



Preventing
Violence to
Retail Staff
An Usdaw Guide

How to Use this Guide

This Guide is designed to help Usdaw representatives in the workplace:

- To improve member protection.
- To look after members affected.
- To raise awareness of the issue.
- To raise the profile of Usdaw.

The work Usdaw representatives do is at the heart of our *Freedom From Fear* campaign.

Contents		<i>Page</i>
Section 1	<i>Shopworkers on the Frontline</i>	4
	This Section sets out some statistics and general issues which may be useful in discussions with members, employers and other bodies.	
Section 2	<i>Freedom From Fear Campaign</i>	5
	This Section outlines the <i>Freedom From Fear</i> campaign, its aims and some of its achievements.	
Section 3	<i>Usdaw's Model Policies</i>	8
	This Section outlines the Usdaw Model Policies and the work being done by the Usdaw negotiators.	
Section 4	<i>Tackling the Problem</i>	11
	This Section gives guidance on monitoring and reporting systems and consultation.	
Section 5	<i>Checking Out the Risk</i>	14
	This Section gives detailed guidance on risk assessment.	
Section 6	<i>Do Workers Know What to Do?</i>	21
	This Section outlines the kinds of information and training which staff at all levels will need.	
Section 7	<i>Responding to an Incident</i>	23
	This Section sets out what members should expect of employers if there is an incident of violence and abuse and what the representative and the union can do to support the member.	

Section 8 *Legal Action by the Employer* 29

This Section outlines the legal steps an employer should consider taking to protect staff from violence and abuse.

Section 9 *Networking with other Retailers, Police and Local Authorities* 33

This Section identifies some of the bigger picture initiatives and how Usdaw representatives and activists can contribute.

Section 10 *Keeping in Touch with the Union* 39

This Section explains how to keep in touch with the union, to share information and to get help and advice.

Section 1 Shopworkers on the Frontline

Usdaw members have expressed a growing concern about the increasing levels of violence and abuse.

An Usdaw report, *Voices from the frontline*, reflects the experience of Usdaw activists from all over the country and demonstrates the risks our members face.

Our experience is confirmed by statistics in reports from the TUC, the Home Office and the British Retail Consortium's (BRC) *Retail Crime Survey*.

If anyone is in any doubt that this is an area of concern and risk, let them know some of the statistics:

Year	Incidents of physical violence
1998	11,000
1999	11,000
2000	13,500
2001	19,250

(Based on BRC Annual Retail Crime Surveys 1999 to 2001)

The BRC figures also show that nearly two-thirds of incidents of physical violence are associated with shop theft.

These figures are backed up by Usdaw's own research in *Voices from the frontline*:

- 47% of activists reported physical attacks or assaults on staff in the last 12 months.

- Threats of physical violence were a problem in 72% of stores.
- Verbal abuse was a daily occurrence in over a third of stores.

The union's research also revealed the terrible toll that violence and fear of violence takes on workers' health:

- 48% knew of examples where members had taken time off sick as a result.
- 41% knew of people who had been forced to leave the industry because of fear of violence.

Other evidence of the growing problem is available. The recent supplement to the *2000 British Crime Survey* shows an increase in work-related violence over the last ten years. More recently the TUC has identified violence as the fastest growing safety concern in its national survey of trade union safety representatives.

This is bad news for members and their families. But it is also bad news for employers. In stores where the problem is not addressed, staff morale is low, sickness absence is high and skilled and experienced workers are leaving the industry.

Section 2

Freedom From Fear Campaign

The *Freedom From Fear* campaign was launched at Usdaw's Retail Trades Conference in 2002. It is one of the biggest and most important campaigns for Usdaw members in recent years.

The campaign aims are:

- To raise awareness of the issue amongst members, potential members, companies, Government and other stakeholders and the public.
- To work with employers:
 - To make the workplace safer.
 - To develop effective policies to protect shopworkers from violence and abuse.
 - To promote respect for shopworkers.
- To work with local authorities:
 - To raise their awareness of the issue and its importance to the community.
 - To encourage a more active approach to enforcement of health and safety standards.
- To work with local authorities, the police and local employers to build Crime Prevention Partnerships and Safer Shopping Partnerships.

- To work with the Government:
 - To press for retail violence to be a key performance indicator for the police.
 - To make resources available for health and safety enforcement by local authorities.
 - For the promotion of Safer Shopping Partnerships with sustainable funding.
 - To improve the Criminal Injuries Compensation Authority (CICA) scheme.
- To represent and support our members in retail who are the victims of violence and abuse.

There are many strands to the campaign and it will be a substantial and ongoing body of work. It is critical that all members support and participate in the campaign. This Guide is part of the campaign work.

Already the campaign can claim success in a number of areas and the work goes on:

- Launch at Usdaw's Retail Trades Conference in 2002.
- *Voices from the frontline* video and report.
- Usdaw/BRC Charter of Respect for Shopworkers.

- Substantial media coverage – raising awareness of issue, raising Usdaw's profile.
- Early Day Motion in Parliament – more and more MPs are signing up.
- Joint working with the Health and Safety Executive (HSE) – Conference.
- Joint working with the Local Government Association.
- Joint working with the BRC.
- Respect for shopworkers events.
- Usdaw Model Policies published.
- Usdaw Guide for Representatives.
- Campaign packs.
- Petition and letter writing campaign.

2.1 Finding out more

To find out more about Usdaw's *Freedom From Fear* campaign, write to the union's Central Office at Usdaw, Freepost, Manchester M14 7DJ or visit the union's web site at www.usdaw.org.uk or e-mail freedomfromfear@usdaw.org.uk.

John Hannett, Usdaw's Deputy General Secretary, is leading the campaign and is keen to hear from members about all campaign developments. You can contact him on the special campaign e-mail hotline freedomfromfear@usdaw.org.uk or write to him at Central Office.

One of the successes of the campaign has been the Charter jointly agreed and promoted by Usdaw and the BRC. Our aim is to persuade the major retail companies to sign up to this Charter and the early indications are positive.

Charter of Respect for Shopworkers

- Our aim is to create a retail environment in which everyone feels safe, valued and respected.
- Our aim is to deliver the highest standards of service to our customers who will be treated with courtesy and respect.

