



Unite Scotland response to the Right to Food consultation

Q1 Unite is fully supportive of the right to food. We are encouraged that the right to food is being placed high on the agenda of politicians. The rise in food poverty, issues around climate change and animal welfare as well as concerns over worker's rights in the sector all suggest that greater scrutiny in food policies is necessary including embedding the right to food in law. Doing this will also help Scotland meet its international obligations and sustainable development goals.

Presently rather than one overall plan for food - we have plans which focus on one issue, such as the Climate Change Plan, Diet & Obesity Plan and Food and Drink Industry Plan. There was the *'Eating for Health'* in 2004, *'Recipe for Success'* in 2009 and *'Beyond the School Gate'* in 2014. While these were good intentioned, they have been far from effective in delivering real change. Without bridging the gaps between these areas then we cannot see the whole picture or solve the problems that we are facing.

Q2 Unite fully supports the creation of an independent statutory body with responsibility for the right to food. Unite believes that the previous Good Food Nation plan would have been more successful if stakeholders including trade unions, scientists, farmers and those forced to visit foodbanks were involved in overseeing this. This can be rectified with this Bill through involving these groups in an independent statutory body.

Q3 In 2014, the Government published *Becoming a Good Food Nation* - a national food and drink policy that included an inspiring vision for the future of Scotland's food. However, progress has been slow because the plan was not specific enough about who would do what. Businesses and other parts of Government were able to choose whether or not to follow the policy, and there was no timetable for reporting or clear indicators of success, which stalled the process.

Given that poorer households spend more on food as a proportion of their household spending than richer households, at the same time as facing very high housing and

energy costs¹ it is imperative that we act now to deliver practical help to those most in need.

New research by A Menu for Change² and the Independent Food Aid Network has revealed that 596,472 emergency food parcels were handed out between April 2018 and September 2019, an increase of 22% over the period.³

Between April 2018 and September 2019, 278,258 emergency food parcels were distributed by 91 of the 101 independent food banks operating in Scotland for which data was available. The Trussell Trust reported a further 318,214 parcels were distributed by its network of 135 venues during the most recent period.⁴ Taken together, 596,472 food parcels were handed out in the 18 months up to September 2019, which equates to more than 1,000 every day. Eliminating or reducing these stark figures are the driver and will bring to life the practical advantages of the Bill.

Furthermore food bank figures represent only the tip of the iceberg of those experiencing food insecurity with people often skipping meals or going without food instead of using a food bank.

Q4 Neutral

Q5 Food is everyone's business. Unite believes it is therefore important that the right to food should involve Government, public bodies, agencies, business and trade unions working together in drawing up policies. This should be done in a way which makes it transparent, accessible and which gives all stakeholders a voice. The agencies that should be involved include health, environment, welfare, education etc. providing an holistic approach.

The food system is complicated and made up of many parts of Government, as well as agencies, individuals and business. Everyone involved in the food system has different agendas, goals and priorities, and at the moment, we do not have a full view of how well the problems facing the food system are being tackled.

A post-Brexit, post-Covid Scotland will face a number of challenges not least of all its ability to feed the nation. The pandemic has highlighted a number of failing with regards to accessing sufficient quantities of food and ensuring it is distributed to those most in need.

An independent statutory body would be required to perform a checks and balances function that recognise that food insecurity, climate change, public health, biodiversity, workers' rights, animal welfare, access to land and waste are all part of

¹ <https://www.ifs.org.uk/publications/14796>

² A project funded by the Big Lottery Fund and managed by Oxfam Scotland, Poverty Alliance, Child Poverty Action Group in Scotland and Nourish Scotland

³ <https://menuforchange.org.uk/2020/01/09/ifan-january-2020/>

⁴ Ibid.

the food system and that a systems-wide approach is essential to protecting everyone's right to food and making sure the Government keeps its promises. They would also provide the expertise needed to achieve our ambitious Good Food Nation vision.

For oversight we would recommend an independent organisation, separate from Government to scrutinise the Government's plans, provide guidance, gather

evidence, and report on how well the Government is delivering on its plan.

There is precedence. Other important laws have included setting up independent statutory bodies to ensure the Government is delivering on its promises. For example, the Scottish Land Commission was set-up by the Land Reform (Scotland) Act 2016. It has the power to review the impact and effectiveness of any Government plans on ownership of land and land rights, recommend changes to these plans and to provide information and guidance.

