

Debate Pack

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Protection of retail workers

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Summary

This debate is being held in response to the petition [Protect Retail Workers from Abuse, Threats and Violence](#).

The petition received 104,354 signatures before it closed on 24 January 2021 and set out the following:

Enact legislation to protect retail workers. This legislation must 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.

After the petition reached 10,000 signatures, the Government responded to the petition on 15 September 2020:

The Government is not persuaded that a specific offence is needed as a wide range of offences already exist which cover assaults against any worker, including shop workers.

1 Background

Violence against shopworkers is covered by a number of existing general criminal offences. However, there are calls both inside and outside the House of Commons for the Government to introduce specific measures to tackle retail crime.

Official statistics on retail crime are set out in the Home Office's annual [Commercial Victimisation Survey](#), the most recent edition of which was issued in September 2019.

Statistics are also published by retail associations including the [British Retail Consortium](#), which conducts an annual [Retail Crime Survey](#), and the [Association of Convenience Stores](#), which publishes an annual [Crime Report](#).

1.1 The petition

The [petition](#) that led to this debate was submitted by the [Union of Shop, Distributive and Allied Workers](#) (USDAW). It calls for specific legislation to protect retail workers and has attracted 104,354 signatures.

In particular, the petition cites increased abuse of retail workers during the Covid-19 pandemic, including instances of workers being “spat at, threatened with infection of Coronavirus and physically assaulted.” They claim that “the average retail worker has been assaulted, threatened or abused every 6.5 days” during the pandemic (since early 2020).

1.2 Existing criminal offences

A variety of existing criminal offences can be used to prosecute abuse against retail workers. Key examples include the following:

- assault, unlawful wounding or grievous bodily harm under the common law or the Offences Against the Person Act 1861;

- harassment or putting people in fear of violence under the Protection from Harassment Act 1997; and
- affray or threatening or abusive behaviour under the Public Order Act 1986.

1.3

A new offence?

Concerns have been expressed both inside and outside Parliament that more needs to be done to tackle abuse against retail workers both before and during the Covid-19 pandemic.

In November 2019, David Hanson led a [Westminster Hall debate](#) on tackling crime against retail workers. This debate came after he tabled two new clauses to this effect at [Report Stage of the Offensive Weapons Bill](#), although neither clause was ultimately added to the Bill. [He argued](#) that shopworkers are “at the frontline” in enforcing age restrictions and that they should therefore be given legal protection when doing so. USDAW supported the new clauses as part of its “[Freedom From Fear](#)” campaign.

In July 2020, the Government produced its response to a [Violence and abuse towards shop staff](#) Home Office consultation that began in April 2019. They asserted that there was room for improvement in the recording and investigation of retail crime but that the legislation in place itself was sufficient. They concluded that “whilst the Government recognises the motivations behind this suggestion [for a new offence], it does not consider that the case is yet made out for a change in the law.” They pledged to take forward a programme of works with aims for the Government to:

- deepen its understanding and address the drivers of violence and assault against shop worker
- send a clear message that such crimes are not tolerated and should be recorded whenever and wherever they take place; and,
- provide effective support to those shop workers who are the victims of violence and abuse.

More recently, the calls for the creation of a new criminal offence to protect retail staff have resurfaced. Companies within the British Retail Consortium (BRC) have [called for](#) the creation of a new statutory offence of “assaulting, threatening or abusing a retail worker.”

Members have also recently attempted to change the law. Alex Norris introduced the [Assault on Retail Workers \(Offences\) Bill](#) in the 2019-21

session making provision for the aggravation of malicious wounding, grievous or actual bodily harm and common assault offences when committed against retail staff. This did not progress beyond First Reading.

The Labour Party has tabled a new clause to the [Police, Crime, Sentencing and Courts Bill](#) calling for the new offence of “[assaulting etc. a retail worker](#)” (New Clause 45 on page 57). The New Clause would:

- create a new offence to “assault, threaten or abuse another person:
 - who is a retail worker; and,
 - who is engaged, at the time, in retail work
- Behaviour constituting an offence would include:
 - behaving in a threatening or abusive manner;
 - intending by the behaviour to cause fear or alarm in any person or being reckless as to whether the behaviour would cause such fear or alarm.
- It would make it an aggravated offence to threaten or abuse a retail worker when they are enforcing a statutory age restriction, i.e. checking a customer’s ID before purchasing age-restricted products;
- A person convicted for the proposed offence would be liable “to imprisonment for a term not exceeding 12 months, a fine, or both.”

This wording of used in the proposed clause is broadly identical to the newly created offence in the [Protection of Workers \(Retail and Age-restricted Goods and Services\) \(Scotland\) Act 2021](#) which was passed by the Scottish Government in January 2021. However, the [provisional list of selected amendments](#) as at 25 May does not include New Clause 45.

The Government issued a response to USDAW’s petition once it reached the 10,000 signature threshold. It reiterated the Government’s position that it is “unpersuaded of the need for a specific offence.” The response pointed specifically to the Home Office consultation and interim guidance issued to Courts by the Sentencing Council which provides that:

when sentencing assault offences relating to the transmission of Covid-19, the courts should treat this as meriting a more severe sentence.

1.4 Parliamentary Questions

[Business of the House - Thursday 13 May 2021 - Hansard - UK Parliament](#)

[Written questions and answers - Written questions, answers and statements - UK Parliament](#)

1.5 Further Links

The Sentencing Council is currently consulting on proposed changes to the sentencing of assault offences - [Assault offences: Consultation – Sentencing \(sentencingcouncil.org.uk\)](#)

The judiciary's website explaining the ongoing sentencing council consultation - [Sentencing Council consultation – sentencing guidelines for assault and attempted murder | Courts and Tribunals Judiciary](#)

The action from USDAW and the Assault on Retail Workers (Offences) Bill have been vocally backed a conglomerate of CEOs led by the Co-operative: [LEADING RETAIL CEOS AND INDUSTRY BODIES URGE PM TO ACT ON VIOLENCE AND ABUSE AGAINST SHOP WORKERS - Co-op \(co-operative.coop\)](#)

Webpages for the National Retail Crime Steering Group - [NRCSG against shop worker abuse and violence \(brc.org.uk\)](#)

[UK supermarket staff say they have become the 'forgotten key workers' | Supermarkets | The Guardian](#)

[Retail staff abuse: Shop workers threatened with axe | News | The Times](#)

[Violence and abuse against shop workers increasing, survey says - BBC News](#)

[Retail crime getting worse, data shows \(talkingretail.com\)](#)

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