

Thompsons Solicitors

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

Fully Supportive

Thompsons Solicitors see at first hand the huge personal cost which is paid by the victims of occupational disease. We also work closely with many medical professionals treating these victims and we have significant insight into the financial burden on the NHS which arises as a result of these diseases. We are of the view that those who caused the diseases through their negligence should accept their full responsibilities and meet all those costs.

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

The medical costs for treatment of victims of industrial disease can be significant, particularly in the treatment of those suffering from lung disease.

It is illogical that medical costs are recovered in cases of industrial accident, but not industrial disease. It is right that the “polluter pays” principle is extended to the recovery of the medical costs for the treatment of victims of industrial disease.

Those who caused the diseases through their negligence should accept their full responsibilities and meet all those costs.

The taxpayer cannot be expected to pay for the consequences of the negligence of others.

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?

Partially Opposed

In July 2016 the Scottish Government released its consultation paper, ‘A New Future for Social Security - Consultation on Social Security in Scotland’. The consultation paper failed to consider the role of the UK Compensation Recovery Unit in recovering benefits post-devolution. In this firm’s response to that consultation of October 2016, we noted:

“The consultation document does not consider the role of the UK Compensation Recovery Unit (CRU). IIDB is subject to recovery from civil compensation where compensation is paid for loss of earnings. We presume that arrangements will be made with the UK Government to ensure that recovered benefits find their way back into the Scottish Social Security system.”

16 (Non-Smart Survey)

If the Bill becomes law in Scotland, our arrangements for recovery of NHS costs will differ from those in the rest of the UK. Our differing benefits arrangements suggest that now is the time to consider the creation of a Scottish Compensation Recovery Unit.

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:** Cost neutral
- (b) Businesses:** Cost neutral
- (c) Individuals:** Cost neutral

Given that the recovery of NHS costs incurred in the treatment of victims of industrial disease will be recovered by Government we believe the measure will be broadly cost-neutral.

We do not believe there will be additional cost for businesses or individuals. The measures proposed in the Bill will only extend to industrial diseases which are developed where the exposure to the occupational hazard occurs after the commencement date of the Bill. A reasonable employer, taking all reasonably practicable steps for the safety of its workforce, will not negligently cause injury.

It will only be those businesses who have negligently caused occupational diseases that will carry the additional cost of having to repay the costs of medical treatment, but only in cases where they are found to have been negligent through the civil law process.

The obligation to pay for the full costs of negligence should be incentive for businesses and individuals to ensure they have full regard for the health and safety of their workforce. By improving health and safety standards, business will not only prevent unnecessary industrial diseases but will benefit from a productive and healthy workforce.

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

We believe the Bill is proportionate to its intended aims.

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?

We do not think the Bill is likely to have implications on equality.

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

We do not think the Bill is likely to have implications on equality.

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?

We believe the Bill is proportionate to its intended aims.

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

None.