The Poverty and Inequality Commission is another good example. It was set up by the Child Poverty (Scotland) Act 2017 to provide independent advice to Government on reducing poverty and inequality in Scotland and to examine progress that is being made. Food is important and complex enough to need a commission like these.

Unite was also instrumental in the campaign to retain the Scottish Agricultural Wages Board (SAWB) – a statutory body aimed at protecting wages, terms and conditions of agricultural workers, and it works well in delivering this. In particular the campaign had success in delivering:

- Equal pay and conditions achieved for women following a 1993 equality audit;
- SAWB rates include age groups excluded from the NMW;
- SAWB terms are better in other areas e.g. overtime, holiday pay, paid leave standby rates, and 39-hour week.

This has enabled measures to ensure further improvements and enforcement of SAWB rates to the living wage as well as promoting the value of sector-wide collective bargaining are the driver for economic growth and to tackle rogue employers operating and exploiting workers in the agricultural sector.

Q6 With a duty of care to citizens Unite believes that the Scottish Government should have responsibility for guaranteeing the right to food. However this needs to be done in a way that garners trust. Reporting to the Parliament and Scottish Ministers is one way of making sure we make Scotland a Good Food Nation but it needs independent scrutiny. It is really important for the Government's plans and reports to have input from individuals who are not part of the Government and who – as a group - have the power to review and demand progress. This group would be an independent statutory body.

Q7 According to A Menu for Change increasing numbers of people in Scotland are experiencing food insecurity, that is they worry about running out of food. This includes both people in and out of work. The report states that:

“...food bank use grew by 17% in Scotland last year, a higher rate than was seen elsewhere in the UK. Insecure work and low pay are key drivers of food insecurity. Scotland has seen long-term growth in levels of in-work poverty, with 2017 figures indicating two thirds of children in poverty live in households with at least one adult in paid work.”

It goes on to say that:

“The roll out of Universal Credit is set to further reduce the incomes of households in work. The Institute for Fiscal Studies predicts that 2.1 million working households will get less in benefits (an average loss of £1,600 a year) while 1.8 million will get more (£1,500 average gain).”⁵

This Bill must be used to reinvigorated the debate around food poverty, food insecurity and low pay and to bring in to law a right to food to protect those most in need.

Q8 To succeed in making Scotland a Good Food Nation with an embedded Right to Food at its core, we need everyone who has a role in food to play their part. Private businesses have a significant role in our food system – they grow, process, package, distribute, sell and prepare our food every day. We will require their input to make the changes necessary, and the Government should encourage and support private businesses to help achieve Scotland’s drive to be a Good Food Nation through this Right to Food Bill. This may result in some increase in costs.

However they must also do more to encourage businesses in the food industry to treat workers fairly. We must also be mindful that the global nature of business can bring both positive as well as negative impacts on the economy. We have seen two large food production companies close sites and shift production without any industrial or employment protections for workers or communities. The 2 Sisters Food Group in Cambuslang and Pinney’s in Annan both closed in 2018 with a combined loss of 880 jobs.

The Scottish Government must therefore do more to encourage businesses to help achieve Good Food Nation ambitions and to deliver on Fair Work principles including trade union recognition and collective bargaining. This should include provisions which would protect workers and the wider economy in which they are based from the vagaries of global capital which can have a devastating impact of families and communities.

⁵ <https://amenuforchange.files.wordpress.com/2020/01/a-menu-for-change-social-securty-and-in-workpoverty-briefing.pdf>

It should lead by example and use its powers to encourage positive changes in food businesses including a commitment to fair pay and fair treatment. This must involve both small and large companies in achieving these goals. We would require a commitment from across the sector to make the Good Food Nation vision a reality.

The Government has used its power to support and encourage the business sector to change in the past, including for example, in 2014 the introduction of a carrier bag charge. This led to an 80% reduction in the number of bags circulating, many of which would have ended up polluting the environment and threatening wildlife. This is just one example. The Government has also used its powers to introduce a minimum price on alcohol and a tax on sugary drinks to tackle health issues.

Many businesses have already acknowledged the need for change. With support from the Government, more businesses will join together to tackle the problems facing our food system.

A more insidious side of the food industry also exists with employers in the food and agriculture sector being seen as some of the worst exploiters of workers in the economy. The food supply chain has been built on the work of migrant workers, in fields, food processing plants and along the supply chain. Companies have had a race to the bottom on worker's rights, exploiting the most vulnerable including groups of workers from different countries, some of whom have been involved in modern day slavery.