Our expectation is that our customers will treat our staff and fellow customers with courtesy and respect.

Abusive behaviour, violence and the threat of violence is conduct incompatible with our aims and will not be tolerated.

Abuse which is discrimination on the grounds of race, sex or disability will not be tolerated.

We are therefore committed to:

- Developing policies which safeguard the safety and dignity of staff.
- Conveying to the public the standards of behaviour we expect.
- Taking measures which protect staff from violence and abuse.
- Supporting staff who are the victims of violence and abuse in the workplace.
- Working with the BRC, Usdaw and other stakeholders, including the police and local authorities, to build a retail environment which is welcoming and safe for everyone.

Section 3

Usdaw's Model Policies

Usdaw believes that employers should have clear policies for dealing with the risk of violence and abuse.

Usdaw has developed two model policies for use by National Officers and other negotiating officials:

Usdaw Model Policy Statement on Prevention of Violence to Retail Staff

This outlines the union's view of the steps employers should take to meet their duties under health and safety law. It is based on Health and Safety Executive guidance (HSG133, Preventing Violence to Retail Staff, HSE Books, 1995) and on examples of good practice from individual employers.

Usdaw Model Policy on Respect for Shopworkers

This model concentrates on the treatment of staff by customers and the abuse staff face.

It is linked to the prevention of violence policy. But it also takes in the duty that employers have to protect their staff from harassment and links to dignity at work policies. It encourages employers to go beyond their minimum legal duties by actively promoting respect.

3.1 Why we have developed these policies

These policies are an important element of our *Freedom From Fear* campaign.

Our survey of the major retailers revealed that despite the positive response from companies very few had up to date and comprehensive policies in place to tackle the issue of violence and abuse in retail.

In order to tackle the issue strategically it is crucial to have a detailed and well thought through policy in place.

Usdaw negotiators now have these two substantial policy documents to table with companies. Rather than initiating a discussion in a vacuum, we can now present our policies as the starting point.

Usdaw's National Officers and other negotiating officers are working with companies to develop appropriate policies. This will be a substantial and long-term body of work. The Model Policies are not complete documents and employers will not be in a position to simply sign up to them without detailed discussion. They will always need to be tailored to the specific structure and circumstances of each employer.

It is important that Usdaw representatives and members support the Usdaw negotiating officials in this work:

- Make sure you keep up to date with developments in the negotiations over the policies.
- Do not take any local initiatives which cut across the negotiations.
- Help the union by promoting the developments agreed with your employer.
- Help members to understand that this will be a process of improvement and not an instant solution.

3.2 Making the policies work in the store

Policies will only work effectively if everyone at store level is fully involved. The policy should spell out the responsibilities of staff at all levels from the managing board to the shop floor.

Local managers have a crucial role

Local store management have a very important part to play in such a policy.

Even where there are good policies, Usdaw's research shows that the behaviour and attitude of local managers is crucial. Where managers are positive and supportive of staff, the workers feel more comfortable

and more able to deal with incidents when they arise. Where managers are unsupportive, workers feel undermined and vulnerable.

Store managers' duties should include:

- Encouraging reporting of incidents.
- Carrying out risk assessments in consultation with Usdaw safety representatives.
- Providing training for all staff on the policy.
- Providing immediate support and assistance to staff when they need it.
- Making sure that Usdaw safety representatives are given sufficient time to carry out their functions and to attend relevant union training.

The role of the Usdaw safety representative

By law, the employer must consult with Usdaw safety representatives on all health and safety matters. This includes their policy for preventing violence and abuse. So where we have safety representatives, the company should recognise their important role.

Local managers should consult with safety representatives on the store risk assessments and on the procedures for preventing violence.

Safety representatives should make sure that members are given support if they are involved in incidents and should help them to complete and send an *Usdaw Legal Assistance BL1 form* to the Usdaw Legal Plus service.

Safety representatives can use their legal powers to inspect and to talk with members to make sure that the policy is working.

Involving the members

It is vital that the policy involves all staff. Both local managers and Usdaw representatives should encourage staff to report incidents and make sure that they are consulted on procedures for preventing violence.

Risks will vary from store to store and local knowledge of the local situation will need to be used when carrying out a risk assessment. The knowledge and experience of staff who live and work in the area is vitally important to the success of the policy.

Section 4

Tackling the Problem

Whether your employer has a clear policy or not, this Guide has been written to help Usdaw representatives improve the protection of members against violence and abuse.

The first step is to find out from management what the policy is. If there is a clear policy, you can use the checklists in this Guide to make sure the policy is being implemented properly in your own store.

If there is no clear policy, use the checklists in this Guide to raise the issues around violence and abuse in your workplace. By doing so you can help to get improvements for members in your store and you will also be helping to persuade your employer that they do need a policy.

4.1 Monitoring and reporting

According to the Health and Safety Executive, employers should have a reporting system in place so that they can monitor incidents of violence and abuse. The system needs to be straightforward to use and staff should be encouraged to use it. The information it provides should help to identify where there are problems and to monitor the effectiveness of measures introduced to protect workers.

If there is no reporting system in place where you work, encourage members to report incidents to their Usdaw

representative. You can use the *Usdaw Incident Report Form* to gather brief details of incidents.

Use the information from the reports to show management that there is a problem with violence and abuse that they need to address.

If there is a reporting system in place, make sure that all staff, especially new starters, know how to use it. Encourage members to report incidents, including episodes of verbal abuse and harassment as well as physical violence.

There are several reasons why members may be reluctant to report incidents:

- They may be frightened that the person who attacked them will seek revenge if they find out they have been reported.
- They may be frightened to report incidents since it could be seen as an admission that they can't cope with the job.
- They may worry that their reports will not be treated seriously by their manager.

To overcome these barriers there must be a clear message from senior management about the need to report.

Local managers should encourage members to report incidents and should treat their reports seriously.

Where reports reveal a serious or persistent problem, prompt action must be taken to provide the staff involved with suitable support and protection.

The Usdaw health and safety representative is entitled to have copies of the reports and to talk privately to members who are involved in incidents.

