

**Scottish Government**  
**Next Steps on delivery of Employment Injury Assistance**  
**25 June 2024**

1. NASUWT welcomes the Next Steps on Delivery of Employment Injury Assistance (EIA) consultation.
2. NASUWT is the largest UK-wide teachers' union representing teachers and school leaders in all sectors of education.

**SPECIFIC COMMENTS**

**Question 1: Do you agree or disagree that the Industrial Injuries Scheme is not fit for purpose and should be reformed? Please give reasons for your answer.?**

3. The Union is supportive of reform and agrees that the Industrial Injuries Scheme is not fit for purpose.
4. The existing Industrial Injuries Scheme was designed for a different era, with a very prescriptive list of diseases/illnesses that clearly link to industry. NASUWT believes the Industrial Injuries Disablement Benefit (IIDB) is now outdated: developed for a world dominated by heavy industry and the largely male workforce within it.

5. Injuries that could affect our teacher members, such as carpal tunnel syndrome, are only counted when caused by specific activities that would not relate to teaching.
6. The Scottish Government should explicitly commit to close the gender gap in the outdated benefit: women's health and safety cannot continue to be ignored. Just 7% of claims for industrial injuries benefit are made by women: it was a benefit designed for men's work and systematically ignores the illness and disease women experience at work such as asbestos-related ovarian cancer, Long COVID, musculoskeletal disorders and breast cancers caused by shift work.
7. The COVID pandemic has shown that employees can become seriously ill as a result of their work, leading to long-term absence, and yet have no suitable access to support from the state. COVID itself was a greater threat to black members of our population, while Long COVID has had a disproportionate impact on many teachers and, given the profile of the teaching workforce, a greater impact on women.
8. Furthermore, all claims are currently assessed in person at IIDB centres, which are not conveniently placed for applicants, and it is a slow process to get assessed and the benefit approved.
9. NASUWT has existing concerns that the IIAC process for approving new diseases for IIDB is extremely slow: the last time something was successfully added, it took five years from discussion at IIAC to approval by the Minister and finally the legislation laid before Parliament. The incredibly slow process means that it takes far too long for new diseases and conditions to be considered, leading to severe delays for people disabled by work-related injuries/illnesses to get the help they need.
10. The devolution of IIDB provides an opportunity to develop a new benefit system, and a body to oversee it, which is fit for the 21st century. Powers in relation to industrial injuries advisory bodies were not transferred and, as a result, the Scottish Government cannot seek advice from the UK

Industrial Injuries Advisory Council (IIAC). NASUWT has been a vocal proponent of an independent, statutory council with new powers to research the harms in 21st century workplaces and put workers at the heart of the new benefit.

11. The Scottish Government must not shy away from the chance to deliver transformative change, including an independent Advisory Group, which will meet the needs of workers. Workers know their workplaces and the risk to their health best; their skills and knowledge must be built into an Advisory Group, preferably by statute. Women must be equally represented on any council or advisory group which has a driving mission to close the gender gap in this benefit – new research powers would also be essential to support this aim.

**Question 2: Of the two options which do you think the Scottish Government should proceed with? Please give reasons for your answer.**

- 1. Prioritise like-for-like benefit delivered with full case transfer and benefit reform to follow in the longer-term**
- 2. Prioritise reform to deliver an updated benefit and a modernised approach delivery)**

**Please give reasons for your answer.**

12. NASUWT considers the framing of question 2 as a binary choice to be a false dichotomy.

13. The source of the Scottish Government estimated costings for a paper or digitized system is not fully set out. NASUWT notes that the DWP transferred two IIDB Centres from Scotland to England, and thereafter two further transfers to different English regional offices, without interruption in payments, so there may already be significant amounts of digitized information which would assist the Scottish Government to implement a transfer.

14. It is of course essential that the Scottish Government prioritises reform and seeks to avoid entrenching the inherent inequalities within the existing UK

IIDB scheme in any new Employment Injury Assistance scheme. It would be a significant dereliction of duty for any government to deliver an unreformed benefit which ignored the experience of key workers suffering Long Covid or teachers with asbestos-related injuries. That does not however automatically infer that the current IIDB Scheme should end without any transitional protection for current recipients.

15. Both options would require the establishment of an EIA stakeholder advisory group. A new industrial injury scheme for Scotland must be able to be designed by those with expert knowledge of industrial injury in Scotland and must include representatives from trade unions and workers with lived experience, independent of government. An intersectional approach must also be adopted, whereby keyworkers, trade unionists, women, black workers and those with Long COVID who currently have no permanent, independent role have their voices heard. It is critical that this body should include direct representation of the lived experiences of those who should be entitled to benefit from a reformed system and this means sufficient representation of trade unions.

16. Any Advisory Council must include representatives from trade unions, employers and medical and legal professionals, as well as those with lived experience. Workers must be represented as equally as employers. Scotland deserves a system where those with experience of being exposed to the risk of suffering an injury or contracting a disease in the course of employment, as well as their representatives, are required to be included in the decision-making processes.

17. NASUWT would also support the independent chairing of the Advisory Council, to keep government at arms-length and better facilitate independent recommendations.

**Question 3: Please tell us if there is anything relating to the timelines set out above that you wish to provide feedback on. Please specify which timeline you are providing feedback for.**

**Please give reasons for your answer.**

18. We must move swiftly because many teachers and other key workers with Long COVID are currently going without the support they need. The NASUWT has been consistently campaigning for an education and health and safety policy to support teachers who are suffering from Long COVID. The Union has also been demanding financial compensation for teachers who have contracted COVID as a direct result of their work. We must move swiftly to recognise Long COVID as an industrial disease and further ensure that workers and trade unionists have a substantial voice in the enactment of the new benefit and that this is clearly embedded from the start.
19. To date, this process has been characterised by unnecessary delays by Scottish Government, with a consultation having been promised annually since 2020. Looking at the timeline for option 2, reformed delivery, the proposition that this benefit will not be in place until June 2025 is unacceptable. Indeed, it is an affront to key workers, including teachers, many of whom won't see justice for many years, if at all: for some this will simply be too late.
20. Equally, to progress with a reformed, fit for purpose benefit, Scottish Government must set out the arrangements to extend agency agreements with the Department of Work and Pensions (DWP), who require a full business case to be in place by March 2025: this is particularly important given the proposed timetable in the consultation documentation references publishing 'high-level options for Employment Injury Assistance' by June 2025.
21. Teachers who have suffered life-altering diseases or injuries at work deserve to be compensated. In particular, those experiencing Long COVID can no longer be ignored. Progress to implement a reformed Employment Injury Assistance in Scotland must be expedited.

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