

## Respect at Work and Other Matters Amendment Bill 2024

<b>Submission No:</b>	33
<b>Submitted by:</b>	The Shop Distributive and Allied Employees Association (Queensland Branch)
<b>Publication:</b>	Making the submission and your name public
<b>Attachments:</b>	See attachment
<b>Submitter Comments:</b>	



**Submission by**

**The Shop Distributive and Allied Employees Association  
(Queensland Branch)**

**To**

**The Queensland Parliament**

**Date Submitted: 3<sup>rd</sup> July 2024**

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## **Preamble**

The Shop Distributive and Allied Employees Association (SDA) welcomes the opportunity to make a submission to the Community Safety and Legal Affairs Committee in relation to the ***Respect at Work and Other Matters Amendment Bill 2024***

The Shop Distributive and Allied Employees Association - Queensland Branch (SDAQ) represents the interests of some 30,000 retail, fast Food, hairdressing, pharmacy, online retailing, modelling and general retail distribution employees; many acting in positions that require close physical contact and social interaction with customers and the general public. They are hard working frontline essential workers that kept the community fed, clothed and supported the pharmaceutical needs of the community through the Covid-19 pandemic and have since seen an increasing scourge abuse and violence whilst doing their work.

A majority of members and the retail workforce are women and young people that need specific protections when faced with increased violence and attacks. Consequently, the SDAQ has a long history of advocating for protections of members and ensuring that workplaces are safe. It is a primary concern of the SDA to ensure frontline essential service workers are protected and for those that might consider or actually do breach those protections to be given the full extent of the law for violation of those protections.

Our submission acknowledges and supports the proposed legislative amendments to the Penalties and Sentences Act 1992.

The SDAQ has vigorously campaigned and presented submissions to parliament seeking legislative amendments that give protections specifically to Retail industry front line workers who are particularly vulnerable to abuse and violence. Furthermore, we sought legislative enactments that where an offence is perpetrated against such essential workers in the course of their duties that the strictest penalties and punishment are imposed on the offending person.

The SDAQ considers any negative actions committed in any setting as a serious matter. However, a person performing a duty should be attributed with due respect and dignity and in particular those at the forefront face a vulnerability and higher degree of risk.

The SDAQ holds a position that retail workers should be regarded in a special category of particularly vulnerable service personnel that are subject to a greater possibility of verbal/physical abuse. Whilst historically retail workers were not considered "*frontline*" or "*emergency service workers*" they were so identified during the pandemic to be an 'essential service' and accordingly remain in our submission in a specialised category that

should have the same protections and ramifications for others who perform front line roles that have protections and penalties already in place.

### ***Penalties and Sentences***

This submission's focus is in relation to the proposed amendment of the ***Penalties and Sentences Act 1992***. At the outset the SDAQ applauds the proposed amendment. Whilst it does not specifically refer to retail industry employees it will in our submission provide a level of protection and deterrent to perpetrators of abuse or violence to retail industry workers.

The SDAQ strongly supports proposed ***Section 9 subclause 10 (F)*** where a presumption of aggravation (unless the court considers it is not reasonable to do) is imposed when the act or offence is against a person whilst performing their role.

It is our submission that such a legislative amendment positively promotes a protection for society as a whole where a perpetrator might consider the strict consequences before engaging in the negative activity against a retail worker.

The SDAQ campaigned for the imposition of an appropriate penalty with a corresponding extension of the application of ***Section 340*** of the ***Queensland Criminal code*** to incorporate and define retail workers as essential / frontline workers and that any ***work-related violence and aggression*** would be any incident where a person is abused, threatened, intimidated or assaulted at work by another person and to be regarded as an aggravated assault and appropriate penalties and punishment to be applied.

Whilst the amendment to the ***Penalties and Sentences Act 1992*** does not specifically address the above campaign it does give in effect to the intent of what was proposed and accordingly the SDAQ supports the proposal.

### ***The SDA case for legislative change***

The SDAQ has seen a substantial increase in incidents of abuse directed to retail and fast food workers. In recent years the SDAQ has received hundreds of calls by members in particular:

- being threatened with or actually physically assaulted
- being verbally abused during the pandemic by customers for enforcing public health directives (e.g. sanitisation requirements)
- being abused when doing bag checks or security checks (door greeting duties).
- being abused when stock or operational issues arise (cash register closures etc).
- being threatened with or actually assaulted via spitting or coughing.
- being repeatedly harassed (either verbally or physically) by specific customers to the point the employee seeks transfers of locations, the employer or property owner not having sufficient power to ban the abuser from the premises.