Use the information collected to review the preventive procedures with management. It is a good idea to review the procedures on a regular basis, for example, at safety committee meetings. The procedures will also need to be reviewed after any serious incidents.

4.2 Consultation with staff

The staff who work in the store will know better than anyone if there are particular risks of violence or abuse.

Management should consult with staff on the issue at staff briefings/through the store forum/etc and should listen to what they have to say.

As the Usdaw health and safety representative you are entitled to have the time and facilities to talk privately with the staff you represent to make sure that consultation is effective.



4.3 Identifying the problem – Checklist for Usdaw reps

- Is there a reporting system for violent incidents?
- Is it made clear that staff should report incidents of verbal abuse and intimidation as well as physical assaults?
- Is the message about reporting reinforced by management through staff briefings or other means?
- Your employer has a legal duty to protect staff from racial or sexist abuse or abuse because of any disability. Does the reporting system make sure that incidents of this type are identified?
- Does the Usdaw safety representative have access to copies of the reports?
- Are reports of incidents and security procedures reviewed at the safety committee or in consultation with the union representatives to see if there is room for improvement?
- Do the union representatives regularly talk to members to find out if they have any concerns?

Section 5

Checking Out the Risk

Employers have a legal duty to identify health and safety risks and to do what they can to prevent or control them. Violence is a serious occupational hazard for Usdaw members. So employers must take steps to deal with the risk just as they should for any other workplace hazard. It is the employer's responsibility to:

- Identify the risk.
- Do a risk assessment.
- Introduce measures to control the risk, based on the risk assessment.
- Monitor and review to make sure that the measures are working and modify the assessment if necessary.

The employer must consult with union health and safety representatives on the risk assessments and the measures to control the risk.

Examples of solving the problem

Elizabeth, North East Co-op, Newcastle

“Our store stays open till 10pm and the store supervisor was left to lock-up on her own. A gang of young lads started hanging around because they knew she was on her own. Management changed the security guard's hours so that he could accompany her at store closing time. On days that he is not available the other staff stay with her while she locks up. The gang of youths have stopped hanging around.”

Pat, Tesco, South Yorkshire

“The policy in our store allows workers who are being verbally abused on the tills to leave their checkout and report the incident to their section manager. Customers who are abusive are barred from the store. It works because the checkout staff know they will be supported by their section manager.”

Liz, Safeway, Ayrshire

“A customer was being suggestive towards a particular cashier. The manager asked the customer to come into the office and told him he was not to go to that cashier again or he would be barred from the store. The customer did as he was told and left the cashier alone. This not only helped the individual worker involved, it also sent a clear message to the other cashiers that they do not need to take harassment from customers.”

Lynne, West Midlands Co-op, Worcs

“I raised several problems with management. Although they had some security cameras in the store the video was not working. Lighting in the car park was very poor. And a gang of kids had started hanging around by the customer toilets and were being abusive to the staff and to some customers. They got new cameras and replaced the broken video. The lighting in the car park was re-done and a lock was put on the door of the customer toilet. Staff feel much safer now especially at night because of the improved lighting in the car park. Restricting the access to the customer toilet has also helped to discourage the gang of kids.”

Health and safety representatives can use this risk assessment to check whether their employer is doing what the law requires.

If the answers suggest that risk assessments are not being done properly or that the control measures do not work, health and safety representatives should:

- Use their legal powers to inspect the workplace and talk to members to identify the problem.
- Raise the problem through the appropriate procedures, for example, health and safety committee, grievance procedure, etc.
- Use the procedures to negotiate improvements.
- Let the union know about any successes.

The risks will vary from store to store, depending on location, the layout of the store, the customer base and many other factors.

This means that risk assessments must be developed on a store-by-store basis taking account of local conditions.

Store managers should work with the Usdaw representatives in each store to develop the store-based risk assessment.

A written record of the risk assessment should be kept which includes:

- Brief description of the risks involved, including any risk factors specific to that store.
- Details of the groups of workers exposed to the risks.
- Brief details of the preventive measures in place to prevent or reduce the risks.
- Date when the risk assessment was last reviewed.

5.1 Risk assessment checklist

The following checklist covers many of the common factors that a risk assessment may need to consider. Usdaw health and safety representatives can use it to make sure that the local risk assessment covers everything it should.

Physical security

The physical layout of the store, lighting, security devices, etc, can all help to prevent or reduce the risk of violence. Check for the following features in your store:

- High value goods such as cigarettes, alcohol and CDs should be located in a clearly visible part of the store away from the exit.

- High counters for off-licence sales/cigarette kiosks can act as a physical barrier to would be thieves.
- If tagging or some similar security measure is used to protect high value goods, staff must know what to do when the alarm sounds.
- Checkout design should ensure that the cash drawer is sited away from customer reach:
 - Plastic ‘draught proofing’ screens at the back of single checkouts can prevent till snatches from behind the operator.
 - Plastic covers over the cash drawer can prevent access from the front.
- Panic buttons should be provided at sensitive locations like checkouts:
 - It should be possible to operate the button unobtrusively when staff feel under threat.
 - The button should trigger a remote alarm and not an alarm on the spot.
 - Supervisors and managers should respond quickly when an alarm is triggered.
 - Staff must be fully trained.

- Secure cash boxes at checkouts can be used to store high denomination notes away from the cash drawer ('cash caches').
- Cash office should be located well inside the store with a suitable lock on the door and arrangements to allow staff inside to see out without anyone on the outside seeing in.
- A secure safe with features like timelocks should be used to hold cash before banking. Posters should be used to inform the public of security measures.
- CCTV does have some deterrent effect. It may also provide useful evidence if there is an incident.
- In small high street stores displays and signs should not obscure the windows.
- Store entrances, including the staff entrance, should be well lit and free from obstructions like shrubs or trees that limit visibility.
- Car parks and paths should be well lit and free from obstructions to visibility.

Cash handling

Potentially, the cause of the most serious injuries is violence used in an attempted robbery. There should be clear policies for handling and banking of cash and staff should be fully trained:

- Money should not be allowed to build up in tills.
- Money should be kept out of public view and should not be sorted or counted in public areas.
- The cash office should be secure and access to it should be restricted. It should also be well-ventilated so that staff are not tempted to wedge the door open to get some fresh air.
- If there is a manual cash collection from the tills:
 - At least two staff should be involved.
 - One should act as look-out (watching for any suspicious behaviour and not watching the money).
 - A proper strong box trolley should be used.
 - In high risk areas protective clothing such as goggles may be needed.

