



Response to Call for Views on the Climate Change (Scotland) Bill

**The UNISON Scotland Response to the
Transport, Infrastructure and Climate Change
Committee's Call for Views on the Climate
Change (Scotland) Bill.**

February 2009

Executive Summary

- UNISON is a member of Stop Climate Chaos Scotland, which is campaigning for Scotland to have a strong, world-leading climate change Bill that helps influence UN talks in Copenhagen in December. This response complements the SCCS response, available at www.stopclimatechaos.org/scotland and lists ten key SCCS priorities.
- These priorities include: a target of at least an 80% reduction in greenhouse gas emissions by 2050; statutory annual emissions reductions of at least 3% year-on-year from the start; the inclusion of international aviation and shipping emissions from the start; a Scottish advisory body, a Scottish Climate Change Commission, established in the primary legislation.
- The public sector has a key role in leading by example. We and SCCS also want to see a duty on all public bodies, similar to the public equalities duties, to consider climate change in all their decisions, and to reduce emissions in line with the national target. This duty should include annual reporting, should be established in the primary legislation and implemented in line with the next funding deal for local government. All public bodies should be required to seek to negotiate a workplace environmental agreement with their recognised trade unions.
- The Bill should also be explicit that the principles of sustainable development – Living within environmental limits, Ensuring a strong, healthy and just society, Achieving a sustainable economy, Using sound science responsibly and Promoting good governance - are core to the purpose and delivery of the statute in relation to mitigation and adaptation.
- As part of a sustainable development approach, trade unions, in Scotland, at UK level and internationally, promote 'Just Transition' policies, seeking to manage the employment and training implications of the transition to a low-carbon economy in a fair way.
- With the STUC, UNISON supports planning the transition in Scotland via four inter-linked strategies to accompany targets for emissions reductions: strategies on green workplaces, transitional skills and Just Transition, and a low-carbon industrial strategy. We are keen to consider with the TICC Committee ways in which a Just Transition strategy framework might be given a statutory basis in the Bill.
- The global financial crisis must not be used as an excuse not to invest now in proper mitigation and adaptation measures. As the Stern Review said, the costs of not acting are far greater than acting now.

Introduction

This paper constitutes UNISON Scotland's response to the Scottish Parliament Transport, Infrastructure and Climate Change Committee's Call for Views on the Climate Change (Scotland) Bill.

UNISON Scotland welcomes the opportunity to respond. UNISON is Scotland's largest public service trade union, representing more than 162,000 members working largely in the public sector in Scotland. Many of our members are at the forefront of protecting the environment and the quality of life for everyone in Scotland.

Our response is informed by the fact that UNISON has long supported sustainable development and green workplace policies as key trade union issues that also link with our international outlook on social justice. At UK level, the Trade Union Sustainable Development Advisory Committee, a joint TUC/DEFRA body subscribes to the view that climate change is perhaps humanity's greatest challenge in the 21st century. It points out that:

'Sustainability' is not something we put in a separate box marked 'green'. It is a core trade union and workplace issue. It directly impacts on jobs, in numbers, types, skills and locations. The employment and training implications of the transition to a low carbon economy are profound, as is the need to manage the changes fairly - through the so-called 'just transition'.

UNISON Scotland is a member of the Stop Climate Chaos Scotland coalition and has worked closely with other members to call for a strong, world-leading Scottish Climate Change Bill. SCCS has submitted a joint response.¹ This document does not repeat that, but instead lists the 10 SCCS priorities, then comments on economic policies and climate change. We also make some further comments on the public bodies' duty, green workplaces, forestry and waste.

Stop Climate Chaos Scotland

Stop Climate Chaos Scotland is a coalition of more than 30 organisations campaigning together to tackle climate change. The coalition members include environment and development NGOs, faith groups, trade unions, community councils, student societies, women's organisations, a mental health charity, and many others. In Scotland, the members have a combined supporter base of over 1.5 million people.

The Stop Climate Chaos Coalition Scotland priorities for the Climate Change (Scotland) Bill are that it must:

1. Set out a framework that will achieve *at least* an 80% reduction in greenhouse gas emissions by 2050.
2. Establish in statute annual emission reductions of *at least* 3% year-on-year from the start, not just from 2020, compatible with a fair and safe cumulative budget identified by the advisory body (see 4).
3. Include emissions from all sectors in the framework and targets set out in the Bill, including those from international aviation and shipping, from the very start.
4. Establish a Scottish advisory body, a Scottish Climate Change Commission, in the primary legislation to support delivery of the Bill when it is enacted.