Q9 Neutral

Q10. Unite believes that the overall impact of the proposed Bill is likely to be positive on equality. Many vulnerable groups fall within the categories identified under the Equality Act and face challenges with accessibility and financial barriers to accessing food. The Bill is therefore likely to ease this.

Q11 Neutral

Q12 Our current food production system contributes to around 30% of greenhouse gas (GHG) emissions caused by human activity. It is the leading cause of deforestation, land-use change and biodiversity loss, accounts for 70% of human water use, and is a major source of water pollution. Public procurement of sustainable food is one of the most effective mechanisms at our disposal to drive transformation in food production and supply.⁶

The proposed Right to Food Bill should be framework backed legislation. It is important to get the framework legislation right, so it fulfills the aim of guiding targeted legislation in the future to make it sustainable. Framework legislation needs to have a strong commitment to addressing the problems across the whole food system, from farm, to fork, to waste. This includes establishing the right to food, so

⁶ <https://lgiu.org/briefing/food-for-life-scotland-using-public-sector-food-services-to-deliver-on-healthclimate-and-economic-priorities/>

all future targeted legislation takes full account of human rights, tackling the environmental footprint of food, and fairness in the food system for workers, consumers, growers and producers, and livestock.

Both framework legislation and targeted legislation are required to realise Scotland's Good Food Nation ambition, and they should work together and strengthen each other.

Framework legislation is also needed to set up the principles, structures and guidelines that shape the whole food system. Targeted legislation will, following the guidelines set out in the framework legislation, tackle specific issues like reduction of food waste or recycling. This is not a new idea; the Scottish Government has supported system-wide approaches before: they signed up to the UN's Sustainability Development Goals (SDGs) in 2015. The SDGs are a set

of 17 goals that provide a plan to address global challenges related to poverty, inequality, climate, environmental degradation, peace and justice. The SDGs are connected to make sure no one is left behind and the approach to tackling issues is joined-up.

The Bill should also include statutory targets to drive change in key areas, similar to those contained within the Climate Change Act. Those targets should include:

- Halving of moderate to severe household food insecurity by 2030
- Halving childhood and adult obesity by 2030
- Halving the environmental impact of the food system, including halving food waste by 2030
- All workers in the FDA sector should be covered by collective bargaining agreements ensuring decent pay, terms and conditions of employment by 2025 at the latest.

Q13. According to the Scottish Government the food and drink sector in Scotland employs around 115,400 people, contributes almost £14 billion to the Scottish economy and accounts for one in five jobs in manufacturing.⁷ FDA includes some of the largest and most profitable companies on the planet, but workers in the sector are also some of the most exploited and regulation is limited. It is therefore important for Ministers and other public authorities to write strong food policies and use them to guide their ongoing work. They should measure progress and publish honest and clear reports on a regular basis. These policies should relate to all parts of the food system including policies to reduce food insecurity, to make our food production environmentally friendly, support workers in the industry, improve animal welfare, provide access to growing space, and include a right to food in law.

Workers in the sector are more likely to be paid below the minimum wage, employed on precarious contracts and subjected to forced labour. Research Funded by the Joseph Rowntree Foundation conducted by the Universities of Sheffield and Bath found a failure to monitor outsourced recruitment is resulting in companies

inadvertently employing victims of forced labour and was most common in the food and construction sectors of the economy.⁸

Another study of forced labour in the food industry focused on agriculture, food processing and minority ethnic catering found abuse that met the ILO criteria of forced labour, including restriction of movement, threat or actual violence, debt bondage and withholding payments; abuses were also common in the meat and poultry processing industry, with employers exploiting a two-tier workforce of agency and non-agency workers.⁷

We have witnessed a number of companies involved in the meat packing/processing industry particularly, including a chicken processing company in Couper Angus, that was forced to temporarily close its doors after a number of workers tested positive for coronavirus. Unite believe these instances are related to low-pay and the need for

⁷ <https://www.gov.scot/policies/food-and-drink/>

⁸ <https://www.sheffield.ac.uk/news/nr/forced-labour-study-1.728171>

the workforce to remain at work and not being furloughed. This has resulted in a greater risk of spreading the disease among the workforce.

