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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 would like this response to be anonymous (the response may be published, but no name)

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

I speak as a former shopworker and one time member of USDAW. I see no reason, in a society that supports equality, to create separate legislation that gives one class of citizen a different standard of protection under the law. All citizens should have the same protection from violence by other citizens, and the courts should take appropriate action in removing liberty from those who choose not to abide by the rules of a civilised society. The response to a suggestion about locking people up, is usually, that we haven't the space within our prison system. My response would be, use incarceration for non violent crimes only in extreme cases and free up space to remove those that are a threat to individuals and society in general (for as long as is necessary for society to feel safer). Community Payback Orders appear to be no more effective than their predecessors. Having spoken to many people who have been involved in crime through my work for the DWP, I have been advised that Community Orders are a

joke as are short sentences. As an interviewer I was once offered power tools that were being used by a miscreant during his current payback.

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

A new statutory aggravation

Please explain the reasons for your response

I can support an addition to any laws covering assault, particular clauses on aggravation in specific circumstances (such as attacks on emergency workers when they are attempting to carry out their duties). So yes, when a shopworker is attempting to carr

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 aggravation for threatening or abusive behaviour or harassment; and a new statutory offence of obstructing a worker upholding an age-restriction.

Please explain the reasons for your response

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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?

Unsure

Please explain the reasons for your response.

There seems to be a push to create more and more "special cases" such as the police, health care workers, emergency services, shop workers, etc, rather than accept that all members of society, no matter their station, or "value" are entitled to the same protection under the law. What is needed is to ensure that we, as a society, are content that the law has been applied fairly and equitably and that sentencing really does involve both rehabilitation and punishment. It can't be right that a wealthy person can be fined, what they might regard as "small change" and a poor person can be fined the same amount, which for them might be 4 weeks or more income (the penalty might be fiscally the same but the effects are vastly disproportionate).

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 - Significant increase in cost

Q5.2. (b) Businesses - Broadly cost neutral

Q5.3. (c) Individuals - Some increase in cost

Please explain the reasons for your responses.

The increase in the amount of time involved in arguing a case may increase. Whereas before someone may admit that they have committed an offence in the belief that a certain tariff applies, they may wish to argue that no aggravation was involved because of the differing sentences involved. Anything that delays action in the courts can only add to costs.

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

Unsure

Please explain the reasons for your responses.

I can't see it but remain open to be convinced.

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?

Neutral (neither positive nor negative)

Please explain the reasons for your responses.

I can't see any impact when there is already specific legislation in place covering equalities (although some of it is so woolly as to be ineffectual - just look at disabled access to public transport, that is not assured).

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

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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?

Unsure

Please explain the reasons for your responses.

Whilst I am almost certain that there are unlikely to be any environmental impacts, I am less certain on the socio-economic impacts of penalties and their proportionality.

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?

As an ex DWP worker (approx 30 years), I have been subject to and witnessed verbal and physical abuse of colleagues. When I was a fraud investigator, I was even threatened with a kneecapping by a violent money lender (I personally laughed this off, but did speak to police who knew the person and who were also investigating him and we agreed it was bravado on his behalf, although he had been known to intimidate his "customers" with a baseball bat). A younger less able person may have been unable to deal with this. Like the shopworker DWP staff are tasked with implementing government legislation and when they explain that they are only following the rules (implementing the legislation), they are often subject to verbal and physical abuse ("That's what the Nazis said at the war trials"). In one office it was so common, we had a direct telephone number for the local police office. Do I believe there should be separate laws or "special" categories, my answer would be no.

In a past life, prior to joining the DWP, I worked as a shop manager for a small chain of food-stores. I had the local police office's number not only to deal with shoplifters but also to help when staff were threatened by the local ne'er-do-wells and it was not uncommon for them to make their presence known at closing time just in case a threat was acted upon. On occasion staff were escorted home. Do I believe there should be separate laws or "special" categories, my answer would be no.

I believe that we are all to be respected and treated equally under the law and no "special" cases should exist. We risk making laws unwieldy if we keep adding exceptions because some particularly vocal group has the ear of legislators. Ill conceived laws lead to bad legislation, that can call the justice system into disrepute when it tries to deliver what politicians thought they intended (the appeals courts are littered with adverse decisions).

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)	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)

Previously stated.