5. Ensure that at least 80% of the effort to cut emissions takes place in Scotland.
6. Establish duties on all public bodies to reduce greenhouse gas emissions in line with the national target.
7. Set in place robust, transparent reporting measures so the Scottish Parliament is well informed on progress in meeting targets and Government is held to account on mitigation and adaptation.
8. Ensure that strong enforcement measures are set in place in statute.
9. Ensure Scotland counts all its emissions and reports on those produced by products and services we consume as well as emissions produced domestically.
10. Be explicit that sustainable development is core to the purpose and delivery of the statute in relation to mitigation and adaptation.

Climate change and economics, local and global

The world is at a crossroads as politicians decide whether or not to fully commit to, quite literally, saving the planet for current and future generations. At the same time, a massive financial crisis has rocked economies internationally. To those who say we cannot afford to switch to a low carbon economy, we would argue that we cannot afford not to. Analyses from around the world, including the 2006 Stern Review, and the 2008 report from the UK Committee on Climate Change highlight that it is possible and affordable to cut greenhouse gas emissions to prevent runaway climate change, but that we must act urgently and it will cost less financially to do so now, than if we delay.

These policy areas are inter-linked, as highlighted by trade unions and a wide coalition who are focusing on Jobs, Justice and Climate at a rally on 28 March in London. The aim is a message to the April G20 summit, including new US President Barack Obama, to 'put people first'.² Marchers want to highlight that even before the banking collapse, millions suffered poverty, inequality and the threat of climate chaos. Governments, business and international institutions have followed a model of financial deregulation that has encouraged short-term profits, instability and an economy fuelled by ever-increasing debt, both financial and environmental. Our children's future depends on creating a low-carbon economy based on a fair distribution of wealth, locally and globally, with decent jobs and public services for all. We must act now on all these issues, before it is too late.

UNISON believes that the Climate Change (Scotland) Bill can be strengthened along the lines SCCS has suggested to help deliver that fair, low-carbon society. In doing so, we can have immense international impact, influencing post-Kyoto United Nations negotiations in December 2009 in Copenhagen. We have highlighted the importance of a 'Just Transition', managing the changes fairly. The International Trade Union Confederation has been making the case for Just Transition and green workplace policies in the UN climate change talks, most recently in Poznan in December 2008. Its proposals are recorded in a UN Framework Convention on Climate Change report on what intergovernmental organisations, NGOs, environmental groups, business and research institutions and other observers at the talks want to see in a new global treaty.³

There are employment and economic benefits in switching to a green economy, including from investment in renewables, energy efficiency in industry and housing and improvements in public transport. Scotland should be grasping the opportunities, planning for change and investing in low-carbon technologies. We

agree with the STUC proposal that this transition should be planned via four inter-linked Scottish strategies to accompany targets for emissions reductions. ⁴

- A green workplaces strategy
- A robust and comprehensive low carbon industrial strategy
- A transitional skills strategy
- A Just Transition strategy⁵

Through such efforts, the Scottish Government, working with social partners, can put in place the right consultation mechanisms, training and innovation policies, along with the right financial support. This should help create the conditions for a 'just transition' encouraging green jobs, green enterprise and growth, as already seen in countries such as Germany and Denmark.

UNISON Scotland Response to the Call for Views Questions⁶

For our response to questions 1- 7, 9-10, 12-14 and 16-20, please see the SCCS response. UNISON adds to the SCCS response on the following questions:

8. DUTIES OF PUBLIC BODIES RELATING TO CLIMATE CHANGE The Bill contains powers to allow the Scottish Government, by regulations, to impose duties on public bodies in relation to climate change, to issue guidance to those bodies relating to their climate change duties and to require that they report upon the discharge of those duties. What are your views on this proposal?

First and foremost, we believe that a general climate change duty on public bodies should be in the Bill as primary legislation, enacted now, not at some possible date in the future.

We would want the Bill to establish a general duty on public bodies to consider the impact of climate change in all their decisions and to pursue, in a manner based on sustainable development principles, reductions in greenhouse gas emissions in line with national targets. This would also apply to adaptation work. This should be implemented in line with the next funding deal for local government.

