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| **UNI Asia & Pacific Regional Organisation** |
| Workplace Harassment and Violence against Retail Professionals |
| A Guide for addressing Workplace Harassment and Violence by UNI Apro Commerce |

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| **UNI Asia & Pacific Regional Organisation** |

First published in February 2019

**Workplace Harassment and Violence against Retail Professionals: A Guide for addressing Workplace Harassment and Violence by UNI Apro Commerce**

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# MESSAGES

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| Christopher Ng **Regional Secretary**  **UNI Asia & Pacific Regional Organisation** |  |

The advent of the Fourth Industrial Revolution has impacted all sectors of the economy globally, and the retail industry is no exception. Some of the most visible changes have taken place in the retail sector with increasing reports of human-less stores or self-checkout kiosks becoming more prevalent. At the same time, retail professionals are still needed for the operation of retail stores, and they remain essential to providing the human touch that defines the store experience for many shoppers. As the number of consumers and retail stores grow in the Asia Pacific region, more incidents of retail professionals being abused, assaulted and harassed have been surfacing especially with the aid of the internet and social media. This is a worrying trend.

Retail professionals like any other worker are and should be protected by existing Occupational Safety and Health legislation and policies. However, injury or emotional distress arising from third-party misconduct especially in the services sector has not been adequately covered by existing policies. The International Labour Organisation is intensifying their understanding and response to this gap, and we are hopeful a new international labour standard and recommendation can emerge sooner. In the meantime, we hope to encourage and inform our affiliates of the developments and what they can do on the ground to better protect their members, in particular, the women and youth who have been found to be more vulnerable to such unwarranted abuse and harassment.

On behalf of UNI Apro, I thank UA Zensen Japan and SDA Australia for sharing with us their experiences and resources in the development of this guide. We hope their examples can inform and inspire the affiliates in the retail sector to develop their strategic response to tackle harassment and violence at the workplace. We also hope that affiliates can use this guide in their dialogues with management to foster better partnerships to create healthier and safer working conditions for retail professionals, and a more conducive environment for their customers.

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| Shoichi Hachino **Vice President, UNI Global Commerce**  **Vice President, UA ZENSEN** | \\honfl-sv\honbu\D\012_広報局\21_役員・書記局写真\☆2018.09.28_UAZ新聞4面　役員顔写真\1.三役（12名）\八野正一.jpg |

I am pleased to extend my warmest congratulations on publication of UNI APRO’s Guide on Addressing Violence and Harassment against Retail Professionals.

A customer complaint arises from a customer’s dissatisfaction related to the commodity or service and requires a company or store to make a responsible response. A customer complaint can be valuable information to help improve services.

However, recently, mass media has been reporting many news on various organizations apologizing and it is becoming everyday matter that consumers demand shop workers to apologize. There are many cases where workers in commerce and service sectors are greatly suppressed by unreasonable demands by customers and it interferes with their daily duties. Unreasonable demands by customers is now a social problem as a new form of harassment.

Feedback by customers should be faithfully handled by companies or stores with ceaseless efforts so that level of service of the sectors would be improved. On the other hand, it is obvious that there are “malicious complaints” which exceed socially accepted scope. We need to confirm that “customer is not a king” in order to build healthy and equal relations between consumers and workers and where both of them are respected. Firm attitude to malicious claims are needed to protect service workers which will in the end make our sectors more attractive for people.

Debate on setting a new standard on prevention of harassment and violence at work are going on at ILO, which is closely watched globally. Some UNI affiliates have been organizing campaigns to combat harassment and violence at work and many affiliates are interested in this issue. Harassment by customer is becoming a common issue everywhere in the world and needs to be tackled.

To solve the problem, this Guide is a great help to raise awareness on the issue nationally and internationally and for the unions to take action to solve the problem. I highly expect that safe and comfortable workplaces for all commerce and service workers would be ensured by utilizing this Guide.

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| Gerard Dwyer **President, UNI Apro Commerce**  **National Secretary/Treasurer**  **Shop, Distributive & Allied Employees' Association** |  |

Every worker has the right to a safe workplace and any form of harassment or bullying violates that right.

Retail and fast food workers are too often subjected to harassment and abuse from customers and usually for matters that they have no control over. Items that are out of stock, long waits at the checkout and a host of other issues may cause frustration for a customer but they are not the fault of the retail worker, yet it is that retail worker who is subjected to abuse.

No one deserves to be abused at work for simply doing their job. As representatives of retail workers, we must strive to

1. Raise community awareness of unacceptable behaviour in stores and in doing so seek to raise community standards and
2. Get retail management to acknowledge and accept their responsibilities for protecting retail workers from harassment and violence at work.

Retail employees, like all workers, deserve to be treated with dignity and respect whilst at work.

Abuse is never OK! We must all ‘Say No’ to harassment and violence in the workplace.

# INTRODUCTION

## Aims

The main aim of this guide is to raise awareness that violence, threats and abuse against retail professionals is unacceptable behaviour. Workers need to gain the confidence to speak out and report abuses and not accept it as part of “normal” job scope. The guide hopefully provides an entry point and platform for our union affiliates to initiate conversations with employers and governments to build a strategic alliance for a guideline to be put into workplaces and spread the message that violence, harassment and abuse is not part of the job.

## Intended audience

The guide is intended for UNI Apro affiliates, especially the UNI Commerce affiliates in the Asia and Pacific region.

# Violence and Harassment - a Workplace Problem

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| News reports of attack on retail staff, (L) Singapore, (R) Malaysia | |

There is no doubt that violence and harassment at work is a major concern for workers, unions and employers. It is widely recognised that professionals in the services sector who perform certain types of task such as handling money or valuables are especially susceptible (e.g., cashiers, transport workers, bank and post office staff, shop assistants). Unfortunately regular news reports of staff being assaulted or abused by customers appear frequently. This is because retail commerce is one of the largest sectors in many national economies. For example in 2014, it was the second highest employing industry with more than 1.2 million people or 10.5 per cent of the entire Australian workforce; and in 2012, the Japanese retail sector employed 7.83 million people.

## Workplace harassment and violence: An evolving international standard

Within the International Labour Organisation (ILO), the issue of violence and harassment against workers in the workplace has been discussed over various periods during the last two decades. The ILO had first convened an expert meeting in 2003 to develop a code of practice on “Workplace Violence in services sectors and measures to combat this phenomenon”. The Code of Practice, published in 2004, had defined workplace violence as:

*Any action, incident or behaviour that departs from reasonable conduct in which a person is assaulted, threatened, harmed, injured in the course of, or as a direct result of his or her work.*

* *Internal workplace violence is that which takes place between workers, including managers and supervisors;*
* *External workplace violence is that which takes place between workers (and managers and supervisors) and any other person present at the workplace*

The critical point here is that this definition of violence in the early 2000s focused exclusively on incidents of violence occurring at or directly related to the physical workplace. Harassment as an issue was also not included or explicitly mentioned. Subsequent discussions would see an expanded notion of “violence”, “harassment”, and even “workplace”.

A surprising fact to learn is that there is no universally agreed definition of the terms “harassment” or “violence” in the world of work. This is partly due to differences in historical, legal and cultural contexts. As a result, aside from the initial focus of violence in the services sector workplace, international labour standards had not defined the term “violence and harassment” at work, and no definitive guide was developed to guide the world of work actors on how to prevent and respond to the issue.

It was until a resolution adopted in the ILO’s 98th International Labour Conference (ILC) session in 2009, which called for the prohibition of gender-based violence in the workplace and for policies, programmes, legislation and other measures to be implemented to prevent it. The proposal was consistently put forward for the ILO’s Governing Body for its consideration and support. At the 325th Session, the Governing Body decided to adopt the issue as a standard-setting item on “Violence against women and men in the world of work” for the 107th ILC session in 2018. To prepare for this discussion, the ILO convened a Tripartite Experts Meeting in 2016 to guide subsequent discussions of possible instruments, i.e. a Convention and Recommendation.

