

Right to Food (Scotland) Bill

Introduction

A proposal for a Bill to incorporate the right to food into Scots law.

The consultation runs from 25 November 2021 to 16 February 2022.

All those wishing to respond to the consultation are strongly encouraged to enter their responses electronically through this survey. This makes collation of responses much simpler and quicker. However, the option also exists of sending in a separate response (in hard copy or by other electronic means such as e-mail), and details of how to do so are included in the member's consultation document.

Questions marked with an asterisk (*) require an answer.

All responses must include a name and contact details. Names will only be published if you give us permission, and contact details are never published – but we may use them to contact you if there is a query about your response. If you do not include a name and/or contact details, we may have to disregard your response.

Please note that you must complete the survey in order for your response to be accepted. If you don't wish to complete the survey in a single session, you can choose "Save and Continue later" at any point. Whilst you have the option to skip particular questions, you must continue to the end of the survey and press "Submit" to have your response fully recorded.

Please ensure you have read the consultation document before responding to any of the questions that follow. In particular, you should read the information contained in the document about how your response will be handled. The consultation document is available here:

[Consultation Document](#)

[Privacy Notice](#)

I confirm that I have read and understood the Privacy Notice which explains how my personal data will be used.

On the previous page we asked you if you are UNDER 12 YEARS old, and you responded Yes to this question.

If this is the case, we will have to contact your parent or guardian for consent.

If you are under 12 years of age, please put your contact details into the textbox. This can be your email address or phone number. We will then contact you and your parents to receive consent.

Otherwise please confirm that you are or are not under 12 years old.

No Response

About you

Please choose whether you are responding as an individual or on behalf of an organisation.
Note: If you choose "individual" and consent to have the response published, it will appear under your own name. If you choose "on behalf of an organisation" and consent to have the response published, it will be published under the organisation's name.

on behalf of an organisation

Which of the following best describes you? (If you are a professional or academic, but not in a subject relevant to the consultation, please choose "Member of the public".)

No Response

Please select the category which best describes your organisation

Representative organisation (trade union, professional association)

Optional: You may wish to explain briefly what the organisation does, its experience and expertise in the subject-matter of the consultation, and how the view expressed in the response was arrived at (e.g. whether it is the view of particular office-holders or has been approved by the membership as a whole).

Unite the Union Scotland represents around 140,000 working people and their families throughout Scotland. Unite is the UK's leading trade union with over 1.4 million members across all sectors of the economy including manufacturing, financial services, transport, food and agriculture, construction, energy and utilities, information technology, service industries, health, local government and the not for profit sector. Unite also organises in the community, enabling those who are not in employment to be part of our union.

Please choose one of the following:

I am content for this response to be published and attributed to me or my organisation

Please provide your Full Name or the name of your organisation. (Note: the name will not be published if you have asked for the response to be anonymous or "not for publication". Otherwise this is the name that will be published with your response).

Unite the union Scotland

Please provide details of a way in which we can contact you if there are queries regarding your response. Email is preferred but you can also provide a postal address or phone number.

We will not publish these details.

Aim and Approach - Note: All answers to the questions in this section may be published (unless your response is "not for publication").

Q1. Which of the following best expresses your view of the proposal to incorporate the right to food into Scots law?

Fully supportive

Please explain the reasons for your response.

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 well 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. Do you think legislation is required, or are there other ways in which the proposed Bill's aims could be achieved more effectively? Please explain the reasons for your response.

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 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.

Q3. Which of the following best expresses your view on an independent statutory body being given responsibility for overseeing and reporting on progress towards realising the right to food?

Fully supportive

Please explain the reasons for your response.

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

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this and to be part of the solution. This can be rectified with this Bill through involving these groups in an independent statutory body.

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 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 stand-by 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.

Q4. Should an independent body be given responsibility for overseeing and reporting on the right to food, do you think it should be:

A newly created body

Please explain the reasons for your response.