Public bodies will only be able to contribute to climate change targets if these targets are included in their procurement and commissioning practices and this needs to be reflected in the Scottish Government's procurement regulations and guidance. All public bodies should be required to report annually on compliance with their climate change duty/duties. They should also be required to seek to negotiate a workplace environmental agreement with their recognised trade unions.

We would also wish to see these duties apply to the private sector. However, we recognise that this may require the exercise of some reserved powers outwith the scope of this bill.

Clearly, on a 'Just Transition Strategy', we also believe that public bodies, private sector employers, trade unions and other stakeholders should have key roles as partners in developing it and the other three strategies outlined above, as part of each organisation's overall work on emissions reduction. We join the STUC in

asking that the TICC Committee consider ways in which a Just Transition national framework or mechanism to ensure long-term planning and representative decision making on environmental transition might be given a statutory basis in the Climate Change (Scotland) Bill.

We argued in our consultation response on the proposed Bill⁷ that public services have a vital role in leading by example in reducing greenhouse gas emissions, and that a climate change duty would be a similar legal provision to the various equality duties. Action by the public sector can have a major impact on behavioural change, as has been seen with recycling and as should be an important influence through food in schools, hospitals, prisons and other public sector catering. (UNISON has promoted 'Food for Good', a campaign for fresh, local, sustainable, healthy food across the public sector, and is pleased that the Scottish Government has appointed East Ayrshire healthy school meals pioneer Robin Gourlay to lead a group developing guidance for the public sector.)

We believe that bringing in a duty in the primary legislation would provide a number of important benefits, would build upon excellent examples such as East Ayrshire's school meals initiative, and would underpin the commitments made by all Scotland's councils in signing the Scottish Climate Change Declaration. By signing, they have agreed voluntarily to incorporate greenhouse gas reduction and climate change adaptation measures into new and existing strategies, plans and programmes, in line with sustainable development principles, and to report annually on their climate change response.⁸

While some local authorities and other public bodies are innovative and ambitious in their emission reduction plans, existing guidance and voluntary measures such as SCCD are not enough and do not currently apply across the full public sector. If they were enough, serious action would be happening already. Without a statutory duty, there is a real danger that the public sector will not contribute its share to the essential early reductions in greenhouse gas emissions to help put Scotland sufficiently on trajectory to meet its targets. As Cathy Peattie MSP pointed out in the Transport, Infrastructure and Climate Change Committee on 20 January 2009, work on equalities issues has required mainstreaming and legislation to make any significant progress. In 2007, the IPCC warned that global emissions must start reducing by 2015.⁹ The potential international leadership role offered by this Bill would be weakened without establishing this duty now.

If no duties are laid out at the start, the Scottish Government may have to be more prescriptive to ensure action is taken, through policies and regulation. A general duty across the public sector would be fairer and more flexible. How they deliver those duties can be based on what is appropriate for each organisation and local authority area. It would also help public bodies and relevant investors and stakeholders have confidence in planning, instead of the uncertainty of wondering what might be asked of public bodies in coming years. Scotland's Climate Change Business Delivery Group said that: "Local authorities and the private sector alike will benefit from the universal application of policy measures and setting expectations as early as possible".¹⁰ At UK level, the need for a similar duty on public bodies to help deliver the Climate Change Act was not included and a need for it has been identified.¹¹ The 2007 Final Report of the Local Government Association's Climate Change Commission said that much of the evidence it received recommended imposition of a statutory duty on councils in England and Wales to act on climate change.¹² The Commission concluded unanimously that a statutory duty should be imposed on those authorities that after two years have not responded to climate change and it recommended to the

LGA that it reconvene the Commission in late 2008 and late 2009 and then re-assess the case for a statutory duty. In our view, Scotland should not delay, and should have it from the start. When consulted, the majority of Scottish local authorities responded positively to the proposed duties.

The statute as drafted would just serve to delay implementation and require consulting these bodies all over again on the same question, which they have just responded positively to, thereby delaying investment and planning towards delivery of the national goal.