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| **Say No to Harassment and Violence at Work!** |
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The Tripartite Experts Meeting in 2016 agreed that there is already a significant body of evidence that shows violence and harassment persists against workers and others in the world of work. The International Organisation of Employers (IOE) itself issued a brief in 2014 that recognises workplace violence as not only a human rights issue but also an economic one, as it impairs productivity, hampers job performance, and results in higher absenteeism, turnover and accidents. The brief also states that verbal and physical abuse and harassment disproportionately affect women. The 2016 Experts Meeting also noted that there might be some existing international labour standards that protect against some forms of workplace violence and harassment. However, these current standards do not define “violence and harassment”, and do not provide guidance on how to address its various forms and covers only some groups of workers. They concluded that violence and harassment should be treated as part of a continuum of unacceptable behaviours and practices, which can include physical, psychological and sexual aspects.

The focus on eliminating violence and harassment at work was boosted by the adoption of the Sustainable Development Goals (SDGs) in 2015. The SDGs has 17 overall goals, each with a set of targets and indicators to track the progress in their fulfilment. Experts have highlighted that achieving SDGs 3 (ensuring healthy lives and promoting well-being for all), SDG 5 (Achieve gender equality and empower all women and girls), SDG 8 (Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all), and SDG 10 (reduction of inequality within and among countries) would be integral to achieving the goal. SDG 5, in particular, is closely linked to the purpose of eliminating violence and harassment in the world of work, as both depend on ending discrimination, promoting equality and extending economic security.

## 

## Gender-based violence in the workplace

While violence and harassment in the world of work affects everyone, women and those who do not conform to societal perceptions of gender roles and norms are at greater risk. As women are most likely to be employed in retail, they may also be particularly exposed to sexual harassment by customers. Women often chose not to confront their harasser(s) because they fear the consequences. Fear of repercussion is a huge obstacle for women when it comes to reporting sexual harassment or assault. These include fear of losing their job, fear not being able to find another job, fear of losing their credibility, and fear of being branded a troublemaker. It is important to look into ways to empower women retail professionals to break this fear.

In recent years, UNI’s Equal Opportunities office has launched a campaign “Break the Circle!” which focuses on addressing the circular relationship between gender inequality and gender violence. The campaign also aimed at tackling violence at work. A rich variety of resources has been produced to stimulate discussion and reflection on how work violence persists, and detect ways in which organisations provoke its presence. Readers may refer to the “Further Readings” section for the internet link to access these resources.



## 

UNI Equal Opportunities’ "Break the Circle" Campaign

## Occupational safety and health standards

As mentioned, there are some existing international labour standards that protect against some forms of workplace violence and harassment. These refer to current standards on occupational safety and health (OSH). Although ILO OSH instruments do not address violence and harassment explicitly, many of their provisions cover both physical and mental health, including work-related stress. These instruments had provided useful tools and concepts that can be applied at the national level to tackle violence and harassment at work.

This guide recognises the established frameworks and discussion revolving around the importance of OSH, and that it is the employers’ responsibility and active participation of workers that are essential to securing safe and healthy workplaces. UNI Apro and the ASEAN Services Employees Trade Union Council (ASETUC) had in 2013 published an “Occupational Safety and Health Guidelines for the Retail Industry”. It covered all aspects of OSH issues relevant to the retail industry and adopted a Hazard Management Approach to managing these risks at work. One of the risks highlighted in the UNI Apro-ASETUC Guideline refers to “violence” faced in the workplace. In recognition of this earlier work, the guideline will be reproduced in the following sections of this current guide.

In summary, the issue of workplace violence and harassment is evolving over the last two decades. There currently are no universally agreed definitions about the specific terms “violence” and “harassment” about the workplace. Addressing workplace violence and harassment must also take into consideration the gendered aspect. Efforts are now ongoing at the international level to come to a consensus on addressing this problem through the creation of new international instruments.

## 

## A working definition of violence and harassment at the workplace

For this guide, the following general definition of “violence and harassment” in the workplace is understood as:

* Continuum of behaviours that result in physical, psychological and sexual harm;
* Where various forms of violence and harassment include both physical and psychological conduct; and where both the result and effect of the behaviour as well as the action itself (e.g., hitting, insulting, spitting and yelling) should be considered.

For clarity purpose, the guide will focus specifically on the issue of violence and harassment as caused by a third-party (i.e. customers/consumers) rather than that between co-workers or supervisors. This is adapted from the 2010 European Social Dialogue’s multi-sectoral guidelines to tackle third-party violence and harassment related to work. The European Guideline had pointed out that “…issue of third-party violence is sufficiently distinct from the question of violence and harassment (among colleagues) in the workplace, and sufficiently significant regarding its impact on the health and safety of workers and its economic impact to warrant a distinctive approach.”

The 2010 European Multi-sectoral Guidelines further notes that third-party violence and harassment can take the following forms (non-exhaustive):

1. Be physical, psychological, verbal and sexual
2. Be one-off incidents or more systematic patterns of behaviour, by an individual or group
3. Originate from the actions or behaviour of clients, customers, patients, service users, pupils or parents, members of the public, or the service provider
4. Range from cases of disrespect to more serious threats and physical assault;
5. Be caused by mental health problems and motivated by emotional reasons, personal dislike, prejudices on the grounds of gender, racial/ethnic origin, religion and belief, disability, age, sexual orientation or body image.
6. Constitute criminal offences aimed at the employee and his/her reputation or the property of the employer or client which may be organised or opportunistic and which require the intervention of public authorities
7. Profoundly affect the personality, dignity and integrity of the victims
8. Occur at the workplace, in the open space or a private environment and is work-related.
9. Occur as cyber-bullying/cyber-harassment through a wide range of information and communication technologies (ICT).

## The circumstance that could expose workers to violence and harassment (alone or in combination)

The Experts Meeting convened by the ILO in 2016 identified a set of circumstances that could in themselves or combination expose workers to violence and harassment:

* working in contact with the public;
* working with people in distress;
* working with objects or value;
* working in situations that are not, or not correctly, covered or protected by labour law and social protection;
* working in resource-constrained settings (e.g., inadequate facilities or insufficient staffing);
* unsocial working hours (especially evenings or night work);
* working alone or in relative isolation or remote locations;
* working in intimate spaces and private homes;
* the power to deny services, which increases the risk of violence and harassment from third parties seeking those services;
* working in conflict zones, especially providing public and emergency services; and
* high rates of unemployment

These circumstances are usually caused by poor human resources management, poor organisation of work, including lack of clear rules and responsibilities, inadequate assignment of tasks, unrealistic production targets and poor communication. Poor labour relations and discriminatory practices are also contributory factors that could increase the risk of violence and harassment against workers.

The next section will highlight examples from UA Zensen and The Shop, Distributive and Allied Employees’ Association (SDA) to show how they tackle the issue of violence and harassment faced by shop workers.

# CAMPAIGNS IN JAPAN AND AUSTRALIA

## Japan: UA Zensen’s campaign on “Malicious Complaints” by customers

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| *UA Zensen’s signature campaign against harassment from customers* |

In Japan, workers in the service sector are under the pressure of adhering to a “customer is always right” culture. Such an environment has fostered the rise of harassment from customers who take advantage of such pro-customers policies or culture to abuse shop workers. Unsocial behaviours by such customers resulted in high turnover rates in the sector and contribute to a negative impression that service jobs are not desirable, which in turn contributes to a labour shortage in the industry.

