



**PROPOSED PROTECTION OF WORKERS
(RETAIL AND AGE-RESTRICTED SALES ETC)
(SCOTLAND) BILL**

USDAW CONSULTATION RESPONSE

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Usdaw (Union of Shop, Distributive and Allied Workers) is the UK's fifth biggest and the fastest growing trade union with over 430,000 members. Membership has increased by more than 28% over the decade. Most Usdaw members work in the retail sector, the majority in large stores but also with substantial membership in large chains of convenience stores, across the distribution sector as well as home delivery and other related sectors.

Summary

As the retail Union, Usdaw is deeply concerned about the safety of frontline retail staff. The issue of abuse and violence against shop workers and home delivery drivers is not new. Usdaw campaigns on this specific issue through our Freedom From Fear Campaign, which highlights the reality of the prevalence of violence, threats, intimidation and abuse that retail workers suffer while carrying out their day-to-day work – and in the case of underage sales, their statutory obligations.

We know from our members that simply asking for ID on an age-restricted sale can be a flashpoint for violence or abuse from customers. As Challenge 25 is a legal requirement in Scotland, retail workers are put in a particularly complex situation. By not asking for ID, retail workers leave themselves open to legal action, but are aware that they are likely to be subject to threats and possibly violence if they do.

Usdaw remains steadfast in our commitment to member safety, and highlighting that abuse is not part of the job.

Usdaw's Annual Survey of Violence and Abuse Against Retail Staff

Each year for over a decade, Usdaw has carried out a survey of the violence and abuse that retail staff experience. This has been an important tool for understanding the real life experience of people on the frontline in the retail sector.

For the last three years, shop workers across the UK as a whole have reported a rise in experiencing abuse and threats while at work. In 2015, 54% of respondents reported having suffered abuse in the last 12 months. This has increased to 67% in 2017. The number of respondents reporting that they had been threatened has also increased over the last three years. In 2015, this was 30%, rising to 42% in 2017.

The responses for Scottish shop workers were well above the UK average. In 2017, 74% of shop workers reported being verbally abused in the last 12 months, and 53% that they had been threatened in the last 12 months. 5% reported being assaulted over the last year, which is around 34 Scottish shop workers physically attacked every day.

Consultation Question Responses

Aim and Approach

Usdaw is fully supportive of the creation of a new offence of assault against a worker in the retail sector. This will both recognise the unique risks to the safety of shop workers and home delivery drivers, and make prosecutions for such behaviour against them easier. All too often criminals who assault staff are not even sent to court, those who are can receive derisory sentences.

In other cases, where the offender is not even charged, victims are left feeling that no-one cares that they were assaulted. We very much welcome stiffer penalties for those who assault workers. A simple, stand-alone offence that is widely recognised and understood by the public, police, the judiciary and most importantly criminals, will reduce increase awareness of the issue and make prosecutions easier.

Usdaw supports making assaults on workers upholding statutory age-restrictions a new statutory offence. In Scotland, Challenge 25 is a legal obligation for retail workers, and they can be prosecuted if they do not comply. However, a clear stand-alone offence would demonstrate to workers enforcing this requirement that they have the support of Parliament and send a clear message to anyone who may assault a worker enforcing the law that action will be taken.

The changing nature of retail has led to an increase in both lone working overnight and delivery drivers serving customers at their doorstep. Both of these are incredibly intimidating situations in which staff are threatened or abused as a result of enacting a legal obligation. A new statutory offence would add protection to these workers in particular.

Usdaw supports making abuse, harassment, threatening or obstructing workers upholding statutory age-restrictions a new statutory offence for all types of behaviour. The responses to our 2018 Freedom From Fear Survey demonstrates the wide range of abuse that frontline retail staff receive. While the fact that 5% of shop workers experience direct physical violence is deeply alarming, there are unfortunately many more instances of abuse that staff face on an everyday basis.

As previously mentioned, 74% of Scottish respondents reported that they had been verbally abused in the past 12 months. Verbal abuse can include being sworn at, shouted at, and insults targeted at shop workers with aggravated factors based on age, race, gender, and sexual orientation.

Similarly, threatening behaviour and harassment can include threats of violence, that the customer 'will be waiting for' the shop worker when they finish their shift, and sometimes threats of sexual violence. Threats can also include physically hitting or punching the shop counter or equipment near the shop worker.

Based on these realities, Usdaw believes that widening the statutory offence to include all types of harassment will ensure that all types of behaviour can be reported and prosecuted in a simpler way.

There are other steps that can be taken in addition to new legislation. Based on the feedback we receive from members, there are trigger points for abuse and criminal behaviour towards shop workers and delivery drivers. While many instances occur after customers are asked for ID or refused service during an age-restricted sale, other responses given on the survey included products being out of stock, customers misunderstanding advertised deals, and while performing first aid.

Usdaw works with employers to ensure that their policies for reporting abuse are robust, and works to raise awareness of the reality of the situation that shop workers face. Further support to raise awareness and open a wider dialogue on this subject would be welcome.

Usdaw actively works with employers to ensure staff are safe and feel supported by their employers when making a report of abuse. However, the overwhelming majority of Scottish shop workers who responded did not feel supported by their managers. When asked to rate their support on a scale of 1-10, the average of those who had made a report was five.

Financial Implications

We believe the overall financial impact will be broadly cost neutral. While there may be an initial increase in cost, overall the aim is to reduce the number of assaults through raising awareness that any form of abuse or violence is completely unacceptable, and is not something that shop workers and delivery drivers should face while carrying out their duties. Through increasing public awareness of the consequences of this behaviour, the long-term benefit should be that assaults decline and shop workers are better protected all round.