## **SDAQ - Union survey & impacts**

Following the peak of Covid-19 in November 2022 the SDAQ surveyed members in relation to customer abuse. The union had more than 1200 responses with some 58% having experienced abuse in the last 12 months. 89% said they had been verbally attacked and almost 10% had experienced both verbal and physical assault.

The survey allowed for written submissions. Out of the 460 written responses received a common thread was that customers in general were increasingly aggressive to the point that workers were being threatened and/or assaulted on an almost daily basis.

Some example comments by members from the surveys were as follows:

- "Price of fuel is too high so it was my fault, got yelled at by the customer and called me names"
- "Yelling at me because I have no control over what is not on the shelf. And no I don't know when it will be in."
- "Customer would not show bag and started to yell and scream."
- "The customers abuse me cause when his card declined he raged on me saying that I stole his money and that he is going to call the police, get me fired and try to kill me."
- "Yelled at, called names, being boxed into a corner or against the online trolley, things shoved at you, hit with customer trolleys, sexually charged comments"

The impact of abuse on workers is significant. There are long term physical and psychological traumas that result in significant personal issues and/or work cover claims. A combined 88% response indicated the abuse is causing ongoing mental health concerns. Some 156 written responses specifically categorised that the events had a psychological impact.

Some example comments by members from the surveys were as follows:

- "Makes me angry because they feel it is OK to do it"
- "Really disillusioned for a few weeks, as I always try really hard to provide a positive experience for every customer. It really knocked my confidence in my ability to handle difficult customers effectively. This was exacerbated by the lack of a physical barrier between us."
- "I was anxious she would come back. Just try to get on with my job. I told my manager, he said he knew who she was."
- "Cut my hours so I didn't have to work on registers"

Generally the SDAQ have seen an increase in calls to the office and Organisers or Shop Stewards giving feedback related to customer abuse, aggression and physical identifying that violence is on the rise. This is in combination with members indicating that "Theft" is increasing and this is a major contributor to abuse and /or violent incidents.

## **NODAS**

The committee may be aware of the nationally recognised ‘**No One Deserves a Serve**’ [NODAS] campaign initiated by the SDA to promote the plight of retail workers and to highlight that abuse ( both verbal and physical) regularly occurs in the retail industry and that it is not to be condoned or ignored and should be recognised when holding perpetrators of such acts to account for their actions.

NODAS utilises national advertising and media to promote the cause and it has been recognised and acknowledged by workers, the general public, employers and by agencies such as Workcover Queensland to be a positive initiative in an effort to protect health and safety and eradicate workplace risks.

The SDAQ promotes the general proposition used by the Office of Industrial Relations – Workplace Health and Safety Queensland<sup>1</sup> that **Work-related violence and aggression** is any incident where a person is abused, threatened, intimidated or assaulted at work by another worker or member of the public. This definition covers a broad range of actions and behaviours that can create a risk to the health and safety of workers, including both physical and psychological harm, regardless of any intent to cause such harm.

The SDAQ continues to advocate that this definition is adopted as a premise to introduce legislation that creates the basis for increased pecuniary and criminal offences for violence and actual or threatened verbal and physical abuse of retail and fast food workers.

The proposed changes to the Penalties and Sentencing Act 1992 will go some way to addressing this.

### ***Youth issues & impacts***

The SDAQ has received increasing comments and feedback originally initiated by concerns about “**youth gangs**” in shopping centre carpark at night. Incidents generally related to issues of intimidation but has now escalated to property damage, vandalism and workers feeling threatened and scared to leave the stores – especially at night.

Whilst the union has been proactive when negotiating enterprise agreements that provide “safe escort” provisions this is not a panacea to resolve such issues. Operational barriers such centre security staff not responding to phone calls or taking long periods of time to show up.

There have been more reports of these concerns occurring during daylight hours, with youths actively going through carpark looking in cars. As an example; one of the

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<sup>1</sup> Preventing and responding to work related violence, Office of Industrial Relations Workplace Health and Safety, July 2014

SDAQ's Organisers was sitting in their car and a young person tried to forcibly open the car door (presumably to steal it) not realising the Organiser was in the vehicle.

