



Government
of South Australia

SafeWork SA

Preventing Violence and Aggression in Retail Proactive Compliance Project 2022 Project Closure Report

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Executive Summary

The retail industry is a vital industry in South Australia and contributes significantly towards local employment. Retail work includes frequent contact with the members of public and introduces many potential hazards and risks to the safety and wellbeing of retail workers including violence and aggression.

A national survey conducted by the Shop, Distributive and Allied Employees' Association (SDA) as part of their *No One Deserves a Serve Campaign* in 2017 found the following:

- 85% of respondents have been subjected to verbal abuse from a customer in the last 12 months.
- 24.35% were subject to verbal abuse every week.
- 14.49% have experienced physical violence from a customer.
- 33.54% of respondents said they had felt threatened by a customer 1-2 times in the last 12 months.
- 64.30% of respondents said they had not received any training in the last 12 months on how to deal with threatening situations, including abusive or violent customers.

There have also been various examples of distressing footage of violence against retail workers which have been published on both social media and by news outlet between 2018 and 2021.

SWSA attended 89 retail workplaces around South Australia, including metropolitan and regional locations between June 2022 and January 2023. Sites were selected based on past Return to Work SA data indicating past incidents of violence or aggression between July 2018 and June 2021.

During the project Inspectors issued 28 Improvement Notices with the dominant area of non-compliance being a lack of training for workers on dealing with violence, aggression, or armed hold up. This accounted for 42% of all non-compliance identified. A lack of a safe system of work for dealing with violence, aggression or armed hold up was the next highest area of non-compliance which accounted for 14% of all non-compliance identified.

One expiation notice was issued for failing to comply with an Improvement Notice.

Service stations were found to have the largest number of notices issued, however they also accounted for the most site visits undertaken. Adjusting against site visit percentage by retail type was considered to provide a proportional result, however some retail types were underrepresented in the audit to the point where any result would not be statistically relevant.

It is recommended that SafeWork SA:

- conducts the Violence in Retail Audit in any retail or fast-food venue which SafeWork SA receives a complaint about in 2023, utilising the same audit tool used for this campaign.
- publish this report and the audit tool used in this campaign on its website to allow PCBU's and Workers access for their information and for their use in ensuring their workplace complies with their health and safety duties.
- engage with Industry stakeholders and to consider consulting with them to assist in informing any future audit projects covering violence, aggression, and armed hold up in the retail industry.

Introduction

SafeWork SA's primary function is to regulate the work health and safety (WHS) laws in South Australia through a combination of education and compliance activities.

SafeWork SA regulates compliance with the Work Health and Safety Act 2012 (SA) ("the Act") and the Work Health and Safety Regulations 2012 (SA) ("the Regulations") and can require a Person Conducting a Business or Undertaking ("PCBU") to rectify safety breaches through the issuing of statutory notices, expiations (fines), or prosecution.

The retail industry is a vital industry in South Australia and contributes significantly towards local employment. The nature of retail work which includes frequent contact with the members of public, introduces many potential hazards and risks to the safety and wellbeing of retail workers. This includes violence and aggression in the workplace.

A PCBU has a duty to ensure that the risk associated with violence and aggression in the workplace is eliminated. Where a PCBU cannot eliminate the risk, the risk must be minimised so far as reasonably practicable by applying the hierarchy of controls.

Background

In the period from January 2021 and January 2022 SafeWork SA received multiple complaints or notifications involving violence directed toward a worker in a retail setting. Some of those instances were alleged to involve threats being made to a worker of robbery and instances of assaults against workers.

A national survey conducted by the Shop, Distributive and Allied Employees' Association (SDA) as part of their *No One Deserves a Serve Campaign* in 2017 found the following:

- 85% of respondents have been subjected to verbal abuse from a customer in the last 12 months.
- 24.35% were subject to verbal abuse every week.
- 14.49% have experienced physical violence from a customer.
- 33.54% of respondents said they had felt threatened by a customer 1-2 times in the last 12 months.
- 64.30% of respondents said they had not received any training in the last 12 months on how to deal with threatening situations, including abusive or violent customers.

There have also been various examples of distressing footage of violence against retail workers which have been published on both social media and by news outlets between 2018 and 2021.