The Carbon Reduction Commitment, being introduced in 2010, will apply to large public bodies but will not set even those, let alone all public bodies, on a path to reducing greenhouse gas emissions in line with national targets. A public body duty will cover the full range of activities carried out by the body, including the extremely important one of procurement, which can be a very effective lever outside the public sector. In relation to local authorities, it could help fulfill outcomes in many Single Outcome Agreements, such as emission reduction or footprint reduction.

Annual reporting by public bodies will boost local accountability and we argue that it could be reinforced by the relevant Parliamentary committee calling in a selection of annual reports each year for scrutiny. In addition, innovative ways of involving local communities directly should be explored, such as local hearings. For example, an annual schools gathering where students could question appropriate councillors and officials on the report.

The Bill should give Ministers powers to bring in any further specific duties through secondary legislation. This would ensure that if new scientific evidence or policy changes require further action by public bodies, the necessary duties can be established by order.

Our main concern about the Bill's proposals on the monitoring of the climate change duty/duties of public bodies, is that there must be sufficient expertise within the monitoring body (whether, for example, that is Audit Scotland, SEPA, another body or a combination) to properly assess progress on all relevant factors, including sustainable development.

Green workplaces. An important part of UNISON's proposals for the Bill has been that much more should be done to encourage employers, in consultation and negotiation with their trade unions, to support change in the workplace. This includes action on energy use and conservation, waste and recycling, travel, water use and environmental education. Good practice is best delivered through a genuine partnership between employer and employees - as already exists on health and safety issues. Apart from the environmental benefits, the public and private sectors will benefit from a reduction in costs, greater job satisfaction amongst the workforce and a shared commitment to success.

Union environmental reps can act as a conduit between management and members/staff, feeding concerns, suggestions and responses in both directions, and working with the workforce and management to develop best environmental practice. They can help review or shape environmental policies and initiatives, and help ensure that such policies are properly understood, fit for purpose, and can be put into practical effect at each workplace. Those involved in the TUC/Carbon Trust Green Workplaces (GW) project have included shop stewards, H&S reps, and those new to union activism.

It is important that environment reps have the same legal rights and employment protection as other workplace representatives and we would urge the Scottish Government to support the case for this being made to the UK Government, as employment rights are reserved to Westminster. We would also like to see funds made available, on a basis similar to the successful lifelong learning model, to help trade unions resource workplace environmental programmes.

11. FORESTRY

The Bill will allow modification by order of the functions of the Forestry Commissioners to enable the Forestry Commission in Scotland to play a greater role in tackling climate change. The immediate intent of the Scottish Government is to take forward proposals relating to renewable energy development on the National Forest Estate and the release of capital from the National Forest Estate for woodland creation. What are your views on this proposal?

We wish to emphasise here, as in the SCCS response, our strong concerns that the forestry provisions are distracting from discussion of the overall aims and objectives of the Bill, the urgency of reducing emissions and how to meet targets. These provisions were introduced late in the day without appropriate consultation on the details. We do not believe the Climate Change (Scotland) Bill is the appropriate place for the Government to propose new forestry provisions and enabling powers and would expect full consultation and debate on such fundamental changes to be undertaken separately from this Bill.

UNISON is also extremely concerned that the proposal to lease substantial parts of the National Forest Estate to private companies threatens jobs. We share the concerns about the risk to jobs that have been raised by the Forestry Commission Trade Unions, who oppose the leasing proposal. The FCTU back the Bill's targets on climate change and the expansion of renewable energy programmes. They acknowledge that the Scottish Government has promised no compulsory redundancies, but they warn that this commitment and staff terms and conditions could be at risk under any transfers and they conclude that several hundred good quality jobs could be lost in the forestry, timber processing, recreation and tourism sectors

15. WASTE REDUCTION AND RECYCLING

The Bill sets out measures aimed at improving waste and recycling. The Bill gives powers to the Scottish Government to make regulations in the following areas:

- Waste prevention and management plans;
- Waste data;
- Deposit of recyclable waste;
- Procurement of recyclate;
- Reduction of packaging;
- Deposit and return schemes;
- Charges for carrier bags.

What are your views on these proposals?

In addition to the SCCS response to this question, we would like to highlight UNISON's Waste Management Charter for Public Sector Organisations¹³ and our opposition to any use of PFI/PPP for new waste projects. PPP schemes don't achieve best value for public funds. Planning of new public infrastructure, including waste management projects, should take into account the uncertainties we face about the coming impact of climate change. Lengthy, inflexible, costly PFI/PPP type contracts do not make sense, for schools, for hospitals or for waste.