Even though there may be existing measures that seek to address harassment by customers, there is a lack of willingness by many companies to fully implement them. The companies are afraid that it may affect their image. Furthermore, there is no clear definition of what constitutes malicious complaints on the part of unreasonable customers.

According to UA Zensen, malicious claims can constitute harassment by customers making unreasonable demands on shop workers. These can take the form of customers scolding workers for hours and forcing them to apologise repeatedly. There is an increasing trend where shop workers are also subject to sexual harassment and threatened in a manner that undermines the dignity of the workers.

UA Zensen’s Commerce Division initiated a survey among its affiliate unions and members in 2017. It received 50,878 responses from 168 unions. They found that:

* 74% of surveyed workers experienced harassment from customers
* 90% felt stressed by the bullying
* 50% thought that the level of harassment is increasing
* 40% felt or were helpless in the face of harassment

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| *News coverage on the submission of first petition in 2017* | |

In response to the findings, UA Zensen initiated a campaign in the same year and garnered “resolutions on aiming for the society where service providers and recipients are mutually respected”, adopted by its affiliated unions, with over 20,000 signatures from union leaders. They submitted the results and signatures with a list of key demands to the Ministry of Health, Labour and Welfare on 16 November 2017. The demands are:

* Take measures to protect workers from being harassed by consumers including to ensure that employers are made known their responsibility and to take action to implement them;
* The government needs to conduct a survey and study on the measures on harassment by customers;
* The government also needs to take steps to prevent illegal actions against commerce and service workers who are victims of bullying.

UA Zensen has also developed a guideline on managing malicious complaints which is reproduced with permission in the sample guidelines section. UA Zensen followed up with further actions in 2018 through a 3-prong approach:

1. Pushing the government to adopt law(s) that can adequately address the issue of malicious complaints including mandating companies to take effective measures. This saw at least two political parties helping to submit a “Bill on Power Harassment” to Japan’s Upper House. Although the Bill was eventually voted down, there were some advancements when measures on malicious complaints were included as an additional resolution of the Bill on Reform of Working Practices which was passed by the Health and Labour Committee of the Upper House.
2. Building a movement to raise public awareness on the seriousness and pervasiveness of this issue through holding seminars, symposiums, and engaging the media. UA Zensen also continued the signature campaign which proved to be a huge success when it garnered more than 1.7 million signatures from the entire membership of UA Zensen. On 10 August 2018, the union submitted to the Minister of Health, Labour and Welfare the signatures with the demands to enact new laws and making current laws more effective in addressing malicious complaints.
3. Engaging in labour-management dialogues to exchange information and views with employers’ organisations to urge and influence companies’ management to take effective measures.

## Australia: Shop, Distributive and Allied Employees’ Association’s campaign to stop abuse and violence against retail and fast food workers

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| *SDA’s campaign logo* |

In Australia, there were similar concerns over the growing incidences of retail and fast food workers being assaulted, abused and harassed by customers. The Shop, Distributive and Allied Employees’ Association (SDA) conducted an online survey in 2017 among retail and fast food workers all over Australia which received more than 6000 responses. The results revealed that over 85% of the worker's survey had faced abuse and violence from customers on a regular basis. Based on the findings, the SDA formulated a campaign called “No One Deserves a Serve”.

The campaign’s key objectives were to ensure safer workplaces free from customer abuse and violence by firstly changing customer behaviour and attitudes, and to build better protections for workers. As Australia has a traditionally strong culture and consciousness of workplace safety and health, the SDA’s campaign strongly emphasised the issue of the overall goal of building a healthy and safe workplace for workers. Its goals in the campaign were to:

* Survey the SDA membership
* Developing the campaign name and logo
* Create awareness of the issue by targeting customers
* Engaging employers and industry groups for change
* Create practical solutions to protect workers through legislative policies or workplace policies
* Educate union members about health and safety
* Building union membership around the issue

***Customer abuse and violence consistently ranks in the top three safety issues across retail and fast food in SDA surveys conducted from 2015-2018 with over 20,000 workers over that time.***

In line with the identified goals, the following key actions were taken to implement the campaign:

*Changing customers’ behaviour*

Over the festive season in 2017 (i.e. November-December), the SDA launched its campaign by taking out advertisements on radio, in shopping centres, online and television, to remind customers to think about their behaviour towards service workers who are only trying to do their job. These advertising efforts were used during key periods across the country and had led to the development of additional materials. This included a mini-campaign called “Don’t Bag Retail Staff” when several states started phasing out free single-use plastic bags.

*Engaging employers and industry*

In March 2018, the SDA held an industry roundtable with retail and fast food employers and industry groups from around Australia to discuss the issue. The outcome from this labor-industry roundtable is the first step in contributing to developing practical solutions at the workplace level. For example, a shopping centre trial has been suggested to try different approaches to addressing customer abuse and violence. Employers/industry associations are taking note of the campaign’s message and are doing their part to address the issue. The SDA reported that the National Retail Association had hosted a webinar (i.e. seminar conducted over the internet) on managing risks associated with customer violence in the workplace.

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| *SDA campaign messages* | |

*Ongoing consultations*

The SDA ensured the campaign remains relevant by including it as a topic for discussion across their national, state and regional forums, as well as various levels of meetings such as union officials and workplace delegates meetings.

*Building capacity for Occupational Safety and Health*

The SDA made the campaign a focus in their annual safety event which centred on improving data collection and incidence reporting of customer abuse and violence. In August 2018, they conducted “safety chats” with staff and are currently compiling the results. They are also educating workers about why reporting all incidents is critical to putting the issue as part of the safety agenda. Reporting incidents of abuse and violence against workers can help to provide more information for better measures to be implemented. Workers are encouraged to:

* Report incidents to store managers/supervisors
* Inform the SDA Health and Safety representative or delegate
* Report incidents to the worker’s health and safety committee

Workers are also encouraged to seek professional help to address/manage effects on their mental health arising from any violence/abuse incidents.

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| *Workers encouraged to report abuse whenever it occurs* | |

*Engaging, relevant national bodies*

The Australian Human Rights Commission (AHRC) conducted a National Prevalence Survey on Sexual Harassment at Work. One of the questions relates to customer perpetrated sexual harassment. The SDA is initiating efforts to collect its data on the topic and provide a submission to the AHRC’s National Review.

### Campaign Links

To support or learn more about their campaign, visit [www.noonedeservesaserve.com.au](http://www.noonedeservesaserve.com.au) ; or [www.facebook.com/SDAunion](http://www.facebook.com/SDAunion)

Videos

1. **No One Deserves A Serve**: <https://www.youtube.com/watch?v=d_B4SSNvTgI> *(This advertisement was nominated for Mumbrella (an Australian public relations organisation) TV Ad of the Year in 2018)*
2. **Check Yourself Before You Get To The Checkout**: <https://www.youtube.com/watch?v=mY0E9FpnUjo>
3. **Don’t Bag Retail Staff**: <https://www.youtube.com/watch?v=RVHFUq318mI>
4. **Working in fast food doesn't put us below you:** <https://www.youtube.com/watch?v=QBX9KAej5MM>

### The Respect & Resilience Project

The Respect & Resillience Project was convened as a collaboration between the Community Impact team at ICare New South Wales (A government regulator), the SDA, the Menzies Health Institute of Queensland at Griffith University, employers, employees and government agencies. The project aims to investigate and co-design a number of customer, employer and employee led, sustainable solutions to reduce the number and severity of incidents experienced by staff. This section shares some key findings and suggestions from the latest SDA Industry Roundtable on customer abuse hosted by iCare NSW, SDA NSW Branch and Griffith University.

