

**Sandy Carmichael**

**Question 1: Which of the following best expresses your view of the proposed Bill?**

Fully Supportive

I believe that the party causing harm should bear responsibility for the remedy. This has to apply more forcefully where it is a business, which owes a duty of care for those who are harmed by its actions or omissions.

**Question 2: What do you think would be the main practical advantages and disadvantages of the proposed Bill?**

The main advantage is to our NHS which as a result of this Bill will have.

**Question 3: What is your view of my preference for the recovery of medical costs for the treatment of industrial disease in Scotland to be incorporated into the Injury Costs Recovery scheme and administered by the Compensation Recovery Unit, part of the UK Department for Work and Pensions?**

Fully supportive

The existing injury cost recovery is the obvious model. Efficiencies would be gained by using it rather than duplicating it.

**Question 4: Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:**

- (a) Government and the public sector:** Significant reduction
- (b) Businesses:** Cost neutral
- (c) Individuals:** Unsure

The gain for govt and the public sector derives from significant savings for the NHS in treating victims of industrial disease. The cost of administration, using existing DWP/CRU means will be marginal.

I believe the effect on businesses will be broadly cost neutral since businesses and their insurers will have a clear financial incentive to improve performance and compliance in occupational health.

I find it difficult to see significant direct benefit or disadvantage to individuals since there is not likely to be any change in access to treatment or care.

**Question 5: Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?**

Not without expanding the scope of the bill, for instance, to include measures requiring businesses to produce annual audits with costed forward plans for eliminating/reducing risk of industrial disease and occupational ill-health.

**Question 6: What overall impact is the proposed Bill likely to have on equality, taking account of the following protected characteristics (under the Equality Act 2010): age, disability, gender re-assignment, marriage and civil partnership, race, religion and belief, sex, sexual orientation?**

Unsure

No basis for judging this.

**Question 7: In what ways could any negative impact of the Bill on equality be minimised or avoided?**

By setting out objectives by which impact may be measured, then auditing regularly and reporting to parliament.

**Question 8: Do you consider that the proposed Bill can be delivered sustainably, i.e. without having likely future disproportionate economic, social and/or environmental impacts?**

Yes

Total numbers of victims of industrial disease should, if anything, reduce over time as businesses seek to reduce financial liability for NHS treatment - the only option being to harm fewer workers.

**Question 9: Do you have any other comments or suggestions on the proposal?**

This is long overdue, given the existing scope for recovering injury/etc. costs to the NHS.

I suggest that, beyond the successful implementation of this proposal, legislation be planned for recovering costs of treatment of all occupational ill-health, within a regime in which employers bear an insured liability without the need to establish fault.