The UNISON Waste Management Charter urges public bodies to: agree an internal waste management and recycling strategy, which also looks at procurement in an overall sustainable development strategy; consult and involve staff on development and implementation of the strategy; ensure it promotes prevention, minimisation and other options from the top of the waste hierarchy, along with internal and external awareness-raising; agree realistic but challenging targets for the strategy, with regular monitoring and evaluation; provide easily accessible, clear information on the organisation's strategy, targets and progress on key indicators; use tools such as the Ecological Footprint in policy development, monitoring progress and raising awareness.

We also reiterate here a welcome for the introduction of waste prevention and management plans for businesses and public bodies. It is essential to bring businesses fully on board in this area. Concerted action by the public sector can make a major contribution to reducing Scotland's waste, can set a good example for the private sector and can encourage employees to change their behaviour at home. Often now, workers find they are doing far more recycling at home than at work and want employers to take much stronger action. These proposals should help ensure public and private sectors tackle waste prevention, waste reduction and recycling in a focused, planned manner in line with all relevant legislation, guidance and targets and making use of sustainable procurement policies to effect improvements. Negotiated workplace environmental agreements will ensure the best chance of successful implementation of plans.

Conclusion

UNISON Scotland believes this Bill is one of the most important pieces of legislation that will ever be presented to the Scottish Parliament. With Stop Climate Chaos Scotland, we welcome the commitment to the target of at least 80% cuts in greenhouse gas emissions. We hope that the Scottish Government and the Scottish Parliament will wish to provide genuine international leadership and strengthen the Bill in the ways that SCCS has highlighted, to ensure that target can be delivered - and to send a strong signal to the UN climate change talks in Copenhagen.

It is essential that at Scottish and local government levels, adequate financing is available to ensure the necessary actions are taken. It would be wrong to say that these are 'extras', which in a time of global financial crisis, cannot be afforded. The Stern report made clear that the benefits of strong, early action considerably outweigh the costs. Leadership is required to make this happen and to communicate clearly to the public the ways in which everyone can contribute to reducing greenhouse gas emissions and to adapting to the global warming already underway. Scotland's politicians have the opportunity with this Bill to rise to the challenge and provide that leadership.

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¹ The full SCCS submission, and key Briefing Papers, are online at: www.stopclimatechaos.org/scotland

² Put People First march for Jobs, Justice and Climate: www.putpeoplefirst.org.uk

³ UNFCCC 'Ideas and proposals on paragraph 1 of The Bali Action Plan' January 2009.

<http://unfccc.int/resource/docs/2008/awglca4/eng/16r01.pdf>

⁴ STUC written evidence to the TICC Committee 24 Feb 09:

www.scottish.parliament.uk/s3/committees/ticc/papers-09/trp09-07.pdf

⁵ For further details, see the TUC pamphlet *A Green and Fair Future* (2008)

www.tuc.org.uk/touchstone/Justtransition/greenfuture.pdf

⁶ TICC Committee Call for Views: www.scottish.parliament.uk/s3/committees/ticc/inquiries/ClimateChangeViews.htm

⁷ UNISON Scotland Climate Change Bill consultation response April 08:

www.unison-scotland.org.uk/response/scottishclimatechangebill.pdf

⁸ Scottish Climate Change Declaration, online at: www.sustainable-scotland.net/climatechange/documents/declaration08.pdf

⁹ Mitigation of Climate Change', Intergovernmental Panel on Climate Change, Working Group III Report, May 2007. Online at: www.ipcc.ch/ipccreports/ar4-wg3.htm

¹⁰ Scotland's Climate Change Business Delivery Group response to Scottish Government consultation on Climate Change Bill.

Online at www.scotland.gov.uk/Resource/Doc/259367/0077060.pdf

¹¹ 'Delivering the Climate Change Act: A Manifesto for a Low-carbon Economy', Friends of the Earth, October 2008. Online at: www.foe.co.uk/resource/reports/climate_change_manifesto.pdf

¹² 'A climate of change' The final report of the LGA climate change commission: www.lga.gov.uk/lga/aio/20631

¹³ UNISON Scotland Waste Management Briefing 2006 www.unison-scotland.org.uk/briefings/wastemanage.html