#### Dysfunctional or Negative Customer Behaviour

The research team found that dysfunctional customer behaviour refers to the spectrum of negative acts directed at service employees, ranging from incivility, to verbal abuse, to physical aggression and violence. These acts can be considered on a spectrum from low to high intensity: **Low intensity behaviour** includes being rude, disrespectful, or unpleasant to the customer service employee, while **high intensity** includes a range of aggressive acts. The latter can be divided into verbal aggression, such as making illegitimate complaints, belittling, yelling, sexual harassment or threatening the service employee, and physical aggression, which can include throwing or breaking things, pushing, shoving, or striking the employee in an act of violence, or criminal acts, such as in an armed hold up, sexual assault.

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| Low to high intensity levels of negative customer behaviours  *Source: Respect & Resillience Project Report, page 12* |

Such behaviour has become pervasive, systemic and detrimental. It has adverse consequences, both short- and long-term, for employee psychological wellbeing, physical health, and work attitudes and performance. More research needs to be done to understand how factors such as organisational policies, service environment and customer motives contribute to negative customer behaviours. However, the team has identified four strategic directions that can be taken to reduce dysfunctional customer behaviour and its impact on employees:

1. Modifications to the customer-service environment;

2. Increased workplace support;

3. Specialised customer-service training; and

4. Emotional regulation training for customer-facing employees.

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| **Systematic review solutions summary table** | | |
| No. | Focus area | Potential Solutions |
| 1. | Workplace modifications | Changes to physical elements of the customer-service environment, for example:  • Wider aisles  • Fewer bottlenecks  • Intuitive layouts to avoid confusion  • Well-marked queues  • Highly visible security cameras  • Sound and lighting |
| 2. | Workplace support | Research suggested four different approaches to bolstering workplace support:  1. Employee empowerment and supporting employee autonomy   * Include employees in any decision-making that influences or shapes their role, work environment, training, or policies. * Allow employees to respond to customers in a way that reinforces their own personal boundaries (e.g. stating that the customer’s behaviour is not acceptable). * Allow employees the flexibility to take a short break after a negative customer interaction.   2. Formalised support and social sharing of incidents  Formal support systems can take the form of mentoring programs, post-incident debriefing sessions, and team building activities.   * Introduce mentoring systems that help novice employees develop the skills in dealing with customer aggression. * Provide debriefing sessions that are management-endorsed. * Encourage team building activities that focus on the social and emotional support of co-workers.   3. Rejection of a “customer is always right” ideology   * Develop explicit procedures for employees and supervisors to use when the customer isn’t right. * Introduce formal and informal policies, procedures, and practices that support employees. * Promote an organisational culture of low tolerance of dysfunctional customer behaviour.   4. Strategies to communicate a ‘zero’ tolerance culture   * Display In-store signage. (e.g. aggression will not be tolerated) |
| 3 | Specialised customer-service training | Research suggests employees be provided with focused customer-service training that:   * Reduces preventable service failures. * Improves employees’ confidence in responding to problematic customers.   To support these objectives, training in the following areas is recommended:  Communication   * Active listening * Interpersonal skills * Help-seeking skills * Problem solving skills * Managing customer anger * De-escalation * Negotiation |
| 4 | Emotional regulation training for customer-facing employees | In addition to customer service training, employees should be provided with training in emotional regulation and coping strategies to support the development and maintenance of psychologically healthy and empathic customer responses.  Training should embrace a prosocial approach to customers and focus on equipping employees with the skills to master and change their emotional reaction to dysfunctional customer behaviour, including:   * Identifying when customers are struggling to communicate their needs; * Recognising when customer displays are not personally directed; * Recognising and responding to emotional displays in themselves and others effectively; * Identifying cognitive rumination[[1]](#footnote-1) in self and how to disrupt this behaviour. |
| *Source: Respect & Resillience Project Report, page 8-9* | | |

The research team has tested and confirm these findings using employee and employer focus groups in October 2018. The outcomes or proposed solutions from these discussions are used to develop interventions and materials which will be trialled with organisations in 2019.

# Sample Guidelines

This section reproduces the following guidelines that have been developed over the past 10 years. We hope the reader may find them useful as a source of reference:

1. Extract on managing “violence” from the Occupational, Safety and Health Guidelines for the Retail Industry published in 2013 by UNI Apro and ASETUC
2. UA Zensen Guideline on Malicious Complaints (2017)
3. European Social Dialogue’s multi-sectoral guidelines to tackle third-party violence and harassment related to work (2010)

## Sample 1 – Extract on “Violence” from the *Occupational, Safety and Health Guidelines for the Retail Industry* published by UNI Apro and ASETUC in 2013



Work-related violence involves an incident in which a person is abused, threatened or assaulted in the circumstances relating to their work. This can include verbal abuse or threats as well as physical attacks. Any form of harassment and violence against workers, whether committed by co-workers, managers or third-parties, is unacceptable.

Workers can experience many different forms of violence, ranging from physical assaults, threats and violent thefts to racial and sexual harassment and verbal abuse from customers.

Employers have a duty of care to provide a workplace that is safe and without risk to health. This duty must extend to taking all reasonable steps to minimise the likelihood of armed hold-ups and other such violent incidents.

Retail workers can be exposed to violence from customers who have grown impatient waiting at checkouts as well as from shoplifters and robbers. The risk to staff is increased by extended trading hours and by the introduction of banking services which may require the keeping of extra cash in the till. All retail workers can suffer increased stress as a result of fear, even if they are not directly involved in a violent incident.

**Reducing the Risk of Violence**

While acknowledging that retail companies cannot entirely prevent the likelihood of violence against workers, they can take measures to reduce the incidence of violence to staff. The following areas need to be considered:

* The physical layout of the shop:
* positioning cash tills away from customers;
* placing high-value goods out of easy reach;
* using, where possible, cashless purchasing
* widening counters and raising counter heights; and
* Providing clear visibility and lighting so that staff can either leave or raise help quickly. This might also help to identify suspicious assailants.
* Security devices –alarms, screens, security cameras, signs advertising security measures such as asking those wearing crash helmets to remove them on entering the shop, checking identification of callers seeking access to restricted parts of the store, security guards and personal alarms.
* Cash collection procedures:
* Using time-delay safes;
* varying the time's cash is taken to the bank;
* changing the route to the bank;
* limiting the amount of money on the premises; and
* consider using professional cash collection services
* Staffing levels should be adequate to:
* conduct high-risk mobile activities or provide communication links to the base;
* reduce the likelihood of customers growing impatient waiting in queues;
* ensure proper quality control on service and products for customer satisfaction
* act as a deterrent to shoplifting;
* monitor high-risk entrances, exits and delivery points; and
* ensure that employees are not working alone or in too small numbers, particularly during the evening or in high-risk periods.
* Training of staff:
* in emergency procedures and operation of security devices;
* in how to behave during a hoodlum or other situation; and
* in cash-handling procedures.
* Ensuring safe access and egress from shops particularly in evenings:
* good exterior lighting and adequate lighting in car parks;
* ensure that details of staff’s planned schedules are held by the base; and
* provide transport and personal alarms for staff who work alone.
* Ensure that customer care programmes are adequately designed and managed. This will be particularly appropriate for dealing with complaints.

**Effects of Violence**

Violent incidents at work can have long-lasting physical and psychological effects. Each person will react differently to a violent incident, but the range of symptoms that characterise post-traumatic stress include:

* increased heart rate
* insomnia and hypersensitivity
* muscle tension
* night moves
* disturbed sleep patterns
* nervous behaviour
* fear of returning to work
* phobias
* anxiety
* depression
* grief
* guilt

Following a violent incident, it is essential to provide prompt post-traumatic stress counselling from persons experienced in post-trauma debriefing and counselling.