- If cash is collected by a security service:
 - Collection times should be varied.
 - There should be a system so that staff in the cash office can confirm the identity of the security staff before letting them in.
- If staff are required to do the banking themselves:
 - They should be trained in the job.
 - They should not work alone.
 - They should vary their route and time.
 - They should be able to use a car where possible.
- All staff should be trained so that they know what to do if there is an armed robbery.

Specialist security staff

In many shops uniformed security staff are a very effective deterrent.

If security staff are directly employed by your own employer it should be easy to check that they have received specialist training for the job.

If your employer uses a contract security service it can be more difficult to check, but Usdaw representatives

should seek reassurance from management that they have checked to make sure the guards are competent.

If there are no security guards it needs to be clear who is responsible for security tasks such as apprehending suspected shoplifters. Staff who do these jobs should be trained and should have sufficient experience to cope with the increased risk.

Shop theft

Two-thirds of incidents of physical violence against shopworkers are associated with attempts to apprehend suspected shoplifters. Employers must have clear procedures for dealing with shoplifters and must make sure that all staff know what they are expected to do (and not to do) if they spot someone stealing:

- Are all staff trained in the procedures for dealing with shoplifters?
- Does the policy identify who should be alerted if staff are suspicious?
- Does it emphasise that ordinary shop floor staff should not try to apprehend the suspect themselves?
- Does it explain the dangers of giving chase if a suspect runs off? There may be accomplices waiting outside the shop.

- Is there a clear procedure for holding a suspect until the police arrive?
- Does the policy emphasise that no-one should put their safety at risk?

Other triggers for violence or abuse

Shop theft is the commonest cause of physical violence, but there are other easily identifiable situations that are likely to trigger violent or abusive behaviour by some customers.

Examples include:

- Impatience over queuing at counters and checkouts.
- Arguments over refunds for goods.
- Allegations of short-changing or mistakes with cashback.
- Asking known troublemakers to leave the store.
- Apprehending suspected shoplifters.
- Refusing to sell restricted goods to under-age customers.
- Refusing to sell alcohol outside of licensing hours.

You can use your review of reports of incidents in your store to identify any common triggers that are causing problems.

Talk to the store manager to make sure that there are clear and consistent policies for refund claims, alleged short-changing, etc. Management should make sure that everyone knows what the procedures are.

Staffing levels at the store should be arranged to take account of the risk of abuse and the need to reduce customer queuing times. If there are particular problems at certain times of the day or the week, raise them with the management.

Specific issues

As with any risk assessment it is important that consideration is given to particular risks that may only affect particular workers or groups of workers.

Examples may include:

- Lone workers such as home delivery drivers.
- Night shift workers.
- Keyholders.
- In-house security staff.

Where there are particular groups of workers or specific risks check to make sure that details are included in the written record of the risk assessment.



5.2 Checking out the risk – Checklist for Usdaw reps

- Has a risk assessment on violence been done for your store?
- Do the Usdaw representatives have access to copies of the risk assessment?
- Does the written record identify the nature of the risks, the groups of workers exposed, the preventive or protective measures to deal with the risk?
- When was the risk assessment last reviewed?
- Did management consult with the Usdaw representatives when drawing up and reviewing the risk assessment?
- Have the groups of workers identified in the risk assessment been trained about the risks that affect them?
- If there are any problems arising out of your review of the risk assessment that cannot be sorted out locally are they referred to the appropriate senior manager and Usdaw official?

Section 6

Do Workers Know What to Do?

Training is essential for all workers.

Basic training should be provided to all staff including part-time and temporary workers at induction. It should:

- Emphasise the importance of not putting themselves or others at risk to protect property.
- Explain the importance of reporting incidents.
- Ensure that the worker is familiar with any security measures in the store.
- Ensure that workers know the procedure for dealing with refunds, customer complaints, etc.
- Ensure that the worker knows what to do if they are involved in an incident or if they observe a suspected shoplifter.

Armed robbery – being prepared

For most staff, basic training should also cover what to do in an armed robbery. The training should explain the importance of:

- Trying to keep calm.
- Doing exactly what the robbers ask.
- Making no attempt to resist and avoiding arguing with the robber.
- Not using an alarm that is audible in the store until the robber has left.
- If there is a silent alarm (linked to the police or a local security centre) only using it if it is safe to do so.
- Trying to remember as much detail about the robber, any getaway vehicle etc, and writing it down as soon as possible after the incident.

Some employers provide a standard form that can be used by staff who are victims or who witness an incident so that they can quickly record details about the assailants.

People who have a particular role to play in the implementation of the policy, for example, store managers, security staff – will need more detailed training.



6.1 Training – Checklist for Usdaw reps

- Are all staff trained about the risk of violence?
- Does the training make it clear that staff are not expected to put themselves at risk to protect cash or goods?
- Is it included in induction training for new starters?
- Does the training include information on how to report incidents and on security measures and policies to deter violence?
- Does it include information about the support Usdaw provides to members who are victims of violence?
- Are staff who have particular responsibilities or face particular risks like receptionists, cash office staff, supervisors, store managers and security staff given more detailed training?
- Is the anti-violence message from the training regularly reinforced, for example, in staff briefings, company newsletters, etc?

7. Responding to an Incident

7.1 Support during and immediately after an incident

Workers are much more likely to be able to cope with an incident of violence or abuse if they feel they are getting positive support from colleagues, especially local managers.

Store managers should identify competent and suitable staff who are expected to provide assistance and should arrange for prompt assistance to be available at all times. They should make sure that workers know how to call for help when they need it and that they understand that it is not a sign of weakness to do so.

Staff who are expected to provide assistance should understand the importance of providing assistance promptly when a situation is developing and the need to be consistent in their support for the member of staff.

It is vitally important that prompt assistance is provided following a serious incident such as an armed robbery or physical assault.

Management should have procedures in place to make sure that prompt medical attention is arranged for anyone who is injured and that the police are called.