The pandemic also raised issues over large scale food distribution which highlighted how dangerously fragile the system is during a pandemic creating issues of under supply and over demand that created initial shortages, putting many vulnerable groups at higher risk. Covid has highlighted the fragility of our food supply and this Bill will go some way to ensuring that in the event of future crises, we will be better prepared to feed the nation.

New technologies and automation must mean better jobs with better skills and training to increase UK food production, safety and security. All too often however mechanisation and automation has cut jobs; supermarkets are increasingly using technology to replace workers - self-service tills, scanners on trolleys to 'scan-as-you-go' and online ordering for food collection.

Technologies such as GM, agrichemicals, mega-farms and extending product shelf-life, are said to be essential to increase food security and feed the world's growing population. Existing labelling laws are not strong enough to prevent these entering the food chain e.g. in cloning and GM products. At the same time, there is interest in more environmentally conscious foods such as local, organic, craft and ethical foods.

Employers in the sector use zero hours contracts to cut pay, one of a range of tactics to make productivity gains from cutting labour costs rather than training and paying workers a fair wage. Trafficking people to work illegally in the industry is at one end of the abuse spectrum, with widespread threats and abuse at the other. Unite has supported and recruited migrant workers to build solidarity - representing all workers fighting for decent pay and conditions and to reflect the membership in the reps and stewards structures of the union.

⁷ Experiences of Forced Labour in the UK Food Industry: Joseph Rowntree Foundation May 2012

We recognise the contribution made by migrant workers and their families to the economy and society in Britain and are opposed to the exploitation of vulnerable migrant workers to undercut local labour. Trade unions in Scotland have argued that the UK government must immediately give reassurances to EU nationals resident in the UK over their right to stay and while there is some discussion around this, it remains far from clear.

The UK Government has created an economy where employers take full advantage of loopholes and opt-outs to exploit workers. A vast workforce of precarious workers are stuck on zero hours contracts, or are affected by the Swedish derogation – an opt-out used by UK employers where agencies employing workers don't have to pay the same pay as non-agency directly employed workers. Abuse of the Agency Workers Directive includes intimidation to deny direct employment. Unite policy is to build all-sector campaign against exploitation of casual and agency labour.

Unite supports positive action to address concerns which create unity rather than division among working people and have a strong record of recruiting and organising migrant workers. Unite's Hospitality Campaign has had considerable success recruiting migrant workers in the hotel sector. We believe it is necessary to campaign vigorously for collective bargaining as the best defence against a race to the bottom.

Unite recognises the limitations on trying to remedy some of the issues workers face which are tied into issues around employment legislation. Unite Scotland has called for employment law to be devolved which we believe would act to alleviate some of the concerns Unite has around fair treatment and fair pay for workers in Scotland.

Notwithstanding the impact the Coronavirus pandemic has had on the economy, the impending exit from the EU and the increasing chance of a no deal Brexit is likely to have a disproportionate effect on the Scottish Food Drink and Agriculture (FDA) sector. Scottish farm incomes are more dependent on EU subsidies than farm incomes in the rest of the UK, with some 18% of Pillar 2 and 16% of Pillar 1 CAP budgets being allocated to Scotland. This means the sector will lose out if the resources are simply allocated in accordance with the Barnett formula.⁸

Moreover, a significant proportion of food regulation is determined at EU level and therefore the Scottish Parliament will have to legislate for the sector rather than simply apply EU Directives. This could be an opportunity to improve consumer protection, as the drift of recent EU regulation has been to lower standards – particularly in meat inspection.

Workers within the FDA sector as well as consumers will be affected by the UK's exit from the EU and new trade agreements. While the Government emphasises that companies may benefit when barriers to trade are removed, it is imperative that any benefits are also reflected in improvements in worker's pay and terms and conditions.

Unite is also concerned that trade deals being negotiated could lead to a race to the bottom by employers, setting workers against each other and lowering labour standards

⁸ SPICe Briefing European Union Funding in Scotland 2014-2020

which is likely to impact most on workers that are not organised, those employed on precarious contracts and may disproportionately affect migrant workers.

In May 2020, under cover of the Coronavirus pandemic and media reports over the Government's handling of the crisis, one of the most important farming legislations in generations passed its third reading in Westminster allowing the UK Government to clear the way for a post-Brexit US trade deal with protections on minimum food safety standards being removed despite previous guarantees of a minimum standard to protect British food and British farming, being absent from the overhaul of UK agriculture. This should make all of us concerned.

Pat Rafferty, Scottish Secretary, Unite Scotland