Employees exposed to violence may need medical help, counselling and support and time off to recover from the effects of the incident. Workers may be entitled to compensation for any illness, injury or stress resulting from violent incidents. Workers may need ongoing support and advice particularly if they are required to attend court as a witness, seek compensation through crimes compensation systems or make a workers’ compensation claim.

**Safety and Health Representatives and Committee members should:**

* discuss with fellow employees methods of reducing the risk of violence in their area of work;
* raise these issues with the employer –don’t wait until a problem arises;
* put violence on the agenda of the Safety and Health Committee for discussion;
* discuss with their employer control strategies for the prevention of violence at work, and ensure that appropriate counselling is given to employees in the event of a violent incident.

## Sample 2 - UA Zensen guidelines on malicious complaints (translated)

III. The basic approach to resolving problems (listed by the problem)

1. Response to be taken by companies

(1) Establish the definition of malicious complaints and the determination criteria

Establish the definition of malicious complaints to enable determinations at the worksite level of how to handle complaints, and at the same time, unify internal company thinking on how to handle them. After this, classify complaints into types based on examples, create standards for responses corresponding to the kind of complaint, and then organise these to enable the appropriate response to be taken.

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(2) Conduct awareness-raising and education in advance

Companies conduct training for employees on measures to take for malicious complaints and establish an understanding of the thinking and response approach so that employees do not respond excessively.

(3) Display a resolute position

Reconsider excessive adherence to a customer-first philosophy and establish a system that enables taking an absolute position for malicious complaints. A determined position of firmly rejecting things that are unacceptable based on social norms is required. Companies establish criteria by which to evaluate malicious accusations and handle them after making prompt determinations also to protect employees and not causing work disruptions. The following are examples of resolute response measures.

1. For unreasonable and excessive demands that exceed the bounds of common sense after handling a complaint with sincerity, determine that the complaint is not a customer complaint but a malicious complaint.

1. For malicious complaints, firmly reject the demands without yielding to the person’s words, actions, or pressure.
2. Higher-level employees handle the types of complaints that tend to become more involved or drawn out. If there is a specialist organisation, that organisation handles these complaints. Keep in mind that determinations should be made quickly.

D. For lawsuits and complaints of a highly malicious nature, change the

response to one that requests police and legal help.

\*Use resolute methods for handling malicious complaints so that they do not become a frequent occurrence. Do not leave the handling of these complaints to individual staff. Handle them in a systematic manner that does not isolate individual staff, and keep in mind the mental health needs of the staff.

IV. Definition of malicious complaints

Criteria to determine malicious complaints

The difficulty of determining maliciousness is one factor that makes malicious complaints a challenging problem. For example, often when there is a court case, it is difficult to know whether the actions of the person in question will be judged to be legal or illegal. However, in addition to judicial judgments, industry bodies should have criteria for determining malicious complaints; and companies and industry bodies should share their standards to create rules of customary law as a socially accepted fact. This will make it easier for companies to independently and proactively deal with malicious complaints. It is the onsite employees who handle malicious accusations, and these employees do not need complicated definitions as they deal with the situation immediately before them.

The definition of malicious complaints needs to be simple and easy to understand. Accordingly, this will create a shared awareness of the industry definition of malicious accusations as making disruptive demands that go far beyond what common sense would expect. Meanwhile, there are cases of malicious accusations where the content of the claim itself is not a problem but how the demand is made is, and conversely, cases where how the claim is made is not a problem but the content of the claim itself is. These and various other complex types of malicious complaints are conceivable. A definition is needed so that all these cases are categorised as types of malicious complaints. Based on those above, an appropriate description for malicious complaints is complaints whose demands or the behaviour displayed in making the demands are blatantly out of line with socially accepted norms.

Nevertheless, the above definition still has some unclear areas. In determining whether a complaint is malicious, employees should use the determination criteria for the individual types of malicious complaints shown in Chapter 7.

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V. Awareness-raising and education

1. Awareness-raising and education

(1) Awareness-raising activities

Once a malicious complaint case arises, it takes an enormous amount of time and effort to resolve it. First taking preventive measures so that complaints do not occur is essential.

Conducting education and training is considered a highly effective preventive measure. Training can be roughly divided into training for supervisors who directly supervise employees and training for general employees to encourage greater awareness broadly. Conducting these training regularly and on an ongoing basis is considered highly effective.

(2) Message from top company management

It is essential to have senior management set forth the company’s policy for resolutely dealing with malicious complaints.

Clearly defining the company’s policy involves promoting the protection of employees and preventing complaint handling from becoming a long, drawn-out process. Also, having all employees maintain their awareness is another key to creating a truly effective policy. Showing a management stance of supporting employees in the workplace and, by doing so, enhancing employee feelings of reassurance in their interactions with customers is anticipated to bring about the most excellent results of clearly defining the policy.

(3) Guidance and education for people in managerial positions

A. Put together a manual on counselling and training to improve the accuracy of the initial response to complaints and build general response capacity.

B. To prevent complaints from arising, the damage from growing, and recurrences of complaints, provide guidance on reporting (contacting) practices for centrally managing complaint information, with the recognition that “mistakes can happen.”

C. Provide guidance on reporting (contacting) practices for employees to consolidate complaint information.

(4) Education for employees

A. With the recognition that the response to complaints changes depending on the content of the complaint and various classifications, facilitate employees’ acquiring the knowledge required for the work (criminal, civil, and special legislation), and improve employees’ ability to make determinations that allow the appropriate measures to be taken according to customer circumstances.

B. Facilitate acquisition of product and other knowledge so that employees can respond with confidence to customers’ mistaken assumptions, erroneous information, and the like.

(5) Setting up a contact centre

It is desirable to assign human resources with wide-ranging specialised knowledge and extensive expertise as well as an aptitude for handling complaints to do the work of handling complaints. However, the mental stress involved in continuously interacting with consumers’ critical views can lower the motivation of the human resources assigned to do the work and ultimately may cause valuable human resources to leave.

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To avoid this, it is vital to assign multiple people to staff the contact centre and create an environment where they can cooperate with and support each other. At times it may be necessary to switch staff before they become mentally exhausted, such as when encountering a malicious complaint that cannot be handled by one person alone. Of utmost importance for companies is not allowing staff to become isolated.

(6) Study sessions on complaint measures

Holding study sessions on how to handle common complaints to exchange information within the company and research what other companies do dramatically contribute to improving the level of employee skill in handling complaints.

(7) Cooperation with relevant agencies

Stores, in particular, need to engage in routine communication with local government, police, health centres, and other relevant agencies to create a system that enables consultations when a complaint arises and to be able to deal with the complaint promptly.

VI. The general response to complaints

Assuming that determinations of malicious complaints are made based on the definition, responding with a sincere approach to standard opinions and complaints where improvements are requested is a vital approach to have in doing work. With this in mind, for customers who may or may not be making a malicious complaint, it is necessary to conclusively collect information and materials to determine whether the complaint is malicious while taking the same sincere response taken with ordinary customers. In particular, making it a company rule to record complaints made by telephone is an effective way to encourage a calm and rational response.

1. Apologies

Clearly define what deserves an apology before issuing apologies. For example, when offering the apology, “We sincerely apologise for any inconvenience this may have caused,” there needs to have been some inconvenience caused. This apology is not issued for some mistake the company has made. Apologies for errors are made after it has been verified that the mistake was made. The apology, in this case, should also correspond to the severity of the mistake.

2. Accurately understand what the customer is saying

First, obtain information from customers needed to process the complaint, including their name, address, and contact information. Next, since the complaint originates from the customer’s viewpoint, handling the complaint starts with accurately listening to what the complaint is about. This information is important, so if something in the customer’s opinion is imprecise, make efforts to clarify it. If there is insufficient information, get additional opinions or views. If the customer has a misunderstanding, provide the correct information.