Staff involved in the incident or witnessing the incident should be given the opportunity to talk about the incident in a supportive environment. They should also be encouraged to

write down as much as they can remember about the description of the assailants.

Any staff who appear to be suffering from shock may have to be sent home. However, they should be discouraged from driving themselves home if they are still in shock. Instead they should be given the chance to arrange alternative transport or transport should be arranged for them.

Staff and the public should be kept out of the area where a serious incident has occurred and nothing should be disturbed until the police say it can be done, unless it is necessary to take action to secure people's safety.

Clearing up after an incident

When clearing up after an incident, special care will be needed, particularly where there is blood and sharp material such as broken glass. Staff who are expected to clean up sharps and body fluids should be trained in the techniques to follow. These include:

- Wearing puncture resistant gloves.
- Brushing up any sharp material that poses a cut risk and disposing of it in an approved solid container.
- Cleaning up any spilled body fluids with an approved disinfectant.
- Safe removal and disposal of used gloves and other materials.

7.2 Claiming compensation

If a member is a victim of a crime of violence, Usdaw's Legal Plus service will give legal support.

It is important that any members who have suffered a physical or mental injury as a result of such a crime are advised that they may have a claim with the Criminal Injuries Compensation Authority (CICA). However there are rules that must be followed if they want to claim.

They must be informed that they should report the attack personally to the police as soon as possible (usually within 48 hours unless their injuries prevent them). This must be done even if someone else, like the store manager, has already reported the incident.

As the Usdaw representative in the store, make sure that you are given an opportunity to talk to members involved in incidents as soon as is possible after the incident. Explain about the Usdaw Legal Plus service. Help the member to complete and send an *Usdaw Legal Assistance BL1 form* and make sure they know about the importance of reporting the incident in person to the police.

It may also be possible to bring a compensation claim against the company but you will not get CICA compensation in addition and the CICA route is usually better. In a civil claim against the company you have to prove fault on behalf of the company.

7.3 Health and safety review

Once it is safe and there has been a chance to gather together information about what happened, arrange for a discussion with the appropriate manager to investigate what happened. Use the discussion to review the preventive and protective procedures in place. If you identify any changes that need to be made make sure that they are passed on to all the staff who need to know.

If you are unable to sort out any problems locally they should be referred to the appropriate senior manager and Usdaw official.

7.4 Access to counselling or other support

Witnessing or being involved in a serious incident, or being the target of persistent abuse can be a very disturbing experience.

It is normal for people to have stress-related symptoms as a result of the shock for a short period after the event. These may include difficulty in sleeping, nervousness about coming into work and flash backs to the incident.

If these symptoms persist for some time and start to interfere with the person's normal domestic and working life, they could be suffering from a more serious problem called 'post traumatic stress disorder' (PTSD). Sometimes the

worker involved may appear to have coped well with the shock, only for symptoms to develop several months after the incident.

Access to confidential counselling or appropriate medical treatment should be arranged for workers who suffer any physical or mental injuries following an incident.

Managers should be alerted to the fact that it may take some time for PTSD to show. If someone appears to develop longer-term symptoms some time after an incident they should be encouraged to take advantage of the counselling offered and to seek medical help. If someone who was previously a good worker starts to take frequent sick leave or turns up late or starts to behave strangely, managers must be aware that the problems may be caused by PTSD. Instead of threatening them with disciplinary procedures or dismissal they may need sympathetic help.

Getting people back to work

It may be difficult or impossible for a member who has suffered a serious incident to return to work. However if they want to do so, managers should work with the Usdaw representative to make sure that their rehabilitation is supported and that they are provided with suitable work in line with medical advice.

7.5 Legal action by the employer

There are a range of legal options open to employers to try to restrain persistent troublemakers and those who threaten and harass staff.

These are detailed in Section 8 and include:

- Prosecutions.
- Exclusion Orders.
- Injunctions.
- Anti-Social Behaviour Orders.
- Protection from Harassment Prosecution.
- Protection from Harassment Injunction.

Make sure that the local manager and the company consider these options as part of their strategy to protect staff from violence and abuse.

7.6 Supporting potential witnesses

If the police take legal action as a result of an incident, workers may be called as witnesses. The employer should provide support to the members involved.

At the time of the police investigation staff who are asked to give witness statements by the police should be

told to give the business address rather than their home address. At a later date such statements may be read out in courts and may leave staff anxious about reprisals.

It would be good practice to give workers paid time off to attend the local Victim Support Witness Service to prepare them for the hearing and advise them on any concerns.

The manager should give sympathetic support to staff involved. If anyone suffers symptoms of stress or other health difficulties as the trial approaches they should be encouraged to visit their G.P. and reminded of the access to counselling.

If there are any other issues such as concern for personal safety the manager should help to raise these concerns with the police or appropriate authorities in consultation with the Usdaw representative. The manager should also explore the steps the company can take to protect witnesses.

7.7 Specific duty to protect staff against racist or sexist abuse or abuse on grounds of disability

By law, employers have a particular duty to protect their staff from abuse from the public which is racist or sexist or based on disability. Any evidence that staff are being subject to this kind of abuse should be treated very seriously

Many employers will now have Dignity at Work policies but these often deal only with the behaviour of employees toward each other. It is important that retail employers understand that their duty to protect members of staff against harassment extends to abuse from the public as well.

Clear instructions should be given to all staff explaining what they should do if they encounter such abuse. These instructions should explain:

- The importance of staying as calm as possible.
- The need to call on the identified supervisor/manager for assistance.
- The expectation that the supervisor/manager will deal with the customer, explain that their behaviour is unacceptable and, if necessary ask them to leave and ban them from future access to the store.
- The importance of reporting incidents to management and to the Usdaw representative, including incidents that occur outside the store.
- The importance of reporting to management immediately if a banned person re-enters the store.

Store management should understand the importance of acting on such abuse and the steps they are expected to take, including action to exclude the

abuser from the store and to back this up with formal legal action where necessary.

If the employer fails to take reasonable steps to protect an employee from racial or sexual harassment from customers then they may be in breach of the discrimination legislation and the staff member will have the right to bring a complaint in an Employment Tribunal.