This compliance project was launched on the weight of this information and demonstrates SafeWork SA's commitment to ensuring a safe working environment for workers through targeted education and enforcement of the Act.

The project audits were undertaken using a standardised audit tool with the aim to ensure that PCBU's were aware of and meeting their obligations to workers when it comes to violence and aggression in the retail workplace.

Any non-compliance identified by the Inspector that could not be remedied by the PCBU while the Inspector was on site was dealt with by the issuing of statutory notices.

Scope

SafeWork SA selected 98 retail workplaces for audit based on data sourced from Return to Work SA (RTWSA). The workplaces were selected based on prior history including alleged past incidents of violence or aggression between July 2018 and June 2021.

Auditing was undertaken between June 2022 and January 2023. The auditing program was initially scheduled for a period of 6 months; however, this timeline was extended to allow for the busy December Christmas trading period. At the time of this report being produced, a couple of the files remain open with statutory notices with PCBU's actively engaged in compliance activities.

Inspectors assessed the following aspects requiring evidence to validate each response:

- Does the PCBU have a system for dealing with aggressive or violent customers?
- Does the PCBU have an armed hold up procedure?
- Are controls such as security guards, screens, alarms, CCTV, signage, workplace layout or multiple staff working together maintained to deal with aggressive clients?
- Are employees provided with access to assistance to deal with aggressive clients?
- Have managers, supervisors and workers received training in the PCBU's systems?
- Are workers consulted in the implementation of control measures for managing aggression and violence in the workplace?

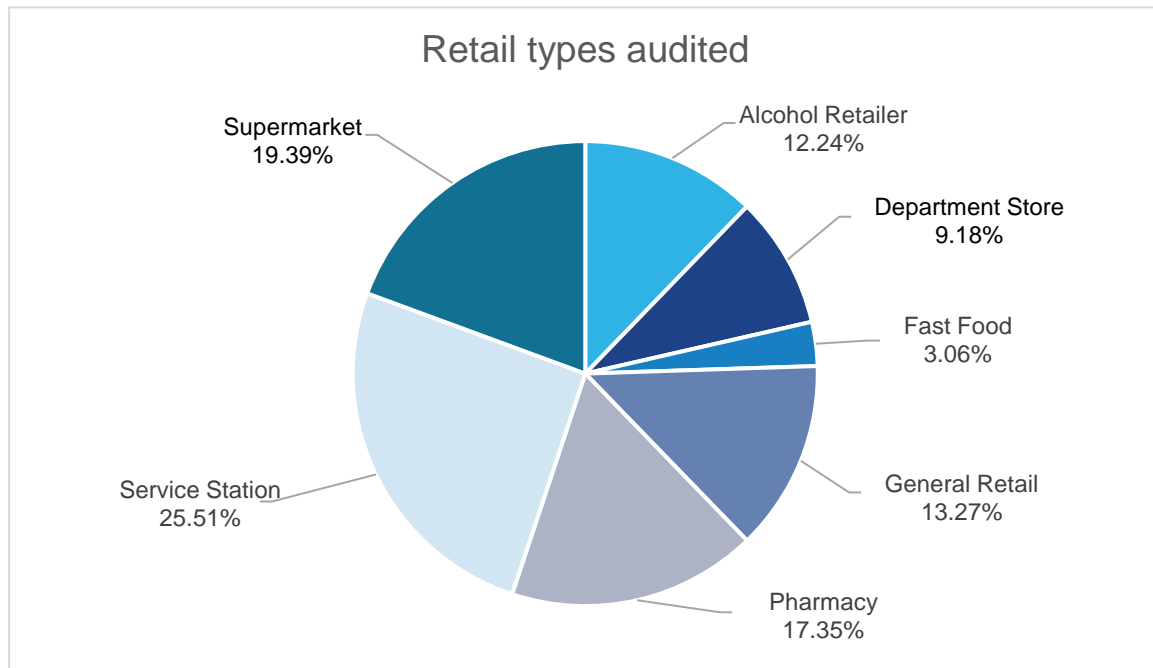
Inspectors also provided guidance and information to PCBU's to assist them in meeting their obligations. If required, Inspectors issued improvement notices and/or prohibition notices to ensure any identified risks were adequately controlled.

Industry Audits

A range of retail business types were included in this proactive campaign including: fast food, service stations, supermarkets, department stores, pharmacies, and general retail, which includes services and specialty stores.