The union has received feedback of increased numbers of school children, in uniform, and unaccompanied, frequenting shopping centres through the day. Typically they are in groups, and will enter a store and disperse knowing it's harder for them to be tracked that way. When they get approached by workers to see if they need assistance, they will react aggressively, accuse the workers of profiling and harassing them. We are seeing similar instances with door greeters when asking to check bags and/or receipts, despite it being a condition of entry.

Feedback from members suggests that while the abuse comes from people of all ages and gender, it's becoming far more common from young people. The SDAQs concerns were primarily focused on customers who enter stores and then become aggressive because of something that happens in store, or just has had a "bad day" and takes it out on a retail or fast food worker, to individuals and groups who are entering stores with the intent to do a wrong or unlawful act and have little regard for consequences.

It is significant that those perpetrating these actions appear to accept that workers can do little to stop them, and they know that if security is present they also have limited ability. Of significant concern the perpetrators appear to now react with increased violence including the use of weapons when challenged.

An abhorrent attack in Toowoomba occurred where sadly a 75 year old man lost his life (See link <https://7news.com.au/news/qld/elderly-toowoomba-man-allegedly-attacked-by-teen-in-taxi-rank-to-have-life-support-turned-off-c-9699639>) It appears the youth was with a number of other youths which attacked the man without provocation

A 19 year old retail worker was violently attacked in a major retail supermarket (See link: <https://www.news.com.au/lifestyle/real-life/news-life/confronting-moment-woolies-worker-bashed/news-story/5f165163119206a71496a06079104a08>) The incident occurred in front of many customers who looked on in horror as the young worker struggled with the abusive customer. Whilst it is unclear what prompted the incident it is suggested that the worker had requested the customer to vacate the store moments prior to the incident. The incident is now a matter of police investigation but the reality in this is that there was a young worker placed at risk because of not having sufficient protections or powers to possibly ban an abusive person.

In Town Hall meeting members of the Toowoomba community voiced their concerns and told of harrowing stories about the increase of youth crime and most importantly from the SDAQ perspective that such incidents were on the increase in workplaces and specifically in retail establishments (see link <https://www.abc.net.au/news/2023-02-16/youth-crime-forum-toowoomba-community-safety-police/101977706>)

Further, last year a retail supermarket worker was stabbed while she stocked shelves in the pet food aisle in a store at Perth. A woman was restrained and escorted from a Darwin Woolworths after allegedly verbally abusing and lunging at staff. An Alice Springs store was locked down after a young boy entered wielding a machete.

These examples are evidence of the increasing violence being perpetrated against retail workers and the community in Queensland. The public (and retail and fast food workers in particular) face violence and in some cases life threatening situations and as a consequence it is the SDAQ's submission the measures taken by the government are warranted but we do seek to have stronger more focused measures targeted specifically for retail and fast food workers.

The SDAQ also notes the previous extension of "Jack's Law" to shopping centres as another significant step the Queensland Government has taken to address these issues, but we believe more is still needed.

Anecdotally, members have also stated that some retail centres have had Police Beats removed which limits any authoritative presence and diminishes the ability of having a police officer attend rapidly when an incident occurs or to even just deter negative behaviours.

### **Changes to the Summary Offences Act 2005**

The SDAQ submits that to further protect workers the ability of occupiers to have a legislated right to formally prevent and ban perpetrators who threaten or actually abuse and assault workers must be enacted. The failure to then comply with such orders can result in appropriate penalties or summary offences .

It is suggested that the appropriate legislative instrument to insert such additional legislative change would be the Summary Offences Act 2005.

The SDAQ is aware that the Northern Territory Government recently introduced a Bill to parliament called – **Trespass Act 2023**. It is submitted that this piece of legislation is a particular pertinent example of the type and content of legislation that the SDAQ would envisage to protect Retail and Fast Food workers in Queensland regarding the matters outlined. (see link

<https://legislation.nt.gov.au/en/LegislationPortal/Bills/~//link.aspx? id=C2622B9B06FB48A48D4729CF2B823E82& z=z>)



The intent would be that employers/occupiers and relevant state authorities have increased ability backed by appropriate legislation to remove and ban perpetrators.

The SDAQ is resolute in its dedication to promote a safe working environment for all retail industry workers, to this end it is humbly submitted that the penalty and sentencing changes in the proposed Bill are supported by my organisation.

Yours sincerely,



Justin Power  
Queensland State Secretary