Members in that situation should contact their Usdaw representative, Area Organiser or the Usdaw Legal department for advice. Tribunal applications must be lodged within three months of the offending act.

7.8 Abuse is not part of the job

Serious incidents are not the only risk that workers face. A member who is subjected to a pattern of persistent abuse may also suffer injury and need support.

Even if each individual episode does not seem significant, the combined effect can be serious:

- An individual worker may be picked on by a local gang to make it easier to steal from the store.
- A black worker may be targeted by a racist group.
- A female worker may be the focus of unwanted attention from a male customer.

- A worker who reports a suspected shoplifter may be threatened at home and at work by the suspect and their family or friends.

Usdaw believes that any member of staff who has to take time off work because of such persistent abuse, for example, for medical treatment, to attend counselling or other support – should have the same degree of support and financial protection from the employer as victims of serious incidents of violence.

The company has a duty to protect members from persistent abuse. The manager should discuss the problem with the employee (and their Usdaw representative) to explore what steps, including legal steps, the company can take (see Section 8).



7.9 Responding to an incident – Checklist for Usdaw reps

- Would managers and staff in your store know what to do if there was a serious incident?
- If there is a customer care programme where you work:
 - Does it avoid a heavy handed ‘customer is always right’ approach?
 - Does it include training on recognising when a customer may become abusive or violent and on ways of handling potentially violent situations?
- Are staff encouraged to call for assistance at an early stage if they encounter a violent or abusive customer?
- Is prompt assistance available when staff need it?
- Have staff been told that racist or sexist abuse or abuse over disability from customers will not be tolerated?
- Would members know what to do if they were exposed to such abuse?
- Does your employer offer support, for example, access to counselling, to staff who are victims of incidents or who witness incidents?
- Do Usdaw members know that the union’s Legal Plus service will help them with criminal injury compensation claims?
- Do Usdaw members know how to get hold of the *Usdaw Legal Assistance BL1 form* to start a claim?
- Are Usdaw safety representatives given the chance to investigate following an incident?

Section 8

Legal Action by the Employer

8.1 The range of options

Whenever there is a serious incident and where a store is affected by persistent troublemakers, the employer should consider what legal steps might be taken to protect the staff.

Many local managers will not be aware of the options and may welcome Usdaw representatives' help and advice on this. The company should have legal advisers and senior managers who should give local managers support and technical advice. The advice in this Section should help the local manager approach the company for the necessary back-up.

There are a range of legal options including:

- Criminal prosecution.
- Racial hatred prosecutions.
- Civil injunctions.
- Exclusion orders.
- Anti-Social Behaviour Orders.
- Protection from Harassment Act prosecutions.
- Protection from Harassment Act injunctions.

There are things which can be done to restrain persistent trouble makers; make sure that your manager knows about them and uses them.

8.2 Criminal prosecution

Prosecutions can be brought for several offences, not only for theft.

The company may call in the police to take criminal proceedings against the people who use violence and abuse against staff.

Where the violence and abuse is racially offensive or directed against someone on racial grounds, charges of incitement of racial hatred should also be considered.

Prosecution, however, is by no means the only option and other legal steps may, in fact, be more effective.

The company should press the police to prepare for an Anti-Social Behaviour Order from the Court at the same time as criminal charges are brought if the offender is a persistent nuisance or is threatening and abusive.

8.3 Banning people from the premises

The manager's right

Customers who are violent or persistently abusive or threatening should be banned from the store.

Although shops are open to the public, they remain private property. Managers have the right to order someone off the premises and to ban them from entry to the store. Managers may need training and advice about dealing with this kind

of confrontation. However, they should be given discretion to take such action and be fully supported by senior management if they do so. It may assist if the company has pro forma exclusion notices available for managers to use.

Crime reduction partnerships – exclusion orders

Many towns have developed effective crime reduction partnerships using the Crime and Disorder Act. These are sometimes called Town Centre Partnerships and Safer Shopping Partnerships. Most schemes will include CCTV, radio links, photograph and information sharing and exclusion orders.

Under these partnerships, exclusion orders are served on people convicted of theft or other crimes related to retail, banning them from entering the premises of everyone in the partnership scheme. It is reported that offenders are being deterred from re-offending by the likelihood of attracting more severe penalties if convicted of re-offending in participating company premises.

- Contact your local authority and find out about your crime reduction partnership.
- Make sure that your manager knows about it and your store is a member of the scheme.
- Make sure that your manager takes advantage of any exclusion order scheme.

Working together with the crime reduction exclusion order scheme, your manager may feel more confident about banning troublemakers.

8.4 Injunctions

A company can take out an injunction in the Civil Court to ban from the premises someone who repeatedly steals from the store, is persistently abusive or threatening to staff, or repeatedly tries to re-enter a store from which they have been banned.

A company can also support an individual member of staff in bringing injunction proceedings under the Protection from Harassment Act.

8.5 Anti-Social Behaviour Orders

Under the Crime and Disorder Act, the local authority and the police can apply to the Magistrates' Court (Sheriff's Court in Scotland) for an Anti-Social Behaviour Order (ASBO).

The order can be taken out against a person who has caused harassment, alarm or distress to others and is a continuing threat. It can be taken out against anyone over 10 years old.

ASBOs are proving to be a powerful legal tool in dealing with organised and persistent shoplifters; gangs of youths who terrorise shops or shopping areas; persistent anti-social behaviour connected with drink and drugs and troublesome families who act in concert to intimidate others.

An ASBO can ban someone from an area or a particular shop, or prohibit other anti-social behaviour for a period of two or more years.

A breach of an ASBO is a criminal offence, and in many cases of breach, custodial sentences have been imposed.

The process for obtaining an ASBO is different from criminal proceedings and it is easier to protect witnesses and preserve their anonymity. It should be a faster and more user-friendly system. The costs will not fall to the company.

When trying to tackle persistent anti-social behaviour, it is a good idea to keep a detailed diary/record of events and liaise with other local people and businesses for support if they are having similar problems.

Effective use of ASBOs

Every local authority and police force should have an ASBO co-ordinator who will advise you and, if appropriate, apply for an Order.