Equalities

The impact of the proposed Bill on Equality, taking into account of the protected groups under the Equality Act 2010 will be positive. The majority of workers in the retail sector are female. In addition, abuse can have aggravating factors, as mentioned above. Many instances of verbal abuse can include a reference to the shop worker's gender, race, perceived sexual orientation, and age.

Sustainability of the Proposal

We consider that the proposed Bill can be delivered sustainably, without having disproportionate economic, social, or environmental impacts. Usdaw believes that the Bill will raise awareness of the reality of violence and abuse that shop workers face, which will lead to less violence overall. This will have wider positive social benefits.

General

Other Trigger Points for Violence and Abuse

Members have reported that there are many triggers for abuse and violence from customers. Below are some responses from the 2017 survey, edited for clarity, on the circumstances preceding the violent or abusive attack:

Verbal abuse can be swearing, ranting about speed of service or issues with their medication. Physical abuse can be banging the counter, slamming the door, waving their arms.

I suffered mostly verbal abuse, because you won't give them what they want, due to company procedures.

A customer was abusive with his language because he could not get his cheese cut the way he liked. I felt threatened, the manager came.

I had a customer punching me in the back just to ask me if I was busy!

Customers can become abusive when refused refunds.

When customers are unhappy with the price of their shopping they can become abusive.

Working customer service desk you get called things like 'stupid' and 'incompetent' if the store does not stock a product the customer wants. With refunds that are out of time scale customers often get aggressive and will shout threats in your face to try and get their money back. I've been slapped in the arm by a customer as she walked past me as I could not find a specific brand of product for her as we did not stock it. The worst was when a customer physically lunged over the desk in an attempt to grab at me and assault me. I luckily managed to step back enough that they did not reach.

Had food thrown when order wrong.

Swearing and being very personal because I wouldn't let the customer use the trolley tunnel cut through.

During nightshift a man came into the store and threatened me with a knife, it was 02:00hrs he stole a box of beer. We later found out that a little earlier before he came into the store he had stabbed a man in the neck and he was jailed for several years.

First aider to a customer who had slipped on wet floor from rain. They were threatening to sue me.

*A customer told me I was f*cking useless as I couldn't find the cigarettes he wanted, and he was running late for the bus.*

*Once by a customer I was called a f*cking c*nt, then persisted to swear at me and shouting.*

I have had items thrown at me by upset and angry customers, trolleys pushed into me deliberately.

Verbal abuse is very common, as is using trolleys and baskets to push and shove you, no respect for personal space either.

Personal Experience

As the retail Union and a representative organisation for retail workers, we carry out an annual survey of our members to support our work on the Freedom From Fear Campaign. As mentioned above, this year our Scottish respondents reported that nearly 74% had been verbally abused in the last 12 months, with of those 13% saying that this is a daily occurrence.

53% said that they had been threatened in the last 12 months, with 8% saying that this happened to them on at least a monthly basis.

14% had experienced physical violence, and 5% had been physically assaulted in the last 12 months.

Over 90% of our members who responded said that they agreed with a Protection of Workers law.

We asked members to describe some of the abuse they have suffered, and what was the situation that led to the incident. Below are some examples, edited for clarity, that are specifically related to age-related sales:

Verbal abusive because I asked a guy for ID.

Customers extremely rude if I use Challenge 25 and they have no ID, then I have to refuse sale.

Age-related sales with no ID, started using foul language and threatened to come back.

*Refused sale of alcohol as he was under the influence. He told me I was a f**king bitch and to watch my back, as he was going to get me.*

Most threats come from drunk persons who I am refusing alcohol to. Abuse tends to come from people who I am refusing sale due to age-related concerns.

Normally just swore at me for refusing a sale of a product.

Shouted at because refused sale.

Mostly youths with no ID trying to buy alcohol.

Asked for ID and the customer did not have any with them, proceeded to get verbal abuse from both the customer and his wife.

Often this involves asking people for ID. People fail to realise that if a group of young people approach the till together then they ALL need ID, not just the person who is handing over the money. Also, although we would not normally ask people's children for ID when the adult is buying tobacco or alcohol, this is required if they borrow money from their children due to forgotten purses etc, as this means the children are effectively the purchaser.

At times I get verbally abused if I ID a customer and if they don't have the correct ID, and I refuse the sale, they get abusive.

Verbal abuse, threats for refusing sales of alcohol or age-restricted goods. Incredibly rude and indignant because they feel they are in the right regardless of if they are or not.

People being abusive if you refuse them alcohol or ask them for ID.

Enforcing the 'Think 25 Policy' for some customers brings about some verbal abuse.

People arguing with you because they've been asked for ID.

Received abuse from customers for not giving them alcohol/cigarettes because of no ID. School kids shoplifting.

We get abuse from customers about the Think 25 Policy. I have had many people call me the c word or the b word – it won't be long before somebody will physically hurt one of us in the shop.

Conclusion

It is Usdaw's firm belief, based on the experiences of our members and the evidence available that abuse and violence in public facing workplaces is a serious problem.

In many instances, our members are being asked to proactively enforce the law whilst going about their work, with serious consequences if they fail to do so. It is this enforcement that often acts as the trigger for abusive or violent situations. We therefore believe that there needs to be clear and serious consequences for those who abuse or assault our members.

Udaw has long called for additional, clear legal protection for our members whilst they go about their work. The measures being consulted upon would achieve this aim and we support their introduction.

John Hannett
General Secretary
Udaw
188 Wilmslow Road
Manchester
M14 6LJ

For further information please contact:

Stewart Forrest
Divisional Officer
Udaw
342 Albert Drive
Glasgow
Lanarkshire
G41 5PG

Telephone No: 0141 419 1029
Email: stewart.forrest@usdaw.org.uk