

Preventing Under-age Sales

abuse is not part of the job



Refusing under-age sales is a common trigger for abuse, intimidation and even violence against shopworkers.



Selling age-restricted products, even by mistake, can result in shopworkers being sent to court and given a large fine. Usdaw recognises the difficulties faced by staff from youngsters attempting to purchase age-restricted goods.

Age-restricted products

It can be very difficult to assess a customer's age. People can become abusive or threatening when refused a sale.

It is still the responsibility of shopworkers to ensure that they do not make an under-age sale on a wide variety of products.

Trading Standards Officers are encouraged to conduct 'sting' operations to try to catch out shopworkers making under-age sales. The penalties are severe.

| Item | Minimum Age |
|--|--------------------|
| Knives, blades and similar items | 18 |
| Cigarettes, tobacco and e-cigarettes* | 18 |
| Lottery tickets and scratch cards | 16 |
| Petrol | 16 |
| Party poppers and caps | 16 |
| Aerosol paints | 16 |
| Crossbows and air guns | 18 |
| Alcohol | 18 |
| Fireworks | 18 |
| Solvents (if not for intended use)† | 18 |
| Butane gas lighter refills | 18 |
| Video, DVD, Blu-ray, cinema and computer games | 12, 15 and 18 |
| Christmas crackers | 12 |

*If e-cigarettes contain nicotine.

†It is legal to sell solvents to under-18s if you believe they will be used for their intended purpose, but it is illegal if you have reason to believe they may be used for inhaling.

Usdaw
Union of Shop, Distributive
and Allied Workers

What the law says

It is an offence to sell an age-restricted product to a young person who is under age.

To avoid prosecution, the seller has to 'take all reasonable steps' to avoid serving under-age customers:

- If in any doubt, ask for proof of age from the purchaser.
- Most retailers expect customers who are lucky enough to look under 25 to prove their age.
- If there is no valid ID, refuse the sale.

Penalties for making an under-age sale

Alcohol

- £90 penalty notice for disorder (on-the-spot fine).
- Court appearance and/or fine of up to £5,000.
- Removal of liquor licence.

These penalties apply to shopworkers and workers delivering alcohol to under 18s, ie dot com drivers.

Tobacco and aerosol paints

- Maximum fine £2,500.

Other products

- Maximum fine £5,000 and/or six months in prison.



What you should do

If your job involves selling age-restricted goods, you should follow the letter of the law. **If in any doubt at all, refuse the sale.**

- 1. Training:** Insist on training from your employer on company procedure for age-restricted sales and to inform you of all relevant legislation.
- 2. Ask:** Always ask the customer for proof of age if you have doubts. Most retailers expect customers to prove their age if they appear to be under 25.
- 3. Proof:** Request proof of age when appropriate. Only accept photo ID with the PASS hologram logo, or picture driving licences, passports or a local card scheme if it is supported by your Trading Standards Department.
- 4. No ID, No Sale:** Ask your employer to display 'No ID, No Sale' notices (available at www.noidnosale.com).
- 5. Refusals register:** Keep a register which will prove that you do refuse sales when in doubt. Make sure your manager signs the register every day. You can obtain a Refusals Register at www.noidnosale.com
- 6. Penalties:** Point out that you could get fined for making an under-age sale. It is an offence for a young person to attempt to buy alcohol if they are under 18. In Scotland it is also an offence to attempt to buy tobacco products if under 18.
- 7. Abuse:** Know company procedure for dealing with customers who become abusive when refused a sale. Report all incidents of abuse, threats or violence to your line manager and keep a record. This could be used to ban the person from the store, or as police evidence for an ASBO.
- 8. Stay calm:** You may have a long queue at your checkout and feel under pressure to rush. Don't let this stop you asking for proof of age.
- 9. Be polite but firm:** Other people in the queue will understand your dilemma and appreciate your determination not to break the law.
- 10. If in doubt, refuse the sale:** Call the manager or ask a colleague for assistance.



Support available

Your company

Your company has a duty to ensure that staff do not make under-age sales. Therefore, they need to give you the training and support necessary.

Some retailers, while not condoning under-age sales, offer staff support and representation if they are being prosecuted due to a 'sting' operation by Trading Standards Officers.

Your company also has a duty of care to protect you from violence and threats at work. If you are suffering intimidation and abuse, ask for support and a risk assessment.

See Usdaw's Freedom From Fear Campaign materials for further advice.
www.usdaw.org.uk/freedomfromfear

Ushaw

If you are subject to abuse, threats or violence, contact your Usdaw rep or Area Organiser for support in doing a risk assessment and ensuring practical measures are taken to protect you.

Ushaw's Freedom From Fear Campaign

Freedom From Fear is Usdaw's award winning campaign against abuse, intimidation and violence against shopworkers.

Ushaw is campaigning for a national Proof of Age scheme for youngsters and a compulsory No ID, No Sale policy to cut the number of attempted sales and help protect shopworkers.

To help our campaign, or for support, advice and practical measures you can take to make your store safer, visit www.usdaw.org.uk/freedomfromfear

Ushaw in no way condones under-age sales but we do support members who are subject to 'sting' operations.

If you are a member of Usdaw and subject to a 'sting' operation, contact the Legal Department as soon as possible on **0161 224 2804**.

Trading Standards

Ask the Trading Standards Department at your local Council to come and give you advice about preventing under-age sales. Check which local ID card schemes they authorise.

Police

Contact the police for support in dealing with persistent offenders.

Ask what evidence you will need to keep for them to take anti-social behaviour measures against those who abuse and intimidate staff.





Join Usdaw – together we can make the workplace a safer place



To get the best protection at work, join Usdaw, the shopworkers' union.

Usdaw offers you help and advice on your rights at work, and health and safety, as well as free legal services.

For immediate membership and full protection simply complete a membership form and return it to Usdaw's Central Office. Just write **FREEPOST USDAW** on the envelope and put it in the post. Or join online at www.usdaw.org.uk/join

You will receive a membership card with our Helpline telephone number and a New Member's Pack giving details of all the benefits and professional services available to you.

For further information

Call our Helpline on 0800 030 80 30
or visit www.usdaw.org.uk/freedomfromfear

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– Winning for members**

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