate needs, moving away from the current situation where only substantial and critical needs are addressed. It will also be addressed by the cradle to grave and local hub approach described above, so that easy and early access to support can delay or prevent more serious need developing.

We would reiterate that a good single IT system including individual health and social care records and collection of data on need, provision, cost, etc is crucial.

### **3. How should we tackle the social determinants of health through preventative spending?**

Improving occupational health services as described in other parts of our response would address this. The vast majority of those who would benefit would be those in lower socio-economic classes, those with disabilities and those from BAME communities

#### **Social Care**

##### **1. How can the immediate problem of recruiting and retaining staff in social care be solved – in urban areas and in rural areas? And**

##### **2 How can the training, conditions and support for staff in social care be improved?**

The first thing to do with regard to recruitment is to improve the pay and conditions of care workers. Pay should be increase to be in line with health care workers. Zero hour and no guaranteed working week contracts should go. Shift work patterns should be reviewed with worker health and safety considered. Services should be provided from local hubs which would eliminate large travelling distances and times and provide social care workers with a team to relate to and gain

support from. It would provide a base which would allow social care workers a place to take breaks and use toilets.

There should be national collective bargaining established as is the case in the NHS. The Fair Work mandated dimension of Effective Voice should be insisted upon in all social care employment.

There should be good pre employment training ( of at least several weeks – this could be done through colleges) and good ongoing training. Workers should not have to pay for training and should be given reasonable time off for it. There is a need for good mentoring, support and supervision.

The government and local authorities should work toward major reduction of the use of agency workers in both health and social care. Costs are high, there is lack of knowledge about patients and those being cared for, it does not foster good team working.

### **3. Unpaid carers often end up burnt out and unable to continue – what would better support look like to ensure unpaid care is sustainable and valued?**

The right to respite care is often not real. This needs social care workers to work with the family over time so that the person being cared for feels happy /safe with a carer or care facility during respite. It should be much easier to access respite. This would be aided by a local hub structure.

#### **Funding**

##### **1. What would longer-term financial planning look like in the NHS and social care?**

This is not our area of expertise, however, one thing that would be very helpful would be an end to short term funding in the NHS. It should be possible for services to make longer term plans and be able to carry money forward to fulfill them.

#### **Social Work**

## **1. Social work has been devalued in recent years, how can this be changed so it is on more of an equal footing within the health and social care sector?**

Social workers should be enabled to work in the way they have been trained; to work with and support individuals and families over time. They have been reduced in many ways to gate keepers, whereas they need to be accessible to all and able to help identify and address need for all – not just those who are already in crisis.

### **Commission 4**

#### **More Equal and Safer Communities Where We Can All Thrive**

Scottish Hazards very much agree with the sentiments in the preamble to the section on justice especially *“that victims of crime should have faith that justice will be delivered and that criminals will be punished”*.

Our organisation support victims of crime whose loved ones may have felt safe at work but ultimately their confidence was misplaced, and they were to lose their lives in work related incidents.

We are disappointed that the impact that health and safety crime has on bereaved families has not been recognised and responses only appear to be sought in relation to crimes perpetrated in our communities and against workers serving these communities.

Important questions but we would have hoped the policy review would have addressed the issue of our totally ineffective corporate killing legislation.

Why is it a Director of a company in England and Wales can face double digit prison sentences when found guilty of gross negligence manslaughter yet, in Scotland companies and individuals whose health and safety negligence cause death only face health and safety charges carrying a maximum sentence of two years imprisonment?

Scotland has no equivalent charge to gross negligence manslaughter although the COPFS argues that individuals can be charged with the common law offence of culpable homicide following deaths at work but

the only case, to our knowledge, did not involve an employer but a worker accused of causing the death of a colleague<sup>11</sup>.

In another case the boss of Craig Lifting Services received the maximum two-year sentence for breaches of health and safety legislation when an employee fell from a poorly maintained cherry picker after one of the booms collapsed. This had been the second occasion this equipment failed, and the company director failed to take any precautions to prevent a reoccurrence.<sup>12</sup>

Scottish Hazards cannot understand why an act of involuntary homicide resulting from employer's negligence is treated so differently by our justice system. Scottish Hazards supported efforts by Labour MSPs on three different occasions, more recently by Clair Baker. Her proposals sought to change the Scots common law offence to address this anomaly, including provisions to prosecute individual whose failures led to the death.

