

## **Written evidence submitted by Usdaw (VTR0016)**

### **Introduction**

1. Usdaw is the UK's fifth largest trade union with over 400,000 members. Usdaw members work in sectors such as retail, distribution, road transport, food manufacturing and the dairy industry. Around two-thirds of our members are employed in the retail industry.
2. Usdaw's Freedom From Fear Campaign has been running for almost 20 years. The Campaign seeks to highlight the abuse that workers suffer whilst simply going about their jobs. The campaign aims to tackle the idea that 'abuse is part of the job' and promote practical ways to prevent abuse.
3. Usdaw would like to see a new law to protect retail workers by creating a specific offence of abusing, threatening or assaulting a retail worker. The offence must carry a penalty that acts as a deterrent and will make it clear that abuse of retail workers is unacceptable.

### **Background – Extent of Abuse Against Retail Workers**

4. Since 2007 Usdaw has surveyed between 1,500 and 7,000 shop workers each year to gather first-hand accounts on the extent of violence, threats and abuse against shop staff. In recent years, this survey has shown that threats, abuse and violence against shopworkers continue to be a widespread and growing issue for retail workers.
5. Between 2015 and 2019, of those retail workers taking part in the survey, we saw the number of workers experiencing verbal abuse increase from just over half to around two-thirds, whilst the number threatened during the course of their duties increased by around a third. Even prior to the significant spike in abuse, threats and violence seen during the Coronavirus crisis, overall trends show increases that should not be ignored.
6. This picture of unacceptably high levels of violence and abuse towards shopworkers is supported by data from the British Retail Consortium's Retail Crime Survey and the Association of Convenience Stores recent studies on this issue.
7. Usdaw believes that workers whose employment means that they interact with the public directly need specific legal protections from abuse and violence whilst carrying out their jobs. This is particularly true for workers whose job requires them to enforce the law, for example retail workers enforcing age-restrictions on certain products. There is a clear duty for Parliament to provide protection to people going about their working lives, especially when Parliament is putting additional duties upon them.
8. Over recent years, Usdaw has themed our annual Respect Week around the message that 'Abuse is Not Part of The Job'. As part of the Respect Week, Usdaw reps typically run around 1,000 stalls in retail premises across the UK, educating the public about the impact of abuse against shop staff. These stalls could not be run last year as a result of Covid-19 concerns.
9. Last summer, Usdaw launched a Parliamentary petition calling for new legislation to protect retail workers from abuse, threats and violence. Over 100,000 people have signed the petition for legislation to "create a specific offence of abusing, threatening

or assaulting a retail worker. The offence must carry a penalty that acts as a deterrent and makes clear that abuse of retail workers is unacceptable”.

### **Coronavirus Crisis**

10. At the height of the first wave of the Coronavirus pandemic, Usdaw surveyed our members on their experiences of abuse, threats and violence. This survey found that during the first wave of the outbreak, of those retail workers surveyed, on average every shopworker faced an abuse, being threatened or an assault every 6.5 days, more than double the rate of incidents compared to 2019. With 1 in 6 workers facing abuse on every shift they worked, this issue cannot be seen as just some isolated incidents.
11. Throughout the year, Usdaw continued to conduct our annual survey of members, 2,729 members completed the survey. In line with the evidence we had seen throughout the crisis, the 2020 Freedom From Fear survey showed a significant increase in abuse, threats and violence against retail staff. Over the course of the year, of those retail workers taking part in the survey:
  - 88% experienced verbal abuse,
  - 61% were threatened by a customer,
  - 9% were assaulted.
12. Retail workers' experiences during the Coronavirus crisis make it clear that current legislation does not offer sufficient protection. The rise in abuse of retail staff over recent years had already highlighted the need for the Government to create a stand-alone offence of abusing, threatening or assaulting a public facing worker. Such an offence must include stiff penalties for those who abuse retail workers, something which could be easily understood by shopworkers, the judiciary and the general public.

### **Engagement with the Home Affairs Select Committee**

13. Usdaw is keen to give oral evidence to the Home Affairs Select Committee. Usdaw's Freedom From Fear Campaign has been running for almost 20 years. We have a vast body of knowledge and experience on the issue of violence and abuse towards retail workers. We have successfully worked with employers on the topic, delivering policies which support retail workers. Furthermore, we have successfully engaged with the shopping public to promote the key messages of 'Respect Shopworkers' and 'Abuse Is Not Part Of The Job'. Recently, the Union has also been working hard to engage with police forces and Police and Crime Commissioners to ensure retail crime is given the priority it deserves.
14. Usdaw would also be happy to organise for the committee to meet with retail workers through an online platform. During last year's Respect for Shopworkers Week, the Union organised a number of events for retail workers to discuss the issues of abuse, threats and violence with police forces, Police and Crime Commissioners and politicians. These meetings were very successful and we would be happy to look at organising a similar event to ensure that members of the Home Affairs Select Committee can meet with and take oral evidence directly from retail workers.