In 2002, the Magistrates' Court in Sheffield made an order against two persistent shoplifters, banning them from entering Sheffield town centre. Their GP's surgery was in the town centre and they were required to get permission from the police before making a doctor's appointment.

Derwentside used ASBOs against two youths who were the ringleaders of a gang who were causing a

disturbance in a local shopping centre because of drunken, rowdy behaviour, intimidation and threats and shoplifting. Three other youths agreed to sign binding anti-social behaviour contracts committing them to stay away from the area and improving their behaviour.

8.6 Protection from Harassment Act

This Act was designed to protect people from stalking. It can also be used to deal with situations in retail. It opens the way for prosecutions and injunctions.

Where a member of staff has been the subject of persistent and personally directed abuse, threats or intimidation from a customer, this Act may be used.

It would also be useful if a member of staff was being stalked or persistently sexually harassed by a customer.

Harassment under the Act is an offence and the police can be called in and the harasser prosecuted. As with any prosecution, the company should take appropriate steps to support and protect the victim and the witnesses and ensure they suffer no financial loss.

Harassment under the Act can also give rise to a claim in the Civil Courts for damages and injunction proceedings. Although this legal action needs to be brought in the name of the individual member, it should be supported and funded by the company.



**8.7 Legal action by the employer -
Checklist for Usdaw reps**

- Is it company policy to ban persistent or serious offenders from the store?
- Is it company policy to take legal action against persistent or serious offenders?
- Is your manager aware of the range of options available?
- Does your manager have support from company legal experts and senior managers?
- Do you have the contact address for the ASBO co-ordinator?

Section 9

Networking with other Retailers, Police and Local Authorities

9.1 Crime reduction partnerships

Sometimes also known as ‘Safer Shopping Partnerships’, these are being promoted by the British Retail Consortium in co-operation with local authorities and local police authorities. They have been successful in reducing violent retail crime in many shopping centres.

Birmingham’s Retail Crime Operation (RCO) is a partnership between Birmingham’s City Centre Management, West Midlands Police, National Car Parks, and city centre retailers and leisure venues. Under the scheme, habitual shoplifters and people who regularly threaten or abuse staff are banned from the 1000-plus members of the scheme, and photographs are circulated to identify them. The RCO also runs a radio scheme linking all the members.

In the period from 1999 to 2001 retailers who joined the scheme reported loss reductions between 85% and 20%.

Over 250 shopping centres in the UK have set up Crime Reduction Partnerships or schemes as part of their local community safety strategies and they all have databases with details of persistent offenders, sightings and incidents. They complement existing police intelligence systems, which focus on arrests and convictions.

Under these schemes, local retail businesses work with the police and the local authority to share information about known troublemakers and make sure that all the shops have a decent standard of crime prevention.

Local partnerships can be particularly effective against ‘steaming’ (where a gang ‘steams’ into stores in a shopping centre to grab goods and make a quick exit). The use of radio links or phone links can alert stores when a gang is operating in their area and they can make sure that someone is on the door to close it if the gang targets their store.

Measures they take include:

- **Joint Exclusion Orders:** If someone is banned from one store then they are banned from all stores in the partnership. This is often an effective way of getting the message across that crime or other anti-social behaviour will not be tolerated. These joint agreements by stores can be linked to Anti-Social Behaviour Orders against particular individuals.
- **Photo Galleries:** Stores in the partnership share a photo library of known troublemakers so that they can be spotted when they enter the locality.

- **Radio links:** Stores in the partnership share a radio link so that one store can pass information onto another when known troublemakers are operating in the locality.
- **Links to the police or to CCTV systems:** Where town centre CCTV systems are in operation links can also be built to the control room to alert stores if there is trouble in their vicinity.

Find out if there is a crime reduction partnership operating in your area. If there is talk to the management to make sure that your store is actively involved.

If your store does not actively participate, get information from the organisers of the scheme and raise the matter with the store management.

If there is no scheme in your local shopping area, talk to the local authority, the police crime prevention officers and workers in other local shops to start to build one.

9.2 Links with the local police

Even if it is not practical to develop a local crime prevention partnership where you work, it is a good idea for the store to have a good working relationship with the local police service.

Sometimes links with the local police can be difficult. There is still a feeling in many parts of the country that crimes like shoplifting are petty or victimless crimes despite the close link with violence.

On the other hand, police crime prevention officers are a useful source of advice on the preventive and protective measures that your employer should be taking to reduce crime and protect members against violence.

Some police authorities have taken a very positive stance against retail crime and violence in their local shopping centres and have dedicated officers to working in this area.

In 2002 West Yorkshire Police set up a special team in Bradford to tackle city centre crime. The team is made up of a dedicated Inspector, two Sergeants, 12 Constables from the Divisional Patrol Unit as well as the existing city centre Community Beat Officers and Retail Theft Unit. They will focus on key issues in the city centre including shoplifting and retail crime, car crime, aggressive begging, and violent crime.

The new team will strengthen links with existing partners in the city including the local authority, retailers and licensed premises.

There have also been reports of more informal links being developed by Usdaw representatives in stores where there is a record of violence. Simply encouraging local police officers to call into the store to talk to staff and share a cup of tea in the canteen has had some deterrent value and helped to persuade workers that their concerns are being treated seriously.

In addition, in many parts of the country, the police authority takes the lead in developing community safety policies and in applications to the local courts for Anti-Social Behaviour Orders against individuals who cause problems.

9.3 The vital role of local authorities

Local authorities play a central part in protection of retail workers from violence. It is vital that local activists build strong links with their local authority and work through the Labour group on the council to make sure that our concerns are raised.

Local authorities are responsible for enforcement of health and safety law in shops. They also have to work with the local police to produce community safety policies under the Crime and Disorder Act and have to liaise with the police in applying for Anti-Social Behaviour Orders. They are often involved in promoting crime reduction

partnerships and their decisions on things like street lighting and community CCTV can make a big difference to retail crime rates.

Local authorities and health and safety enforcement

Environmental Health Officers (EHOs) are usually the officer charged with meeting this duty. They can use their powers to promote good practice and they can take legal action against employers who fail to comply with their duties.

