

71927136 - Andrew Nicholson

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".)

Member of the public

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 If you choose the second or third option, a name is still required, but it will not be published.

Andrew Nicholson

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

Fully opposed

Please explain the reasons for your response

We don't need more legislation. Assault is assault, and can and should be dealt with in accordance with existing legislation.

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

Neither

Please explain the reasons for your response

The Law is complicated enough. The law on assault is clear. We do not want or need police officers and courts to look into the hearts of assailants to establish their particular motivations.

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?

Neither

Please explain the reasons for your response

As above.

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.

A simple advisory poster, such as those seen on public transport, might be placed alongside the many existing advisory posters about the rules on age-restricted sales.

"We take the safety of our colleagues and customers very seriously. We will always press for prosecution of those who assault or abuse our colleagues."

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 - Some increase in cost

Q5.2. (b) Businesses - Some increase in cost

Q5.3. (c) Individuals - Broadly cost neutral

Please explain the reasons for your responses.

As with racially-aggravated incidents, football-related offences and driving-without-due-care-and-attention

incidents, creating a specific offence that relates to the environment in which the offence is committed or the circumstances leading up to the offence being committed or the thoughts in the head of the offender at the time the offence is committed tend to unnecessarily overcomplicate a prosecution, adding to the burden of proof, presenting more opportunities for the challenge of a prosecution case and more for a jurist to deliberate.

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.

Public information films and posters (which would follow any new legislation in any event) on their own could achieve similar outcomes to legislative change.

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.

Yes, in that checkout operators are more likely to be female or from ethnic minorities than the general population.

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

None envisaged.

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.

I do not think that word means what you think it means.

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?

If it comes to it, I have more often been assaulted and abused for refusing a refund than for refusing an age-restricted sale. But retail staff do not need special protection for enforcing company policy any more than they need special protection for upholding the law. They just need to know company policy, the law, the support of their employer and the confidence that, if they are threatened or abused or assaulted, their employer will take the appropriate action, calling in the police whenever necessary.

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)	No
Working in premises selling alcohol for consumption off the premises (e.g. shop)	Yes
Working in premises selling other age-restricted products (e.g. tobacco, knives etc.)	Yes
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)

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