Figure 1 (below) provides the percentage of retail store type audited as part of this campaign.

Figure 1



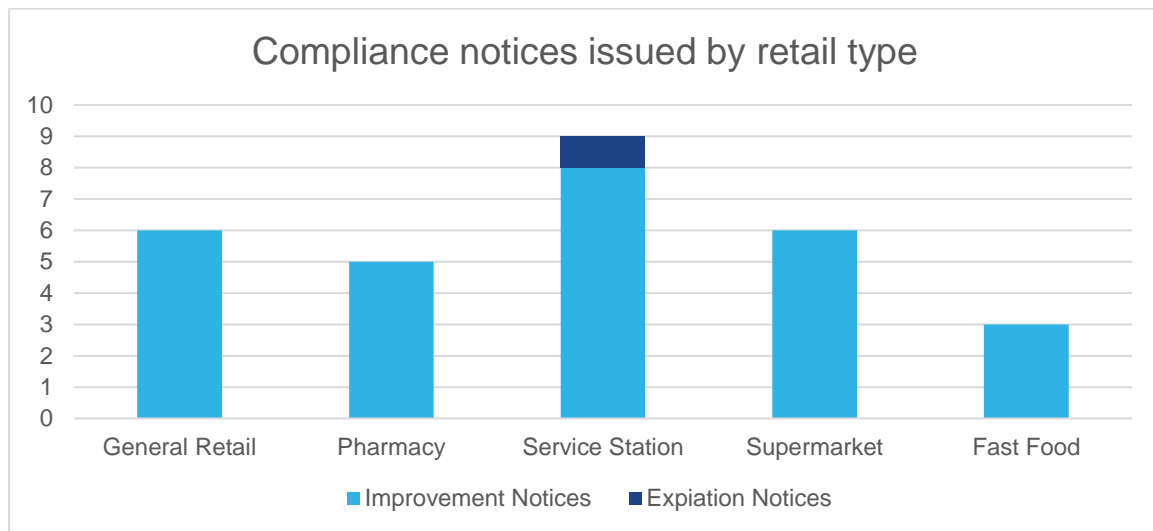
Statutory Notices

Audits were conducted at 98 sites during the campaign, resulting in 29 statutory notices being issued in response to non-compliance or offences consisting of:

- 28 improvement notices
- 1 expiation notice (failure to comply with an improvement notice)

Figure 2 (below) shows compliance notices issued by retail type.

Figure 2



Statutory Notice Analysis

Expiation Notices

An expiation notice was issued as a result of a PCBU failing to comply with an Improvement Notice issued at the workplace as a result of this project.