We would urge any future Scottish Labour Government to revisit the proposals from Claire Baker MSP and resolve the issues around culpable homicide being devolved and health and safety being reserved, and this prevents the Scottish Government legislating, and this being used to prevent families getting justice.

## **Community Policing**

### **5. What actions can be taken to protect frontline workers? For instance, how can we hold owners more accountable when their dogs have been involved in attacks on postal workers?**

Most dog owners are responsible citizens and take simple measures to protect postal workers, couriers and other visitors to their properties from dog attacks. On the other hand, there is a minority who do not take dog ownership seriously or understand the legal obligations that come

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<sup>11</sup> Man acquitted in teenager's Inverurie workplace death trial  
<https://www.bbc.co.uk/news/uk-scotland-north-east-orkney-shetland-44413548>

<sup>12</sup> **Company manager jailed for two years and firm fined over employee death**  
<https://www.scottishlegal.com/articles/company-manager-jailed-for-two-years-and-firm-fined-over-employee-death>

with pet ownership, including the need to keep dogs under control, even on their own property.

It is not clear from the Scottish Government website what if any conclusion was reached following the work of the Scottish Government's Short Life Working Group on Dangerous Dogs or indeed if any recommendations were made.

There still seems to be a lot of confusion over enforcement of dangerous dogs legislation and any action taken seems to vary across local authorities in Scotland.

Any future Government should investigate the possibility of introducing comparable legislation to the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 covering dog attacks on workers happening in the course of their employment.

## **6. How can our workers such as those who work in retail or on public transport be better protected from assault and aggression?**

Scottish Hazards supports the devolution of health and safety , equality and employment legislation. The fact that health and safety powers remain reserved has continually frustrated efforts to reform our common law offence of culpable homicide to address the significant shortcomings in current corporate killing legislation.

On the other hand we have witnessed the Scottish Parliament passing legislation specifically designed to protect certain groups of workers, the Emergency Workers (Scotland) Act 2005 and the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 are two examples.

In the early part of this Scotland was at the forefront of tackling work-related violence starting with Protecting Public Service Workers – When the Customer isn't always right<sup>13</sup> (2004). Scottish Hazards believes this work was way before its time, introduced by the previous Labour Government as part of a programme of non-legislative measures to

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<sup>13</sup>[https://webarchive.nrscotland.gov.uk/20201121201743mp\\_/https://www2.gov.scot/Resource/Doc/25725/0025012.pdf](https://webarchive.nrscotland.gov.uk/20201121201743mp_/https://www2.gov.scot/Resource/Doc/25725/0025012.pdf)

tackle the growing problems of work-related violence. A member of the STUC General Council was seconded to the SEJD to work with official to take this work forward. In 2007 the Scottish Government transferred this work to the Scottish Centre for Healthy Working Lives. Unfortunately, the General Council member passed away in 2011 and years of developing a leading strategy and campaign was lost.

Prior to this the Scottish Centre for Healthy Working Lives had contributed to the prevention of work-related violence producing two pieces of guidance to help employers manage work related violence.

1. Managing Occupational Violence and Aggression in the Workplace: Tools and Strategies<sup>14</sup>
2. Managing Work Related Violence in a retail setting<sup>15</sup>

A future Scottish Government should bring forward a package of non-legislative measures like the work done around 20 years ago to tackle work related violence and aggression. From what we can see the problem is getting worse, especially in schools<sup>16</sup>. Of particular concern is the concerns is head teachers seem to have a different perception of violence and aggression appears to teachers and support workers. Scottish Hazards believes influencing management attitudes to workplace violence is something that needs to be addressed across all business sectors and not just education.

Scottish Hazards believes any future Scottish Government should develop a Scottish Work-Related Violence Reduction Strategy.

Scottish Hazards  
February 2025

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<sup>14</sup>

<https://hazards.scot/resources/other-health-and-safety-resources/831-2/>

<sup>15</sup> <https://www.healthyworkinglives.scot/media/1036/managing-workplace-violence-in-a-retail-setting.pdf>

<sup>16</sup>

<https://www.gov.scot/publications/behaviour-scottish-schools-research-report-2023/>