



The Scottish Parliament
Pàrlamaid na h-Alba

Non-Government Bills Unit

Gordon Lindhurst MSP
Convener
Economy, Energy and Fair Work
Committee
c/o Clerk to the Committee
Room T3.40

Room T2.60
The Scottish Parliament
Edinburgh
EH99 1SP

Tel: 0131 348 5951
Type Talk Direct No. 18001 0131 348 5951
ngbu@parliament.scot

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Dear Mr Lindhurst

Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill

As you probably know, the Non-Government Bills Unit (NGBU) has provided support to Daniel Johnson MSP in the preparation and drafting of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill, which has been referred to your committee for Stage 1 scrutiny.

It is part of NGBU's role to ensure best practice has been followed in undertaking an Equalities Impact Assessment (EQIA) for any Member's Bill that it has drafted.

I attach the EQIA which was carried out by NGBU in relation to the above Bill.

Yours sincerely

Andrew Mylne
Head of NGBU

Equality Impact Assessment

Protection of Workers (Retail and Age-Restricted Goods and Services)(Scotland) Bill	
(1) Aims of the Policy	
What is the purpose of the proposed policy?	<p>Under common law, it is a criminal offence in Scotland to assault another person. However, there are no laws in place which deal specifically with violence or abuse against retail workers or any other workers who are carrying out their legal duties in applying age-restrictions on goods or services.</p> <p>The purpose of the Bill is to provide increased protection for workers in the retail sector and those applying or enforcing an age-restriction in relation to the sale of or supply of goods or services by:</p> <ol style="list-style-type: none"> i. creating a new statutory offence of assaulting, threatening or abusing, or obstructing or hindering a retail worker; and ii. creating a statutory aggravation to the relevant behaviour if the assault, threat or abuse, obstruction or hinderance appears to be directly connected to the retail worker applying or enforcing a statutory age restriction to the supply or sale of goods or services.
What are the anticipated outcomes of the policy?	Anticipated outcomes include a reduction in the number of acts of violence and abuse through raised awareness of this kind of behaviour and the creation of a deterrent effect. It is anticipated also that victims will be more likely to report incidences of violence or abuse to the police.
Who will be affected by the policy?	<p>Reducing incidences of violence and abuse should offer additional protections to all individuals working in the retail sector.</p> <p>Business owners should benefit from a reduction in staff absence and turnover if the incidences of these behaviours decrease as a result of the Bill.</p>
(2) What is known about the diverse needs of those who will be affected by the policy	
Gender* (including transgender, maternity and pregnancy)	In response to the member's consultation, the Scottish Women's Convention noted that a high proportion of women are employed within the retail sector and fall within protected characteristics other than gender - for example,

	BME females who might face double discrimination for both their race as well as their gender.
Religion and Belief	It was not possible to source any evidence that retail workers are more likely to be attacked on the basis of their religious belief.
Age*	There do not seem to be any specific statistics regarding violence or abuse towards retail workers based on age. Some respondents to the consultation, however, felt that the Bill would offer better protection for young people who were likely to work “front of house” in the retail and hospitality sectors who might feel less confident in enforcing age restrictions due to the threat of abuse and intimidation.
Disability*	It was not possible to source any evidence that retail workers with a disability are more likely to be attacked on the basis of their disability.
Ethnicity and Race	<p>People from ethnic minorities can be subject to attacks or abuse based on their race. Scottish Government statistics show, for example, that in 2017-18 4,419 racist incidents were recorded by the police in Scotland.</p> <p>Reducing the number of incidents of violence and abuse could offer additional protections to all working in the retail sector, including those from ethnic minorities.</p>
Sexual Orientation	It was not possible to source any evidence that retail workers are more likely to be attacked on the basis of their sexual orientation.
Marriage and Civil Partnership	Not applicable.
(3) Is there enough information to help understand the needs and/or experiences of those affected by the policy	
Gender* (including transgender, maternity and pregnancy)	The research report “An analysis of abuse and violence towards retail staff when challenging customers for ID” provides statistics relating to instances of abuse or assault against retail workers by gender.
Religion and Belief	It was not possible to source information specifically relating to religion and belief and crime against retail workers.
Age*	The report “An analysis of abuse and violence towards retail staff when challenging customers for ID” provides

	<p>statistics on instances of abuse or assault against retail workers related to age.</p> <p>Responses to the member's consultation also highlighted the impact that the proposal may have on different age ranges of retail staff.</p>
Disability*	It was not possible to source specific research with regards to workers with a disability in the retail industry.
Ethnicity and Race	The report "An analysis of abuse and violence towards retail staff when challenging customers for ID" provides statistics on instances of abuse or assault against retail workers related to ethnicity and race.
Sexual Orientation	There do not appear to be any specific statistics available regarding assault or abuse of retail workers in relation to sexual orientation.
Marriage and Civil Partnership	N/A
If not, what other information is required	N/A
(4) What does the information given say about how the policy might impact positively and negatively on different groups	
Gender* (including transgender, maternity and pregnancy)	<p>Points made in response to the consultation included that the Bill should not focus solely on certain groups and should cover all workers regardless of whether they were protected under the Equalities Act.</p> <p>The offences created under this proposal should give men and women working within the retail industry equal protection from assault, threats, abuse, obstruction and hindrance and, as a result, help to create safer working environments for all.</p> <p>The provisions of the Bill should also act as a deterrent for this type of behaviour leading, eventually, to a reduction in overall levels of abuse and assault against retail workers.</p> <p>There are no anticipated negative impacts with regards to gender.</p>
Religion and Belief	The provisions of the Bill should encourage more individuals to report any crime against them and should

	<p>also have the added benefit of acting as a deterrent to this type of behaviour in the future.</p> <p>There are no anticipated negative impacts with regards to religion and belief.</p>
Age*	<p>As part of the wider benefit to retail workers as a whole it is hoped that the Bill will raise the profile of this type of behaviour and give younger workers more confidence when enforcing statutory age restrictions, knowing that they are specifically protected by law. As with previous sections, it is also hoped that this Bill will act as a deterrent to this type of behaviour.</p> <p>There are no anticipated negative impacts with regards to age.</p>
Disability*	<p>There does not seem to be any evidence to suggest that a person with a disability working in the retail industry is more or less likely to suffer abuse or assault. As part of the wider benefit to retail workers as a whole, however, it is anticipated that the Bill will have a positive impact on retail workers with a disability.</p> <p>There are no anticipated negative impacts with regards to disability.</p>
Ethnicity and Race	<p>Scottish Government statistics show that in 2013-14, 4,807 incidents involving racial abuse were recorded in Scotland. The same statistics show that 13.5% of these incidents occurred in a shop.</p> <p>Research shows that racial abuse from customers is common within the retail industry, especially involving the sale of alcohol or other age restricted products where an individual is asked for ID or refused sale. The proposals in the Bill should encourage more individuals to report this type of behaviour, raise awareness of the issue, and act as a deterrent.</p>
Sexual Orientation	<p>It has not been possible to source any specific information available on crime against retail workers related to sexual orientation.</p>
Marriage and Civil Partnership	<p>There are no anticipated impacts with regards to this protected characteristic.</p>
Completed by the Non-Government Bills Unit: January 2020	

Member's Comment on NGBU's Equalities Impact Assessment

Evidence gaps identified

No gaps identified by Member

Member's comment:

Adverse impacts identified

No adverse impacts identified by Member

Member's comment:

Completed by Daniel Johnson MSP: 23 January 2020