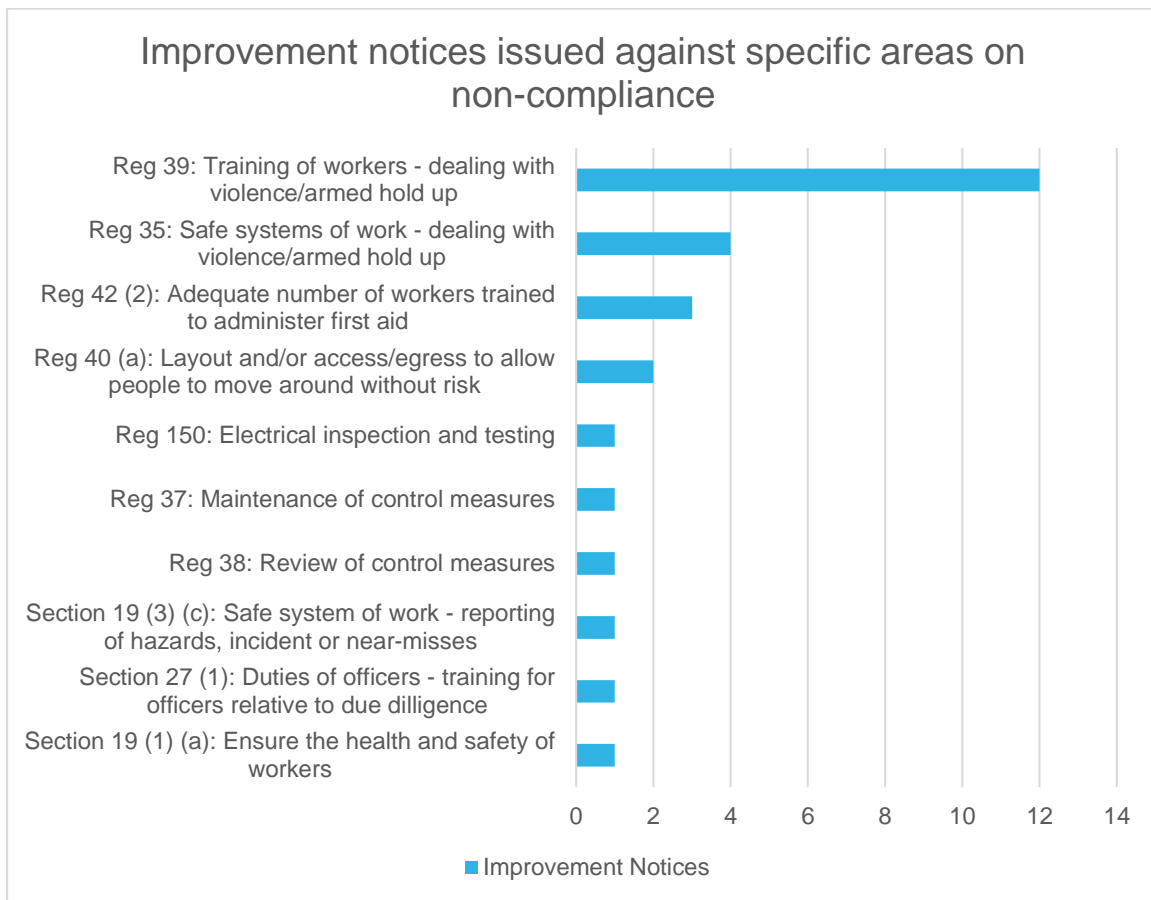
Failing to comply with an Improvement Notice is an expiable offence, the penalty for which is a fine of \$3,600 for a body corporate plus \$60 for the victims of crime levy.

In the event of an expiation notice being issued for this offence, another Improvement Notice is issued to deal with the initial non-compliance identified.

Improvement Notices by Areas of Non-Compliance

Figure 3 (below) demonstrates the number of notices issued against a specific area of non-compliance with reference to the relevant Regulation (Reg) or section of the Act.

Figure 3



Improvement Notices issued under WHS Regulation 39

12 improvement notices were issued under this regulation. PCBU's issued with these notices could not provide inspectors with evidence that workers, which can include managers and supervisors, had received training in dealing with violence, aggressive customers, or armed hold ups.

Improvement Notices issued under WHS Regulation 35

4 improvement notices were issued under this regulation. PCBU's issued with these notices could not provide evidence that they had safe systems of work in place to control the risk associated with violence, aggressive customers, or armed hold ups.

Non-compliance in this area commonly includes a lack of training as no system is implemented at the workplace in which to train workers.

Improvement Notices issued under WHS Regulation 42 (2)

3 improvement notices were issued under this regulation. PCBU's issued with these notices could not demonstrate that an adequate number of workers are trained to administer first aid at the workplace.

In determining what is adequate, the Code of Practice for First Aid in the Workplace recommends consideration of the following factors (among others); the maximum number of workers present at one time, the nature of the work being carried out and risks faced by workers and the variety of ways workers conduct their work – such as shift workers with possible sporadic coverage.

Improvement Notices issued under WHS Regulation 40 (a)

2 improvement notices were issued under this regulation. It was observed that stock was stored in a way that prevented safe movement about the workplace and that a shelving unit was positioned in a way that may create a risk to health and safety.

Improvement Notices issued under WHS Regulation 150

An improvement notice was issued under this regulation to a PCBU who could not provide evidence that electrical equipment was regularly inspected and tested by a competent person.

This requirement is activated if electricity is supplied to the equipment through a socket outlet and is used in an environment that exposes it to conditions that are likely to result in damage. This includes conditions such as moisture, heat, vibration, mechanical damage (flexion, impact etc.), corrosive chemicals or dust.

Improvement Notices issued under Regulation 37

An improvement notice was issued to a PCBU after it was identified that existing controls implemented to minimise the risk associated with violent or aggressive behaviour against workers were not adequately maintained. In this case, the notice specifically related to an interim control measure being used until a higher-order engineering control could be implemented.

