

79693932

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

Page 2: About you

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".)

Politician (MSP/MP/peer/MEP/Councillor)

Please select the category which best describes your organisation

No Response

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 If you choose the second or third option, a name is still required, but it will not be published.

Kezia Dugdale MSP

Page 7: Your views on the proposal - Aim and approach

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 fully support the proposal being put forward by Daniel Johnson MSP to introduce new legislation to protect workers in the retail industry against assault. From discussions with trade unions and constituents it is apparent that violence and abuse at work has become just 'part of the job' for far too many people – which is entirely unacceptable in today's Scotland. Better protection for these workers through a law which

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

recognises their responsibilities and provides a clear and lower threshold at which obstructive, abusive or threatening behaviour is considered a crime and can be prosecuted would be a positive and progress step forward. Statistics show that around 92% of retail workers have had to endure either physical or verbal abuse whilst at work and the introduction of the proposed legislation would go a long way to providing greater protection for Scotland's retail workers.

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 agree with the arguments for the introduction of a new statutory offence as set out in the proposed Bill's consultation document as a positive step to reduce violence against retail workers, as it will increase public awareness of the harm that is caused to workers subjected to physical or verbal assault, and lead to a likely increase in the reporting of alleged abuse. - I agree that statutory offences are simple and easily understandable by both victims and perpetrators of violence or abuse. Such offences may assist in breaking the cycle of under-reporting, and choosing not to prosecute. Creating a statutory offence may encourage reporting and incentivise charges and prosecutions under the offence. Third, the creation of specific offences sends a clear message that violence and abuse against workers is not acceptable. This could act as deterrent against violence, especially when backed up by a public information campaign. Overall the introduction of a new statutory offence is my preferred option as I believe it sends the clearest message, and would be most beneficial to retail workers.

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

Figures from the retail workers trade union USDAW reveal that 65% of shop workers had been subjected to verbal abuse as a result of asking for ID and 43% of all incidents of abuse resulted from shop workers asking customers for proof of age or refusing a sale of an age-restricted product. It is therefore clear that asking for proof of age during the sale of restricted products such as alcohol or tobacco is one of the key trigger points that leads to the abuse of workers. This can lead to an incentive for workers to not challenge for age due to fear of abuse and therefore the retail worker failing to uphold the legal requirements around the sale of controlled goods and services, again putting the worker at risk of legal repercussions. I believe the introduction of a new statutory offence for all these types of behaviour is preferable to the use of new statutory aggravation for threatening or abusive behaviour or harassment; and a new statutory offence of obstructing a worker upholding an age-restriction as this may not achieve in providing the same clarity and message that a new statutory offence would, and may continue to fail in tackling the issue of under-reporting.

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.

As the consultation documents sets out there are other approaches that could be taken rather than

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?

through the introduction of legislation to tackle abuse against retail workers, however, the introduction of voluntary codes or joint-working agreements to protect workers would be challenging to introduce and may leave gaps meaning that not every worker affected by violence or abuse would be protected to the same level as they would be through a new Bill. The option of using stronger enforcement of existing common law also exists, however the evidence available suggests there is a continued acceptance of the culture of aggression in retail and abuse and violence remain under-reported. Increasing and improving the response to such crimes from the police and Crown Office and Procurator Fiscal Service would be welcome, yet would fail to make the offences as explicitly clear as the introduction of new legislation would.

Page 11: Financial impact

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

	Significant increase in cost	Some increase in cost	Broadly cost neutral	Some reduction in cost	Significant reduction in cost	Unsure
(a) Government and the public sector		X				
(b) Businesses			X			
(c) Individuals			X			

Please explain the reasons for your responses.

If the Bill is introduced it would be reasonable to expect a small increased cost to the police and justice system as under-reporting may fall and therefore lead to costs associated with the enforcement, however, this would not be a significant increase. Additional costs to the Scottish Government would be through any associated public awareness campaigns around the new legislation, however I would not expect this to be significant or unreasonable.

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

No

Please explain the reasons for your response.

There is significant under-reporting of incidents in the retail sector as things stand and the only way for this to be tackled is to increase enforcement of protection of workers through the police and justice system, so I do not see any other options to achieve the aims of the Bill more cost-effectively.

Page 13: Equalities

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 response.

Scottish Government figures show that people from ethnic minorities working in retail are often subject to attacks or abuse based on their race. There is also evidence that shows ethnic minority retail workers are more likely to receive abuse compared to white workers when involved in the sale of age-restricted goods and services. The proposals in the Bill would improve protection for all individuals working in retail including those from ethnic minorities who often face increased levels of abuse, therefore the Bill would have a positive impact on improving equalities.

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

I do not believe the proposed Bill would have any negative impacts on equality; only improvements.

Page 15: Sustainability

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 response.

I believe that the Bill can be delivered sustainably through improving the well-being of workers in retail by providing a safer and more secure environment for them. It would also mean that workers who were abused will feel more confident to remain in work and may increase the number of people who seek to work in the retail sector due to the additional protections provided. There is also an improved benefit for communities affected by alcohol misuse and underage drinking, as with employers feeling more able to ask for proof of age, there could be a reduction in the sale of alcohol to underage persons with a positive impact on the wider community.

Page 16: General

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?

No

Page 17: Personal Experience - Optional questions

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

No Response

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

No Response

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)

No Response