**Q1) The police response to incidents of abuse and violence towards retail workers;**

15. In 2019, as part of our annual Freedom From Fear Survey, Usdaw asked members when they had last seen a Police Officer patrolling their store. Over half of the workers interviewed said they had not seen a police officer in the last year; 44% could not recall ever seeing a patrolling police officer in the store.
16. During Usdaw's Respect Week in 2020, the Union, in partnership with the Co-op, organised a number of regional events where retail workers were able to share their experiences with Police and Crime Commissioners and members of the police force. During these meetings, retail workers continually raised concerns over a lack of adequate response from the police.
17. Retail workers gave examples of times when they had been advised to ring the non-emergency 101 rather than 999 for incidents of retail crime, even on occasions where the crime was still taking place. Workers also gave examples of the police taking two to three days to respond to a crime or not responding in person at all.
18. One key issue which continually arose was attitude to retail crime. All too often, police forces appear to prioritise the cost of the crime, goods stolen or damage caused to the retail store, rather than consider the impact on the retail worker from threats or physical assault.
19. Usdaw gave a detailed response to the Home Office call for evidence on retail crime and violence which took place in the summer of 2019 - <https://www.usdaw.org.uk/UsdawEvidence>. Over 3,000 members provided us with feedback to help with that response. One of the questions we asked was why incidents were not being reported to the police.
20. Of the 66% who did not report, the most common reason given was that they did not think it was a police matter (especially for verbal abuse or threats). Other reasons were that they did not think the police would do anything, that management said they would deal with the matter and that they were aware of the limitations on police resources.
21. 60% of those who did report said they were satisfied with the police response. Of the 40% dissatisfied the commonest complaints were that there was a lack of action from the police or that it took them too long to respond. This presents a clear barrier to justice for retail workers.

## **Q2) Barriers to justice for victims of retail abuse and violence;**

22. Usdaw believes that a lack of reporting, commonly caused by a belief that the police would not do anything or an awareness of the limitations on police resources, is the biggest barrier to justice for victims of retail abuse and violence.
23. From the feedback of over 3,000 members in response to the 2019 Call for Evidence, around 40 members appeared to have personal experience of the criminal justice system. The majority of these were dissatisfied with the outcome. There were at best 7 responses which suggested that they were satisfied with the result of the process.
24. From 2,035 reported victims of abuse and violence, fewer than 10 were satisfied that the criminal justice system had delivered justice for them.

25. We are aware of instances where retailers have used civil injunctions but note that the process is costly and difficult to follow. We understand the wide range of powers that are available under the Anti-Social Behaviour, Crime and Policing Act 2014. While some of the powers under this Act could be used to deal with some issues, for example, to disperse a gang of young people terrorising a local shopping centre, we are unaware of any examples where this has been done. It is not at all clear how the Act could be used for some of the other causes of violence and abuse – for example tackling shoplifting or enforcement of age restriction rules.
26. Similarly we are aware of the criminal offences that could apply when shop workers are assaulted, threatened or harassed. However, our members' experience, which is backed up by the responses outlined above, is that the law is failing vulnerable workers. Many incidents are not even reported to the police. When they are, the police response is often unsatisfactory because of resource problems. Cases which progress to trial often result in sentences which the victims consider unsatisfactory.

### **Q3) Whether a new aggravated offence is required;**

27. Usdaw believes that the creation of a new offence of abusing, threatening or assaulting a retail worker will send a clear message, to the public, the judiciary and to retail staff, that abuse is not part of the job.
28. The current list of offences is not providing adequate protection for retail staff, who due to the nature of their work are at increased risk of such abuse. Usdaw believes that the creation of such an offence will send a clear message to employers, retail workers and customers that abuse is not part of the job. Furthermore, it will act as a clear deterrent to anyone minded to assault, threaten or abuse a retail worker.
29. Usdaw believes there are a number of factors which mean that retail workers require additional protection from abuse, threats and violence:
30. **Assault at work is especially traumatic:** Following an attack, a retail worker typically has to go back to work in the same situation as the attack occurred in, working at the same workstation, facing a constant stream of strangers and sometimes having to serve, or see, the attacker. Retail staff report anxiety and panic attacks on returning to work after an assault and a constant worry that, 'the next person walking through the door could be the next attacker'.
31. **Being assaulted at work can cost people their job and their livelihood:** Some workers are too traumatised by an assault to be able to return to the workplace. As a result, retail workers can lose their jobs and their livelihoods.
32. **Many staff are put in the way of danger by their work:** Retail workers frequently have to deal with people who are drunk, aggressive or trying to break the law. They can be working late at night, sometimes on their own, and in areas of anti-social behaviour, which most people voluntarily avoid for their own safety. Retail workers at shops in these areas do not have this option.
33. **Staff are required to enforce the law:** Retail staff are required to obtain proof of age for a number of products which are subject to age-related sales legislation. Recently, retail workers have also been given responsibility to encourage adherence to Covid-19 safety measures such as social distancing and wearing of face coverings. These checks can be triggers for abuse, threats and violence. However, if staff fail to obtain proof of age for age restricted sales, they may be liable for prosecution resulting in a heavy fine, loss of a job or possible loss of licence for the

workplace. In other roles involved in law enforcement, such as a police officer, the officer has the discretion to only enforce the law providing it does not present a clear and present danger to their own safety. This discretion is not provided to retail workers.