A PCBU has a duty to ensure that risk control measures are adequately maintained to ensure they remain effective and fit for purpose.

Improvement Notices issued under Regulation 38

An improvement notice was issued to a PCBU after it was identified that implemented controls at the workplace were not effective in minimising the risk associated with violent or aggressive behaviour against workers.

A duty holder must review risk control measures implemented at a workplace and if necessary, revise them, particularly if the control measure fails to control the risk it was implemented to control.

Improvement Notices issued under Section 19 (3) (c)

An improvement notice was issued to a PCBU when it was identified that they did not have a safe system of work to allow WHS incidents, hazards or near-misses to be reported or investigated.

Improvement Notices issued under Section 27 (1)

An improvement notice was issued to a PCBU relative to the responsibilities of an officer.

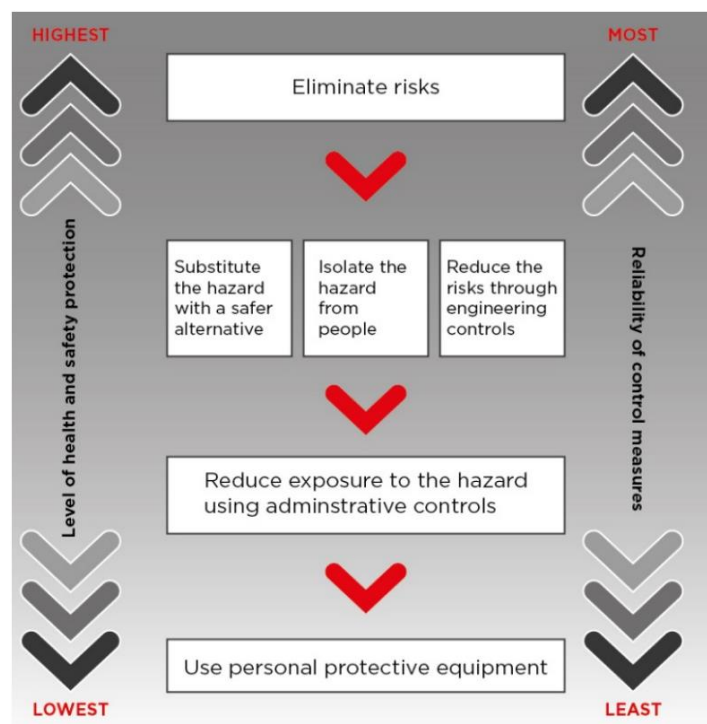
The notice directed the officers of the company to undertake training to provide them the relevant information and skills to allow them to exercise due diligence. In general terms, due diligence is exercised, by taking reasonable steps to ensure that the PCBU meets its compliance obligations under the Act.

Improvement Notices issued under Section 19 (1) (a)

An improvement notice was issued to a PCBU after it was identified that a higher-order engineering control was recommended to reduce the risk associated with violent or aggressive behaviour against workers.

If a risk to health and safety cannot be eliminated, any control measures that are implemented at the workplace must be done in accordance with the hierarchy of control. The hierarchy of control prioritises types of control measures based on their effectiveness in reducing risk. See figure 4, below.

Figure 4: Hierarchy of Control



Trends

Training and Instruction

By far, the leading area of non-compliance identified in this project was failure to provide workers (which can include managers and supervisors) with sufficient training in responding

to violence, aggression, or armed hold-up. 43% of improvement notices issued in the campaign addressed this issue.

Several of the PCBU's that could not provide evidence of training had safe systems of work in place to deal with such incidents but without worker training, those systems do not remain an effective control to reduce risks to health and safety.

A PCBU has a duty to provide workers with any information, training and instruction that is necessary to protect all persons from risks to their health and safety arising from work.

Safe Systems of Work

The next leading area of non-compliance identified was the absence of a safe system of work to reduce the risk to health and safety arising from violence, aggression, or armed hold-up.

In the 98 sites attended by Inspectors, 4 were found not to be complying with their duty to provide and maintain safe systems of work.

Safe systems to manage the risk associated with violence, aggression or armed hold up could include a policy or procedure on dealing with these incidents including roles and responsibilities, a policy or procedure to report and respond to these incidents including review of control measures. These systems provide clarity to workers and support other controls implemented at the workplace in reducing risk.