Food is everyone's business. As previous answer. Unite believes it is 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.

Q5. Which of the following best expresses your view of enshrining a right to food into Scots law as a priority in advance of, and in a manner which is compatible with, any further Scottish Government legislation on wider human rights?

Fully supportive

Please explain the reasons for your response.

Enshrining the right to food into law would add an extra layer of protection and comfort on top of other measures included in Government legislation and wider human rights, to those most in need in our society.

Q6. Which of the following best expresses your view of placing responsibility for guaranteeing the right to food on the Scottish Government?

Fully supportive

Please explain the reasons for your response.

With a duty of care to citizens Unite believes that the Scottish Government should have ultimate responsibility for guaranteeing the right to food. However this needs to be done in a way that garners trust. Too many previous recommendations have fallen by the way side. We need to trust that this one will deliver. 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. As stated earlier, this group would be an independent statutory body able to scrutinise Government policy and make recommendations.

Covid-19 Pandemic

Q7. What impact do you consider the effects of, and response to, the Covid-19 pandemic has had on the need for a right to food to be incorporated into Scots law?

Increased the need for the Bill

Please explain the reasons for your response.

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 and exacerbated the urgency that this Bill is passed sooner rather than later.

According to 'A Menu for Change' prior to the pandemic, increasing numbers of people in Scotland were already 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)." The pandemic has exacerbated household poverty. Due to the level of precarious contracts in lower paid work in the economy accessing work or underemployment, where you are unable to obtain the hours needed to provide a decent level of income, have become key issues during covid and as we emerge.

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Furthermore during the pandemic Unite obtained evidence of a number of companies involved in the meat packing/processing industry that were forced to temporarily close their doors after a number of workers tested positive for coronavirus. Unite believe these instances are related to low-pay and the need for the workforce to remain at work and not being furloughed. This resulted in a greater risk of spreading the disease among the workforce and was directly down to employers demands that the job was more important than the workers lives.

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.

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.

Financial Implications

Q8. Taking into account all those likely to be affected (including public sector bodies, businesses and individuals etc), is the proposed Bill likely to lead to:

some increase in costs

Please indicate where you would expect the impact identified to fall (including public sector bodies, businesses and individuals etc). You may also wish to suggest ways in which the aims of the Bill could be delivered more cost-effectively.

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.

Equalities

Q9. 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, pregnancy and maternity, race, religion or belief, sex, sexual orientation?

Positive

Please explain the reasons for your response. Where any negative impacts are identified, you may also wish to suggest ways in which these could be minimised or avoided.

Unite believes that the overall impact of the proposed Bill is likely to be positive on equality. Many

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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.

Sustainability

Q10. In terms of assessing the proposed Bill's potential impact on sustainable development, you may wish to consider how it relates to the following principles:

- living within environmental limits
- ensuring a strong, healthy and just society
- achieving a sustainable economy
- promoting effective, participative systems of governance
- ensuring policy is developed on the basis of strong scientific evidence.

With these principles in mind, do you consider that the Bill can be delivered sustainably?

Yes

Please explain the reasons for your response.

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.

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 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.

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General

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

According to the Scottish Government the food and drink sector in Scotland employs around 122,000 people, Total exports from the Food and Drink growth sector stood at £11.7 billion in 2019, accounting for 13.4% of Scotland's total exports and contributes almost £15 billion to the Scottish economy and accounts for one in five jobs in manufacturing. (<https://www.gov.scot/binaries/content/documents/govscot/publications/statistics/2019/07/growth-sector-statistics/documents/food-and-drink/food-and-drink/govscot%3Adocument/Food%2Band%2BDrink%2B-%2BGrowth%2BSector%2BBriefing.docx>). 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.

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.

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 worlds 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.

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

Q11. Do you have any other additional comments or suggestions on the proposed Bill (which have not already been covered in any of your responses to earlier questions)?

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.

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.