

# 72657481 - Steven Morrison, Expert Witness

## Proposed Protection of Workers (Retail and Age-Restricted Sales etc.) (Scotland) Bill

Are you responding as an individual or on behalf of an organisation?

an individual

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".)

Professional with experience in a relevant subject

Please select the category which best describes your organisation

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Please choose one of the following:

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

Please insert your name or the name of your organisation. If you choose the first option above, this should be the name as you wish it to be published. If you choose the second or third option, a name is still required, but it will not be published.

Steven Morrison, Expert Witness

Q1. Which of the following expresses your view of creating a new offence of assault against a worker in the retail sector?

Fully supportive

**Please explain the reasons for your response**

I have worked as a Door Supervisor for over 30 years and faced many violent confrontations within licensed premises. I myself have been subjected to a number of assaults, from being spat on, punched, kicked and had weapons threatened as well as other assaults in relation to working within the night time economy. I have also witnessed bar staff being assaulted with glassware, punched and general threats of violence from simply doing their job. The reality is that we must enforce and comply with our legal objectives under the Licensing (Scotland) Act and the Alcohol ETC (Scotland) Act 2010 and we come under verbal threats to violence from simply complying with the law from members of the public and that is why this Bill is so badly needed to provide legal protection to all Shop Workers, Bar Staff and Door Supervisors.

Q2. Which of the following would you support as a way to respond to assaults on workers upholding statutory age-restrictions?

A new statutory offence

**Please explain the reasons for your response**

I believe a new statutory offence would significantly reduce levels of violence and aggression from members of the public if they believed that they could be prosecuted and face more severe fines or custodial sentences.

Q3. Which of the following would you support as a way to respond to abuse, harassment, threatening or obstruction of workers upholding statutory age-restrictions?

A new statutory offence (for all these types of behaviour)

**Please explain the reasons for your response**

This would help to greatly reduce violence and aggression towards staff.

Q4. Do you think that there are other steps which could be taken (either instead of, or in addition to, legislation) to achieve the aims of the proposal?

Yes

**Please explain the reasons for your response.**

I believe that the courts should have better sentencing guidelines drawn up by the Lord Advocate and the CoPFS in relation to fines and custodial sentences that the courts should adhere to in relation to violence against staff selling age related items such as alcohol and tobacco.

Q5. Taking account of both costs and potential savings, what financial impact would you expect the proposed Bill to have on:

**Q5.1. (a) Government and the public sector** - Broadly cost neutral

**Q5.2. (b) Businesses** - Significant reduction in cost

**Q5.3. (c) Individuals** - Significant reduction in cost

**Please explain the reasons for your responses.**

I believe the fines levied against perpetrators of offences under this proposed bill will have some slight increase to the Scottish Government but these costs can be reduced by implementation of more strict fines on a levy system with victims being also awarded costs by the Scottish Courts. All fines by the courts could be recovered by the courts and help pay towards better awareness to the public through media campaigns that violence is never acceptable and this would be directly beneficial to business in preventing the loss of valuable employees who leave the workplace due to the levels of violence and aggression.

Q6. Are there ways in which the Bill could achieve its aim more cost-effectively (e.g. by reducing costs or increasing savings)?

Yes

**Please explain the reasons for your responses.**

The cost saving to the public would come from less employees taking time off of work after an assault and also from work related stress. This would mean cost savings to taxpayers from the social security and keeping people in employment. This would have significant cost savings for ALL employers from employee retention.

Q7. What overall impact is the proposed Bill likely to have on equality, taking account of the following protected groups (under the Equality Act 2010): race, disability, sex, gender re-assignment, age, religion and belief, sexual orientation, marriage and civil partnership, pregnancy and maternity?

Positive

**Please explain the reasons for your responses.**

The new legislation would give protection to those employees and self employed persons who face a daily abuse and threatening behaviour based on their religion, sex and religious beliefs.

Q8. In what ways could any negative impact of the proposed Bill on equality be minimised or avoided?

I can only see the benefits of such new legislation and cannot force any negative impact from such a proposed bill.

Q9. Do you consider that the proposed Bill can be delivered sustainably i.e. without having likely future disproportionate economic, social and/or environmental impacts?

Yes

**Please explain the reasons for your responses.**

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Q10. Do you have any other comments or suggestions on the proposal, for example, other trigger points for violence and abuse, and other workers who should be covered?

*It would be an idea to focus employers on their legal responsibilities in providing initial training in conflict management and also vitally important to have this training repeated on a annual basis. One thing that has let the private security industry down as an example is that no security operatives are being provided with any annual refresher training in de-escalation and physical intervention.*

*It should also be pointed out that only security guards are required to undergo Physical Intervention training as mandated by the Security Industry Authority but they have consistently failed to address the safety of security guards working in the retail sector as the SIA believe that they do not require any physical intervention training. Also the SIA have never insisted that employers must carry out refresher training of security staff and this has created a dangerous blindspot in creating a lack of refresher training to keep staff safe.*

*My suggestion is to look at ways of holding employers legally responsible for the lack of refresher training where it is proven that it directly or indirectly contributed to the endangerment of that staff member. This would force employers to take their legal duty of care towards their employees more seriously if there was a inbuilt catchment of potential prosecution for breaches of the act of the Scottish Parliament.*

Q11. Which of the following describes your retail-sector experience (please tick all that apply)?

Working in premises selling alcohol for consumption on the premises (e.g. pub)	Yes
Working in premises selling alcohol for consumption off the premises (e.g. shop)	No
Working in premises selling other age-restricted products (e.g. tobacco, knives etc.)	No
Working in other retail premises	Yes
None of the above	No

Q12. Which of the following describes your experience of violence or verbal abuse in the retail sector (please tick all that apply)?

I have been the victim of physical violence	Yes
I have been the victim of verbal abuse	Yes
I have witnessed colleagues being subjected to physical violence	Yes
I have witnessed colleagues being subjected to verbal abuse	Yes
None of the above	No

Q13. Please give details of any personal experience that you would wish to share. (Please avoid naming any other person or giving information that would allow another person to be identified)

In [date] I was violently attacked in a bar where I was a Door Supervisor and working solo. I had asked three males to leave the premises as they had been suspected of taking drugs. The three males turned on me and smashed a large glass ashtray over my head, I was jumped on by another male who tried to gouge my eyes out whilst another male bit into my bicep of my left arm leaving me with physical and mental scares.

Q13. Please give details of any personal experience that you would wish to share. (Please avoid naming any other person or giving information that would allow another person to be identified)

After the attack I had to go for HIV tests due to the bite mark that punctured my left arm. Thankfully this was negative but was of great stress over a 4 month period until I received the test results back. The three males were allowed to plead out to less serious charges of assault and received only court fines due to the plea arrangements. I am not the only one to have suffered from violence in the night time economy and this has become an everyday occurrence and sadly we do tend to see this as 'part of the job' which is extremely sad to say, but without adequate protection in law we will always suffer violence until this is proactively dealt with by the implementation of this vitally required legislation to protect all workers who are involved in the sale of alcohol and tobacco.