Recommendations

It is recommended that SafeWork SA:

- conducts the Violence in Retail Audit in any retail or fast-food venue which SafeWork SA receives a complaint about in 2023, utilising the same audit tool used for this campaign.
- publish this report and the audit tool used in this campaign on its website to allow PCBU's and Workers access for their information and for their use in ensuring their workplace complies with their health and safety duties.
- engage with industry stakeholders and to consider consulting with them to assist in informing any future audit projects covering violence, aggression, and armed hold up in the retail industry.

Further information

For further information and advice on complying with legislative requirements, visit the SafeWork SA website at safework.sa.gov.au or call SafeWork SA on 1300 365 255.

You can also request a visit from our advisory service, who can provide practical advice based on your workplace's industry, size, risk, and complexity. Our advisors can visit your workplace to help you understand your work health and safety responsibilities, as well as provide practical support to improve your systems, practices, and general approach to safety.

Appendix A – Audit Tool

PREVENTING VIOLENCE AND AGGRESSION IN RETAIL



Government of South Australia
SafeWork SA

COMPLIANCE CAMPAIGN 2022

Site Visit Report

INTERNAL USE FORM ONLY

Date / / Time : AM / PM

PCBU DETAILS

Entity Name	<input type="text"/>	ABN	<input type="text"/>
Trading as	<input type="text"/>		
Business Type	<input type="text"/>	Industry Sector	<input type="text"/>
Address	<input type="text"/>		
Suburb	<input type="text"/>	State	<input type="text"/>
Postcode	<input type="text"/>		
Phone	<input type="text"/>	Email	<input type="text"/>
Association	<input type="text"/>	Member	
Site Address	<input type="text"/>		
Site Representative Contact Info	<input type="text"/>		

EVIDENCE

<input type="checkbox"/> CCTV	<input type="checkbox"/> Access / Egress	<input type="checkbox"/> Signage
<input type="checkbox"/> Armed hold-up training	<input type="checkbox"/> EAP	<input type="checkbox"/> Training in managing violence & aggression
<input type="checkbox"/> Other	<input type="text"/>	

SIGN OFF

PCBU Rep. Name	<input type="text"/>
PCBU HSR Name	<input type="text"/>
Inspector Name	<input type="text"/>

OFFICE USE ONLY

Date Entered	<input type="text"/> / <input type="text"/> / <input type="text"/>	Client ICN	<input type="text"/>	InfoNET File No.	<input type="text"/>
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	Assessment topic	Yes / No	Notice Required	Act / Reg	Evidence / Comments
Provision of safe systems of work					
1	Does the PCBU have a system (process/procedure) in place for dealing with aggressive and/or violent clients? Reg 34 & 35				
2	Does the PCBU have an armed hold up procedure? Reg 34 & 35				
3	Does the procedure encourage workers to report violent/aggressive client behaviours to the PCBU? Reg 38				
4	Are identified control measures maintained for workers to deal with aggressive clients? For example: <ul style="list-style-type: none"> • Security guard • Security screens • Duress alarm • CCTV • Multiple staff • Signage • Workplace layout Reg 37				
5	Does the PCBU have a system in place to assist workers (eg : EAP) who are exposed to aggressive clients or armed hold up? Reg 35				
6	Is there a system in place for PCBU and/or workers to request assistance from centre management to deal with aggressive clients? Reg 35				
Consultation and training					
7	Has the PCBU conducted training on the procedures for dealing with aggressive customers? Reg 39				
8	Are workers consulted in implementation of control measures for managing aggression and violence in the workplace? S 47				

9	Has the PCBU provided training and instructions to workers on armed hold-up procedure? S 39				
10	Are managers and supervisors provided with training to deal with violent and aggressive clients including reporting from workers? S39				

PREVENTING VIOLENCE AND AGGRESSION IN RETAIL - COMPLIANCE CAMPAIGN AUDIT 2022

Inspector/s:			
PCBU:			
Location of audit:		Date of audit:	/ /

Audit tool section	Summary of observations and actions
1	
2	

DISCLAIMER: This report only deals with matters the subject of the specific inspection. It does not purport to indicate overall compliance status of the relevant duty holder(s) with work health and safety laws.