3. Confirming facts

Based on the information from the customer, verify whether the information is truthful based on conclusive evidence and testimony. When the evidence the customer has is not based on truth, point this out. If it is based on fact, take the measures the company deems appropriate.

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4. Cases where malicious intent is suspected

Create verifiable evidence such as audio and video recordings, a record of steps taken, and timekeeping. In cases where strong malicious intent is alleged, have multiple people and not just one person handle the complaint. If there is a manager or consultation office on site, have them take over.

5. Complaint response environment

When responding to a complaint is complicated or takes a long time, move to a more appropriate location in consideration of the customer’s privacy, the effects on other customers, and work disruptions.

VII. Determining the type of malicious complaint and its response

Separately evaluating the demand behaviour and demand content in the context of the definition of malicious complaints is necessary for determining the type of malicious complaint. The following examines the kinds of demand content that are simpler to describe and then discusses the types of demand behaviour that are considered to be more complex types of malicious complaints.

1. Demand content

Types of demand content that blatantly fall outside socially accepted norms include requesting, with a calm demand behaviour, compensation of 10,000 yen because a product costing 100 yen broke, and demanding, without issuing threats, that staff apologise on their hands and knees.

(1) Determination criteria

Determinations should use comparisons with their social norms to make judgments clear and easy to make.

● Demanding compensation higher than the price of the defective product

● Demanding an apology on one’s hands and knees

● Requiring that an employee be fired

●Demanding compensation with another company’s product

● Demanding unreasonable product returns (returns after the return period has expired, etc.)

● Impossible demands (to change legislation, to get a child to stop crying, etc.)

● Demands to see the company president or top management even though reasonable measures for the incident have been taken

(2) How to handle the complaint

At the earliest opportunity clearly say, “We are unable to accommodate your request,” stating the reason why the action cannot be taken. If further demands are made, take a resolute position.

2. Demand behaviour

Because there are various types of demands for the demand behaviours, the determination criteria and how to handle the complaint are shown by dividing behaviours into the following categories.

(1) Keeping the employee for a long time

Cases of a customer forcing the employee to handle the complaint about an extended period. This type of behaviour is disruptive to work.

A. Determination criteria and how to handle the complaint

Cases that exceed a certain amount of time (about 20 min.), after responding to the complaint with sincerity and once the situation has reached a stalemate, require a cautious approach. (Hand off the complaint to a specialist employee and begin recording.)

If an understanding is not achieved after 30 minutes, ask the customer to leave.

If the customer refuses to leave, firmly request that they leave, and contact the police if the situation requires it.

(2) Repeat complaints

Repeat complaints frequently involve repeated inquiries by telephone. Besides telephone complaints, there are also cases of unreasonable demands made for a changing list of topics.

A. After you are sure that you have obtained their contact information, give a warning after the customer has made two unreasonable inquiries, and after the third instance, state that their request cannot be accommodated.

If repeated accusations are subsequently made, blacklist the customer and record the telephone conversation. After the fourth instance, have a manager handle the customer, make a single contact point, and firmly state that the customer is causing a disturbance and needs to stop. If repeated complaints occur after this, report the matter to police as criminal obstruction of business.

(3) Abusive language

A. Determination criteria

● Shouting in anger

● Using offensive language (Ex.: “You idiot!” “Go to hell!” “I’m going to kill you,” insulting the employee’s appearance)

● Defamation

● Character assassination (Ex.: Calling the employee names, cursing them, etc.)

B. How to handle the complaint

Ask the customer to stop yelling. Immediately begin recording.

When insulted, do not apologize and have the person leave depending on the severity.

If their behaviour is egregiously out of line, file a lawsuit based on evidence.

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(4) Violence

The violence, of course, includes instances of physical contact but also includes actions like swinging or throwing objects and violently opening and closing doors.

A. Determination criteria

● All acts of dangerous contact, including intentional kicking, punching, slapping, and shoving, are included under violence. Dangerous actions such as attempting to throw a punch even when contact is not made and swinging a chair or stick are included under violence.

B. How to handle the complaint

As customers could potentially be harmed, have multiple people handle

the situation.

When there is an act of violence, report it to the police and have them deal with it. Depending on the situation, the person may be arrested on the spot and taken into custody.

(5) Threats and intimidation

Threats and intimidation cause harm to employees. They are announcements given with the intention of causing fear.

A. Determination criteria

If something is said that would cause regular employees to become frightened, it falls under threats and intimidation.

Acts intending to cause fear include not the only language like “I’m going to XX,” but also acts that imply ending in harm. For example, the following constitute threats and intimidation.

● Language that insinuates a connection with anti-social forces

● Acts to cause fear while being in abnormally proximity

B. How to handle the complaint

Immediately switch the person handling the complaint to a higher-level employee. Ask the person to stop, and if they do not, immediately report the person to the police.

Take action to protect people from physical harm.

(6) Asserting authority

Asserting authority is a type often seen among executives at large companies and people with similar high-level experience, and is when the person acts excessively bossy and attempts to use their authority to get their demands met.

A. Determination criteria

The display of personal authority above and beyond what is necessary. When there are demands for special treatment or a written apology, determine that the malicious complaint is the asserting authority type.

B. Take measures for the complaint that has occurred, but do not accommodate special measures.

(7) Confining a person outside the store

This type involves calling an employee to the person’s house, a specific cafe, or another place to complain.

A. How to handle the complaint

In many cases at present, employees go out to meet the person to handle the complaint, but there are also cases of employees spending several hours going out as requested to handle a complaint at a stage when the defect to an inexpensive product cannot be verified. As a result, even if there is a factual basis to the complaint, it is considered an excessive response.

Also, in principle employees do not handle complaints alone, and we would like to discuss setting restrictions such as a monetary amount standard, time, distance, and period since purchase, as we think some limits would be appropriate.

Also, if there is a situation where the person is not satisfied and will not release the employee, always contact the police to handle the situation.

(8) Slanderous defamation on social media and the internet

This type includes defamation of character on the internet and posting information that constitutes an invasion of privacy.

A. How to handle the complaint

In this type, it is difficult to identify the person responsible and difficult for the victim to recover from the damage. Prompt action is required.

Request the provider (manager) to delete the damaging content posted on internet message boards and social media.

If it is not feasible to request that the content is deleted yourself, promptly consult the Legal Affairs Bureau, which is the organisation responsible for protecting human rights in the Ministry of Justice, and request that the Legal Affairs Bureau demand that the provider delete the content.

*\*Reference: Based on the Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders, the victim may request providers and server managers and operators to disclose information about people posting information that infringes on human rights (the person posting on the message board, social media, etc.) and request that the information infringing on human rights be deleted.*

## Sample 3 - European Social Dialogue: Multi-sectoral guidelines to tackle third-party violence and harassment related to work

**Signatory Social Partners: EPSU, UNI Europa, ETUCE, HOSPEEM, CEMR, EFEE, EuroCommerce, CoESS**

**16 July 2010**

**(I) INTRODUCTION**

1. The aim of the Guidelines is to ensure that each workplace has a result-oriented policy which addresses the issue of third-party violence. The Guidelines set out the practical steps that can be taken by employers, workers and their representatives /trade unions to reduce, prevent and mitigate problems. The steps reflect the best practices developed in our sectors, and they can be complemented by more specific and additional measures.

