



Court Reform (Scotland) Bill Evidence

1. The Associated Society of Locomotive Engineers and Firemen (ASLEF) is the UK's largest train driver's union representing approximately 18,000 members in train operating companies and freight companies as well as London Underground and light rail systems.
2. ASLEF accepts that civil court reform is necessary. However the union is extremely concerned that the current drafting of the Bill will do more damage than good, especially when it comes to workers' rights. This is either due to a lack of understanding of trade union funding models or an unwillingness to recognise the profound impact of Section 69 of the Enterprise and Regulatory Reform Act 2013.
3. The effect of the Bill is that it will reduce access to justice, have a negative impact on workers' safety and increase the damage caused by Section 69 of the Enterprise Act to workers' rights when the Bill could and should lessen its impact.
4. Trade Unions rely on costs recovery and simply could not fund court outlays such as employing Counsel if the cost was not ultimately to be recovered even if the defenders are using Counsel. Insurers will undoubtedly employ Counsel for personal injury cases before the specialist court. This will certainly be the case over the next 5 years when courts will deal with the impact of Section 69 of the Enterprise Act.
5. There is a clear link between civil court compensation claims and workplace health and safety. It should be remembered that only 0.5% of

breaches of health and safety regulations result in any form of enforcement action being taken by the Health and Safety Executive (HSE). This means that very often, the civil courts are the only way of enforcing and policing health and safety breaches. If the system therefore does not provide appropriate means of bringing cases, this will lead to a reduction of safety in the workplace.

6. There is no case more important than a case involving a workplace accident and therefore, these cases have no place in the lowest tier of the court system being presided over by Summary Sheriffs.
7. Under Section 69 many victims who previously would have been able to obtain compensation will have lost that right and it will make it substantially more difficult for every victim of a workplace accident and injury to secure just recompense. It is essential that workplace cases are heard by specialist Sheriffs in the specialist personal injury court with the benefit of Counsel.
8. The civil court reform Bill presents the Scottish Parliament with a genuine political choice. Either the Scottish Parliament can use the powers that it does have to ensure that the impact of Section 69 is as fully mitigated as possible. Alternatively it can allow the Bill to pass in its current format which will actually make the impact worse for workers.
9. We therefore call on the Scottish Government to ensure that victims of every workplace injury and disease are entitled to raise their actions at the specialist personal injury court and ensure that victims of workplace accidents and disease have the automatic right to employ Counsel.

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