Kentucky Fried Chicken prosecution

In 2001, Kentucky Fried Chicken was found guilty of breaches of health and safety law following a series of violent attacks against staff in one of its London outlets.

The case was brought by the London Borough Council of Ealing following an investigation by Environmental Health Officers into a number of serious racist attacks against the staff.

The company was fined £9,500 with £6,500 costs.

The senior EHO in the case from Ealing LBC described it as a 'wake up call to other Environmental Health Departments'.

Health and safety representatives should contact their local EHO to let them know that there is an Usdaw safety representative at that store. A model letter is included in the *Safety Representatives Resource Pack*. EHOs should arrange to talk with the safety representative when they are doing a health and safety inspection. The address of the EHO should be on the Health and Safety Law poster that employers are required to display in the workplace.

Some local authorities have run campaigns on the issues of violence and retail crime. If your local authority is running such a campaign, make sure that management are aware and that your store is involved.

If there is a problem over violence or any other health and safety issue at your store that cannot be resolved through the normal procedures, contact your Area Organiser to talk about the possibility of involving the EHO.

Local authorities have reduced the resources they put into health and safety enforcement over the last few years. Public spending cuts and increased pressure from other high profile enforcement responsibilities such as food hygiene have encouraged this trend.

We need to persuade local authorities and their EHOs that health and safety enforcement is a serious issue that needs proper resources.

Representatives should contact their local councillors to make sure they are aware of Usdaw's *Freedom From Fear* campaign.

Reps should also ask their local authority about their health and safety law enforcement policy and their approach on retail violence.

Other local authority activities

Apart from their responsibilities to enforce health and safety law, local authorities may also be involved in promoting crime reduction partnerships.

Find out if your local authority is involved in such a scheme. If there is no scheme, raise the issue with your local councillor. The Home Office and the British Retail Consortium have produced a useful booklet explaining what is involved in setting up a scheme.

See <http://www.homeoffice.gov.uk/cdact/retail.pdf> for a copy or contact the Health and Safety section in the Legal department at Central Office.

The local authority may also be the contact point for raising an Anti-Social Behaviour Order if there are problems with persistent shoplifters or gangs of youths. Contact the community safety unit to find out the procedure and make sure that management know how to apply.

'No ID, no sale'

Several local authorities are promoting 'No ID, no sale' campaigns to deal with the problems around the need to refuse sales of restricted goods to under age customers. This is often a flashpoint for violent or abusive behaviour. The campaigns are intended to develop a culture where consumers understand and expect to be asked for ID. Find out if there is a campaign in your area and make sure that your store is supporting it.

The local authority may also be responsible for other aspects of the local shopping area such as car parks, street lighting and street furniture that can affect the risks of violent behaviour. If there are problems in any of these areas talk to the manager and to other workers in the shop or other shops in the area and make arrangements to approach the community safety unit together to ask for improvements.



9.4 Networking with others – Checklist for Usdaw reps

- If there are problems in your store has there been any contact with the local police?
- Have the safety representatives contacted the local authority Environmental Health Department?
- Are local councillors aware of Usdaw's *Freedom From Fear* campaign and of the importance of health and safety enforcement for Usdaw members?
- Is there a local crime reduction partnership and is your store involved in it?
- Are there specific safety issues in your local shopping centre that the local authority should address?

Section 10

Keeping in Touch with the Union

10.1 Networking with other Usdaw activists

Many of the problems in your own store may be shared with other Usdaw reps in nearby stores or in other stores with the same employer.

Use your local contacts with other Usdaw reps and your branch and divisional structures to share information about the problems and what you are doing to deal with them.

Keep details of useful Usdaw contacts on pages 40-41 at the end of this Guide.

If you are a representative on a consultative forum for one of the large employers, make sure that the issue is on the agenda at national consultative meetings.

If an idea has helped to improve things at one store, it may work at others.

10.2 If you need help or advice

If you are having difficulties with a major problem contact your Area Organiser at the local Usdaw office for assistance.

If you need advice or information, contact the Health and Safety section in the Legal department at Central Office. Contact details are in the address list on page 40.

10.3 Spreading the message

If you do have a major success in getting some improvements, we need to know about that as well.

If you have a story to tell contact the Media and Communications department at Central Office. Contact details are in the address list on page 40.

10.4 Contact list

Keep a list of useful contacts. To get you started we've given some of the addresses and suggested some of the people you might want to contact.

The address of the local Environmental Health Officer should be displayed on the Health and Safety Law poster at work. Other local officials should be easy to find in the phone book or at your local authorities web site.

Usdaw Area Organiser

Name: _____

Address: _____

Tel: _____

Mobile: _____

Usdaw Branch Secretary

Name: _____

Address: _____

Tel: _____

Mobile: _____

Other Usdaw reps

Name: _____

Address: _____

Tel: _____

Mobile: _____

Name: _____

Address: _____

Tel: _____

Mobile: _____

Health and Safety Officer
Legal department
Usdaw
188 Wilmslow Road
Manchester M14 6LJ
Tel: 0161-249 2441
e-mail: healthandsafety@usdaw.org.uk

Media and Communications department
Usdaw
188 Wilmslow Road
Manchester M14 6LJ
Tel: 0161-249 2444
e-mail: communications@usdaw.org.uk

Freedom From Fear campaign
Usdaw
Freepost
Manchester M14 7DJ
e-mail: freedomfromfear@usdaw.org.uk

Other useful contacts

Environmental Health

Name: _____

Address: _____

Tel: _____

Name: _____

Position: _____

Address: _____

Tel: _____

Police Community Liaison/Crime prevention

Name: _____

Address: _____

Tel: _____

Name: _____

Position: _____

Address: _____

Tel: _____

Crime Reduction Partnership Co-ordinator

Name: _____

Address: _____

Tel: _____

Name: _____

Position: _____

Address: _____

Tel: _____

Co-ordinator for Anti-Social Behaviour Orders Prevention

Name: _____

Address: _____

Tel: _____

Name: _____

Position: _____

Address: _____

Tel: _____



188 Wilmslow Road, Manchester M14 6LJ

Tel: 0161-224 2804

web site: www.usdaw.org.uk

e-mail: freedomfromfear@usdaw.org.uk

April 2003