34. Usdaw understands that Emergency Workers are already covered by similar legislation under the Assaults on Emergency Workers (Offences) Act 2018. The Minister of State at the Ministry of Justice set out the underlying principles of the 2018 Act as follows: "These people are our constituted representatives. They protect society and deliver services on our behalf. Therefore, an attack on them is an attack on us and on the state, and it should be punished more severely than an attack simply on an individual victim".
35. Usdaw believes that, through enforcing restrictions on the sale of knives, alcohol and other harmful products, retail workers protect society and deliver services on our behalf. The Union fully appreciates the need for, and supports the provision of, the Assaults on Emergency Workers (Offences) Act. At the same time, we believe that similar provisions should be put in place to protect retail workers.

#### **Q4) The adequacy of the Government's response to its call for evidence.**

36. Usdaw believes that the Government's response to the evidence has fallen short of what is required to deal with the issue. It was deeply disappointing that, despite clear evidence showing the increasing rates of violence and abuse towards retail workers, the Government took over a year to respond to the call for evidence. Usdaw feels that the Government response, as well as their lack of urgency in delivering a response, was inadequate given the scale of the problem.
37. Within the response, the Government proposed a programme of work with three key aims to:
  - a. deepen its understanding and address the drivers of violence and assault against shop worker;
  - b. send a clear message that such crimes are not tolerated and should be recorded whenever and wherever they take place; and,
  - c. provide effective support to those shop workers who are the victims of violence and abuse.
38. The first two sections were mainly referred to the National Retail Crime Steering Group (NRCSG). Usdaw has growing concerns over the role of the National Retail Crime Steering Group and the Government's commitment to this body. In recent years, the Minister with responsibility for group has changed too often to allow them to fully understand and act effectively on the issues discussed.
39. Usdaw believes that the Home Office has done little to integrate the work of the NRCSG with their day-to-day operations, something which causes a lack of Government engagement and can make it difficult for the group to drive projects forward. The Union believes that the work of the group would be significantly improved through delivering a greater tie in with the overall work of the Home Office.
40. The Home Office has also shied away from playing a central role in the NRCSG. While the presence of Police and Crime Commissioners, each with their own jurisdiction, may pose some challenges to the Home Office playing a central role in tackling the issue, we believe that the Home Office must find a way to overcome

these challenges. This could potentially be done in partnership with the Association of Police and Crime Commissioners.

41. Furthermore, Usdaw believes that the presence of the Ministry of Justice (MoJ) within the NRCSG would significantly increase the group's ability to begin to challenge a number of the current barriers to justice for retail workers. At the moment, the NRCSG is being kept at arm's length from the Home Office and completely outside the work of the MoJ, something which is severely limiting its effectiveness. As such, the Government's action in referring key parts of their response to the National Retail Crime Steering Group has resulted in limited action in the face of a growing problem.
42. The final section of the Government's response was to provide effective support to shop workers who are the victims of violence and abuse. As part of this, the Minister wrote a two page letter to Police and Crime Commissioners and Police Chief Constables. Usdaw is deeply disappointed that the Government failed to take significant further action to provide effective support for retail workers.
43. At the end of 2019, the Co-op submitted a Freedom of Information request to all police forces to understand the number of incidents being reported within their stores and to understand the levels of police attendance to these incidents. 75% of police forces responded to the FOI and the results showed that two out of every three incidents reported in Co-op stores across the UK did not lead to the police attending. Usdaw's believes that the Co-op's experience will be replicated right across the retail sector. As such, there is significant opportunity for the Government to do much more to provide effective support for retail workers.
44. It is also clear that the Government could have gone much further and introduced legislation to create a specific offence of abusing, threatening or assaulting a retail worker. Usdaw was concerned that the initial Call for Evidence asked if there was further non-legislative action which the Government could take but did not ask any questions over whether there was a need for legislative action or what form legislative action could take.
45. Prior to the call for evidence being launched, the entire industry, trade bodies, employers and trade unions, called for urgent legislation to protect retail workers. These calls were echoed in the call for evidence.
46. It is deeply disappointing that when a whole industry agrees on the action that needs to take place, the Government not only fails to listen to these calls but also refuses to even ask a question on whether the calls are justified. Usdaw would deeply appreciate any work that the Home Affairs Committee can do to ensure appropriate legislation is brought forward.

January 2021