2. According to EU and national law, both employers and workers have obligations in the field of health and safety. Although, the duty to ensure the health and safety of workers in every aspect related to the work lies with the employer[[2]](#footnote-2), the employee also has a responsibility to take care, as far as possible, of their own health and safety and that of other persons affected by their actions at work, in accordance with their training and the instructions given by their employer. Employers also must consult workers and their representatives and allow them to take part in all questions relating to health and safety at work. This reflects an awareness that, in practice, a joint approach to health and safety is the most successful.

3. The signatory social partners from the local and regional government, healthcare, commerce, private security, education sectors2 are increasingly concerned about the impact of third-party violence on employees because it not only undermines an individual’s health and dignity but also has a genuine economic impact in terms of absences from the workplace, morale and staff turnover. Third party-violence can also create an environment that is unsafe and even frightening to the public and service users and therefore has a broad negative social impact.

4. Work-related third-party violence and harassment can take many forms. It could:

1. Be physical, psychological, verbal and sexual
2. Be one-off incidents or more systematic patterns of behaviour, by an individual or group
3. Originate from the actions or behaviour of clients, customers, patients, service users, pupils or parents, members of the public, or the service provider
4. Range from cases of disrespect to more serious threats and physical assault;
5. Be caused by mental health problems and motivated by emotional reasons, personal dislike, prejudices on the grounds of gender, racial/ethnic origin, religion and belief, disability, age, sexual orientation or body image.
6. Constitute criminal offences aimed at the employee and his/her reputation or the property of the employer or client which may be organised or opportunistic and which require the intervention of public authorities
7. Profoundly affect the personality, dignity and integrity of the victims
8. Occur at the workplace, in the open space or a private environment and is work-related.
9. Occur as cyber-bullying/cyber-harassment through a wide range of information and communication technologies (ICT).

5. The issue of third-party violence is sufficiently distinct from the question of violence and harassment (among colleagues) in the workplace, and sufficiently significant regarding its impact on the health and safety of workers and its economic impact to warrant a distinctive approach.

6. Although there are sectoral and organisational differences about third-party violence faced by workers in different occupations and workplaces, the critical elements of good practice and steps to tackle it are common to all working environments. These elements are a partnership approach; clear definitions; prevention through risk assessment, awareness raising, training; clear reporting and follow-up; and appropriate evaluation.

7. With the support of the European Commission, the multi-sectoral social partners organised two major conferences in Brussels on 14 March 2008 and 22 October 2009 at which the employers’ and trade unions’ research into third-party violence was presented along with case studies and joint conclusions. These Guidelines build on these initiatives. They complement the cross-sectoral Framework Agreement on Harassment and Violence at Work of 26 April 2007.

8. The way in which particular services are organised and provided reflects national, regional and local circumstances. Where social partners are already implementing the measures set out in these Guidelines the main action to take will be to report on progress made.

9. The multi-sectoral social partners recognise that the employers and workers have professional, ethical and legal obligations to third parties as well as to each other.

**(II) AIM**

1. These Guidelines aim to support action(s) by employers, workers and their representatives/trade unions to prevent, reduce and mitigate third-party violence and its consequences.

2. The multi-sectoral social partners recognise that practical measures for the prevention and management of work-related harassment and third-party violence have yet to be developed in many workplaces. These measures should:

1. Increase awareness and understanding of employers, workers, their representatives and other public authorities (e.g. health and safety agencies, police, etc.) of the issue of third-party violence
2. Demonstrate the commitment of social partners to work together and share experiences and good practice to help each other prevent and manage problems of harassment and violence instigated by third parties to reduce the impact on employees’ health and well-being, sickness absence and productivity
3. Provide employers, workers and their representatives at all levels with Guidelines to identify, prevent, manage and tackle problems of work-related harassment and violence instigated by third parties.

**(III) STEPS TO IDENTIFYING, PREVENTING, REDUCING AND MITIGATING WORK RELATED HARASSMENT AND VIOLENCE BY THIRD-PARTIES**

1. The likelihood of third-party harassment and violence occurring can be reduced by raising awareness of the issue to employers, employees and service users and ensuring that managers and workers receive appropriate guidance and training.

2. The most successful initiatives to tackle violence involve both social partners from the very beginning and require a ‘holistic’ approach, covering all aspects from awareness raising over prevention and training to methods of reporting, support for victims and evaluation and ongoing improvement.

3. Employers should have a clear policy framework for the prevention and management of harassment and violence by third parties which should be incorporated into their general health and safety policies. These policies should be developed by employers in consultation with workers and their representatives, by national legislation, collective agreements and practice. In particular, health and safety risk assessments of workplaces and individual job functions should include an action-oriented evaluation of the risks posed by third-parties.

4. The multi-faceted nature of third-party violence means that policies must be tailored to each work environment. As a matter of good practice, policies should be kept under regular review to take account of experience and related developments in legislation, technology, etc. Over time research, experience and technological advances should provide better solutions that are currently available.

5. A suitable policy framework for an employer is underpinned in particular by the following elements:

1. On-going information and consultation with managers, workers and their representatives/trade unions at all stages
2. A clear definition of third-party violence and harassment, giving examples of different forms this can take
3. Appropriate information to clients, customers, service users, members of the public, pupils, parents and patients outlining that harassment and violence towards employees will not be tolerated and that if appropriate legal action will be taken
4. A policy based on a risk assessment which can take into account the various occupations, locations and working practices, allow the identification of potential problems and the design of appropriate responses and methods, for example:
   * + - Managing expectations by providing clear information regarding the nature and level of service clients/customers/service users/pupils and parents should expect and the provision of procedures for third parties to express dissatisfaction and for such complaints to be investigated
       - Incorporating safer environments into workplace design
       - Provision of suitable ‘tools’ to safeguard employees, e.g. communication channels, monitoring, security measures, etc
       - Cooperation agreements with the relevant public authorities such as police, justice, social services and inspectorates
5. Appropriate training for management and employees which will include general safety about work tasks and the working environment, and which may incorporate more specific skills such as techniques to avoid or manage conflict.
6. A procedure to monitor and investigate allegations of harassment and violence from third-parties, and to inform the victims of the progress of any proper investigation and action.
7. Clear policies on the support to be provided to employees who are exposed to harassment and violence by third-parties, which, for example, and depending on the circumstances, could involve medical (including psychological), legal, practical, and financial support (e.g. additional insurance cover which goes beyond statutory obligations)
8. Clear requirements regarding the reporting of incidents by employees and on the measures taken to protect these employees from possible reprisals and address issues to other public, authorities, e.g. police, health and safety agencies, etc., within national practices and procedures.
9. Clear policies on when it is appropriate to file complaints, report a crime or share information regarding perpetrators of third-party violence with other employers and public authorities, respecting personal integrity, confidentiality, legal obligations and data protection principles.
10. A transparent and effective procedure for recording facts and figures for monitoring and ensuring follow up of the policies put in place
11. Measures to ensure that the policy framework is well-known and understood by management, workers and third-parties

6. In this regard, the multi-sectoral social partners highlight the importance of working with other appropriate partners at the national or local level to identify and prevent violence and harassment by having consistent policy approaches.

**(IV) IMPLEMENTATION AND NEXT STEPS**

Implementation and follow-up of the Guidelines will comprise three stages.

**Stage 1 – Commitment and dissemination**

The signatory social partners will disseminate the Guidelines and take measures to assess and address the issue of third-party harassment and violence using the identified policy framework in Section 3 above.

* + - Jointly request the European Commission to support a project to disseminate and promote the Guidelines, including through workshops to be organised before the end of 2011
    - Encourage the promotion of the Guidelines in the Member States at all appropriate levels taking account of national practices, through joint and separate actions. Given the interest of the matter under consideration, the social partners will also transmit this document to all relevant players at European and national levels. They will also invite their members outside the EU to make use of the Guidelines.

