

Public Bodies Climate Change Duties

Introduction

The Climate Change (Scotland) Act 2009 was unanimously passed by the Scottish Parliament on 24 June 2009. It is the most progressive climate change legislation anywhere in the world in a number of key areas, including (in Part 4 of the Act) the duties on all public bodies to contribute to emissions reduction targets.

The duties aim to ensure that the public sector leads by example, including in areas such as energy efficiency, procurement (incl food), transport and workplace policies. Guidance says public bodies should include direct, indirect and influenced emissions in plans to comply.

Context

Efforts to achieve a legally binding UN climate change deal aim to reduce greenhouse gas emissions enough to cap global warming at around 2 degrees Celsius above pre-industrial levels. It is hoped this would prevent 'runaway' dangerous climate change, although so far not enough countries have pledged sufficient action to achieve this. Meanwhile climate change has already been impacting dramatically on some of the poorest and most vulnerable people in the world.

Scotland's world-leading Act set targets to reduce emissions by at least 42% on 1990 levels by 2020 and 80% by 2050. The Scottish Government must set batches of legally-binding annual targets, which from 2020 must be at least 3% per year. The first batch was set in October 2010 for 2010 to 2022.

UNISON Scotland is a member of the Stop Climate Chaos Scotland coalition (SCCS), which played a key role in lobbying for the strongest possible legislation, including the public bodies duties.

The duties – which bodies and what they must do

The duties came into force on 1 January 2011. They apply to 'public bodies', defined as a Scottish public authority within the meaning of Section 3 (1) (a) of the Freedom of Information (Scotland) Act 2002, as amended. This covers an estimated 7,000 public bodies of varying sizes, from health boards, councils, bodies such as Scottish Water, colleges, universities and police forces, to the smallest GP surgery, but not some cross-border bodies. Most UNISON public sector employers will be covered. Public bodies must have regard to the Scottish Government guidance on the duties. It suggests that 'major players', such as councils and health boards, should be expected to do more than smaller organisations covered by the Act. The Scottish Government lists most bodies that it considers to be major players.

KEY POINTS:

- **Public bodies duties aim to ensure the sector leads by example**
- **Public bodies must act in the best way to contribute to the Act's emissions reduction targets and to help deliver statutory adaptation programmes**
- **Public bodies must act in the way they consider is most sustainable**
- **Guidance says it is crucial to mainstream climate change action in all business processes and functions**



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The duties require that a public body must, in exercising its functions, act:

- in the way best calculated to contribute to the delivery of the Act's emissions reduction targets
- in the way best calculated to help deliver any statutory adaptation programme
- in a way that it considers is most sustainable

The guidance says **it is crucial that climate change action is mainstreamed in all public bodies' business processes and functions.** Public bodies are expected to set and publish targets and milestones and integrate climate change into business practice, through existing processes and procedures. The guidance lists the strategic framework, relevant policy documents, plans and legislation. Major players are expected to report annually, broadly in line with the reporting structure used by councils for reporting on Scotland's Climate Change Declaration (SCCD).

UNISON Approach

UNISON and SCCS had called for mandatory annual reporting on the duties. However, the Scottish Government has kept reporting voluntary and has not set up any scrutiny regime. UNISON is also critical of the guidance for expecting a 'top down' approach to drive change. Trade union green workplace campaigning has shown that the best way to involve the workforce and community is to properly engage with them.

If employers raise concerns about costs in tough financial times, it may be helpful to point out the duties are statutory. And there are often major savings to be made in e.g. energy efficiency. Also, much action on climate change can support and benefit other policy work such as on fuel poverty, health etc. Climate change is a global social justice issue. The Stern Review showed that the costs of not acting are far greater than the costs of acting now.

Action for Branches

Branches can seek to negotiate green workplace agreements. Much in the guidance is practical and useful and branches can use it to find out what public sector employers should be doing, then find out what they are doing (or not) and campaign for stronger action.

Branches can monitor employers' compliance with the duties and check whether climate change action is being mainstreamed. Keep the B&C team informed of work you do in this area and about any agreements/campaigns.

Consider an application to the Scottish Government Climate Challenge Fund, which supported a South Lanarkshire UNISON green workplace project. Encourage your employer to support WWF's Earth Hour. Join UNISON Scotland's Green Network (email Fiona Montgomery) and the TUC GreenWorkplaces Network (online) for updates on relevant information and news. The TUC Go Green at Work Handbook for Union Green Representatives (see Further info box) includes practical ideas including a model Joint Environment and Climate Change Agreement.

Ultimately, these are statutory duties and bodies that do not comply could face legal challenge.

Further info

Climate Change (Scotland) Act 2009

www.legislation.gov.uk/asp/2009/12/contents

Public Bodies Duties

www.scotland.gov.uk/Topics/Environment/climatechange/howyoucanhelp/publicbodies/publicsector

Guidance on Duties

www.scotland.gov.uk/Publications/2011/02/04093254/13

'Major players' list

www.scotland.gov.uk/Resource/Doc/175776/0113483.pdf

SCCD (incl reports)

<http://climatechange.sustainable-scotland.net/>

TUC Go Green Handbook

www.tuc.org.uk/extras/gogreenatwork.pdf



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