

Daniel Johnson MSP
MG.02
Scottish Parliament
Edinburgh
EH99 1SP

19 April 2018

Dear Daniel,

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

The Federation of Small Businesses (FSB) welcomes the opportunity to contribute to the Proposed Protection of Workers Bill. Creating and fostering a safe and competitive business environment is a key aim for FSB. It is our view that introducing legislation to further protect business owners and staff who sell age-restricted products would support this aim.

FSB is Scotland's leading business organisation. Our mission is to help smaller businesses achieve their ambitions. These micro and small businesses comprise the majority of all enterprises in Scotland (98%), employ around one million people and contribute £108bn to the economy.

FSB has a long history of supporting legislative measures to provide greater protection for workers and business owners. In 2005, we called for the Emergency Workers (Scotland) Act 2005 to extend similar protections to others who provide a service to the public – for example, shop workers and bus and taxi drivers. In 2009, we questioned why the self-employed and owner-managers were not covered by the Workers (Aggravated Offences) (Scotland) Bill, while a year later we supported previous attempts to introduce a Protection of Workers (Scotland) Bill.

Consequently, FSB supports proposals to introduce a new Bill to address the growing and largely under-reported issue of violence against retail workers and those selling/supplying age-restricted goods and services. The case for change is compelling and this proposal could help create a safer environment for businesses, their staff and their customers.

Context

Retail is a key sector of the Scottish economy which contributes £6.6bn in Gross Value Added (GVA) and generates employment for over a quarter of a million people (259,120).¹ It is a sector dominated by smaller firms – micro businesses (0-9 employees) comprise 91% of all retail businesses in Scotland – who collectively employ over 69,000 people.²

The issues raised in this consultation, then, have a direct bearing on tens of thousands of workers who regularly experience violence and abuse while doing their job. Indeed, according to the Scottish Grocers Federation, almost all retailers and their employees have faced incidents of physical and verbal abuse (92%), with the majority of incidents taking place during the sale of age-restricted products such as alcohol and tobacco.³

¹ See: <http://www.gov.scot/Topics/Statistics/Browse/Business/SABS/KeyFacts>

² See: <http://www.gov.scot/Resource/0052/00527402.pdf>

³ See: <http://www.scottishshop.org.uk/images/SGF-Crime-Report-Guidance-2017.pdf>

Despite this, the volume of people charged with offences regarding the selling of age-restricted products has decreased sharply.⁴ This suggests, as has been pointed out by Usdaw and others, that a culture of under-reporting is the norm for workers who treat abusive and aggressive behaviour from customers to be an accepted part of the job. This also chimes with FSB research which illustrates that the majority of businesses do not report crimes. Although the majority of small businesses have not experienced any crime (65%), over a quarter have experienced threatening behaviour (28%) - though just over one in ten reported it as a crime.

Views on proposals

To break the culture of under-reporting firmer action is required. FSB believes that the proposals for new statutory offences – to provide retail workers who sell age-restricted products the same legislative protection as emergency workers – would provide legal clarity and thus encourage victims to report aggressive and abusive behaviour. Certainly, the success of the Emergency Workers (Scotland) Act 2005, which made the assault of emergency workers a statutory offence, demonstrates that legislative change can result in more people being convicted when they verbally abuse or assault workers.

Naturally, a change in the law in and of itself is limited in its ability to change behaviours. However, if it is matched with a smart, well-resourced marketing campaign, we are confident that more workers, including the self-employed, would speak out and report the violence and abuse they face on a regular basis.

I hope these comments are helpful. As always, please do not hesitate to get in touch if you would like to discuss these points in more detail.

Yours sincerely,



Andy Willox OBE

Convener, Scottish Policy Unit, Federation of Small Businesses (FSB)

⁴ See: <https://www.notpartofthejob.com/>