

**UNISON Scotland
Recovery of Medical Costs for Asbestos Diseases (S) Bill
Stuart McMillan MSP**

http://www.scottish.parliament.uk/S4_MembersBills/20150105_consultation_final.pdf

Consultation Response - March 2015

Questions

Q1 Do you support the general aims of the proposal as outlined above?

Yes. While UNISON has a limited number of members who worked directly in the asbestos industry, we have many more that have come into contact with asbestos as part of their job in various settings. It is right that the cost should be borne by those who caused the problem rather than the NHS.

Q2 Do you agree that legislation is a necessary and appropriate means of addressing the issues identified?

Yes.

Q3 Do you think that the administrative, review/appeal and enforcement objectives in my proposal will work and that the Compensation Recovery Unit will be able to adequately deal with the extended role imposed upon them?

Yes. The CRU has the expertise to perform this role and it would avoid having to establish another organisation. However, it will be important to ensure that it is properly resourced.

Q4 Do you agree that the Scottish Ministers should have the power to create excluded payments by regulation?

Yes. Secondary legislation is the best way to deal with this.

Q5 Do you agree that liability to repay NHS charges should extend to insurers and the best way to achieve this is by expressly extending liability on the face of the Bill?

Undecided. Others will have more expertise in securing payments from insurance companies.

Q6 Do you agree that the money recovered be paid into the general health budget and allocated to the appropriate Health Board or do you consider it more appropriate that the money be allocated for asbestos related care, including research?

Yes. The aim of this Bill is to recover the costs that fall on the NHS. To allocate the money elsewhere undermines that principle.

Q7 How will the proposal change what organisations do? What is your assessment of the likely financial implications (if any) of the proposed Bill to you or your organisation?

It won't have any direct impact on what we do. We will continue to support members legally and in safety terms as well as support from our welfare charity. There will be positive financial implications for NHS Scotland, where we are the largest trade union.

Q8 What is your assessment of any implications for equality?

We can see no negative equality impact.

Q9 Do you have any views on whether the proposal will fall within the legislative competence of the Scottish Parliament?

The limited scope of the Bill should ensure it remains in scope.

Q10 Do you have any other views or comments you would like to make on this proposal?

No.

For further detail contact:

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