**Stage 2 – Awareness Raising**

The national social partners will publicise the issue of third-party harassment and violence and develop and share best practice in this field within their sectors. This may include any means appropriate to the current state of knowledge and experience of the phenomenon of third-party violence in the Member State and industry and taking into account work already undertaken in this area, including the possibilities of:

* Further research
* Publications
* Conferences drawing together interested parties to share good practice and work towards solutions to the problem

**Stage 3 - Monitoring and follow-up**

The signatory social partners will:

* Give a progress report in 2012 to their respective sectoral social dialogue committees and entrust the European Social Dialogue Committees of the respective sectors to prepare a joint report.
* When preparing the next EU social dialogue work programme, the social partners will take account of these Guidelines.
* Multi-sectoral meetings of follow-up will be organised as appropriate, and a final joint evaluation will take place in 2013



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| *Image courtesy of Stuart Miles at FreeDigitalPhotos.net* |

# Suggestions for Workplace / Enterprise Level

The sample case studies featured campaigns developed by well-resourced unions. They also involved national level or countrywide initiatives. However, not every union will have the resources to carry out an extensive campaign at the same or similar degree. Every affiliate union would need to tailor any initiatives according to their local context to achieve the common goal of protecting workers from workplace harassment and violence.

This section highlights some suggestions to help affiliates consider when developing their own initiatives at the enterprise or workplace unit level.

#### 5Ws and 1H - Basic guiding framework

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| **The 5Ws and 1 H** | |
| **Who** | Workers working in places requiring direct interaction or servicing the public (i.e. third party) |
| **What** | Effective policies that protect workers from undue third-party harassment and violence at the workplace or about the work. Harassment and violence can happen in the following ways: physical, psychological, verbal, sexual and even online (e.g., emails, text messages and social media platforms) |
| **Where** | Retail (shops, convenience stores, supermarket) |
| **Why** | Workers in the commerce sector, like workers in any other industries, require adequate protection that is specific and suitable for the workplace context they are in. Harassment and violence at the workplace is not decent work! |
| **When** | As soon as possible |
| **How** | Below are some suggested ways for affiliates to consider how they can develop better protection suitable for the context they operate in. Briefly, unions should check if there are existing:   * OSH rules/policies in the workplace that addresses harassment and violence from customers; * Company work ethics/principles – published in staff handbooks or general operating statements; * Specific workplace rules or policies /Standard operating procedures   If not, consider:   * How to update or incorporate into existing OSH policies protection against workplace harassment and violence[[3]](#footnote-3) from customers; * Develop new workplace rules or policies addressing workplace harassment and violence |

#### The Occupational safety and health approach

Review current workplace occupational safety and health policies. You can start by first checking the current workplace Occupational Safety and Health policies. Are there any terms or clauses that address workers’ safety about harassment or violence in the workplace?

If yes, review the terms/clauses for the following:

* Are the terms/clauses sufficient or updated to address third-party harassment and violence inflicted on workers?
* Are records kept and action taken?
* Are they actively implemented?
* Are the responsible parties identified for ensuring its compliance or implementation (e.g., management representative, safety committee members, and union workplace representative?)
* Are the responsible parties aware of their obligations?
* Are all frontline workers aware of the terms/clauses?
* Do workers know who to approach in case of any incidents/occurrence?

If the current workplace’s OSH policy does not have a clear section or guidelines on workplace violence and harassment, do:

* Check how the OSH rules/guidelines can be updated to include workplace protection against harassment and violence;
* Decide whether the OSH route is the best way or a separate workplace policy addressing specifically harassment and violence from customers is a better way.

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| **Say No to Unsafe Workplaces!** |
| C:\Users\User\Downloads\ID-100145360.jpg |
| *Image courtesy of David Castillo Dominici at FreeDigitalPhotos.net* |

#### Workplace policy approach

Some suggested steps for workplaces with no or unclear policy on workplace harassment and violence by third-party actors.

**Step 1 – Initiating the conversation**

Find out the extent of the problem of 3rd party harassment and violence in the workplace. The union can first start by discussing within sub-committees such as the women or youth committees about the possibility of finding out how much of a problem is this for the union members at the workplace.

Think about activities that will involve union members speaking with one another at the workplace or with non-unionized colleagues to find out what they think about the issue of harassment and violence related to the workplace. This is an informal way of raising awareness about the issue.

Remember, even if a worker receives harassment or threatened with violence outside of the workplace, such experience counts as long as it relates from any contact while serving or interacting with customers.

**Step 2 – Finding out**

Once the conversation has taken place within the union, a sub-group or committee or a task force can be formed to implement a fact-finding activity. This is to collate and document the data from the members and non-unionised colleagues in a more systematic way. A simple survey would be the most cost-efficient way to implement.

The small sub-group/committee/taskforce should decide what questions to ask. Some questions to consider asking are:

* Have the members ever experienced harassment and violence from customers in the workplace;
* Have they ever witnessed any co-workers suffering harassment and violence from customers in the workplace;
* Do they know if their current workplace has any policies that protect workers from harassment and abuse from customers in the workplace;
* Do they feel equipped to handle situations of customers harassing or inflicting violence against them or their co-workers in the workplace?
* Do the workplace management place any importance or emphasis on protecting frontline workers against harassment and violence from customers?
* Do the workers think the workplace management place more emphasis on pleasing customers?

The survey should ideally be conducted in a way that assures and protects the confidentiality of ordinary members and for non-unionised colleagues. This is to ensure respondents will feel safe to answer without fear of reprisal from any party. The survey should cover incidents that have already occurred within the past 1-3 years.

**Step 3 – Documenting current incidents**

This can take place concurrently with step 2. If it is not already done, unions can encourage members to report to them all incidents of harassment and violence against workers.

Similarly, the union needs to document these reports in a way that will protect the confidentiality of anyone providing the information. The documenting process should cover “fresh” or recently occurred incidents, and not past incidents recorded in step 2.

**Step 4 – Dialoguing with management**

Once steps two and three are completed, the union could prepare to share the findings with the management. This step assumes the workplace management’s attitude is at least neutral to the union. A union that is already practicing “SMART” partnership approach with the administration should have no or less problem in gaining attention.

**Step 5 – Framing a business case**

This step might be useful for unions facing less than receptive management. As mentioned earlier, workplace violence is also an economic issue, as it impairs productivity, hampers job performance, and results in higher absenteeism, turnover and accidents. In short, ignoring workplace violence and harassment would hurt the company’s bottom-line in staff costs.

In the UA Zensen’s case study, Japanese companies’ efforts to please the customers have inadvertently cultivated the rise of “monster-customers” who takes advantage of “customer-is-first” policy. Such a culture may affect a company’s reputation in negative ways especially if an establishment repeatedly allows its employees to be easily abused in public view. These establishments are definitely not an attractive place for other customers to patronise.

This step requires the union to frame their request for a safer workplace into a business case that could gain the management’s acceptance to adopt effective policies or implement practical steps.

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| **Does your workplace have a sign like this?** |
| C:\Users\User\Downloads\50995800_10157099799500746_284241708743393280_n.jpg |

**Step 6 – Collective Agreement**

Once there is traction, ensure the continuity of the efforts by making sure that Collective Bargaining Agreements are updated with clauses that explicitly cover workplace violence and harassment from third-party actors. This step applies to the OSH approach as well.

**Step 7 – Approach relevant bodies**

You can also check with bodies like the National Trade Union Centres, National Human Rights Commission, Gender or Equality Commissions on whether they have any materials or initiatives that can help address harassment against workers, particularly women and young people, at workplaces. Engage these bodies to raise awareness of addressing third-party harassment and violence in the workplace as an area of concern that they could work together with unions to tackle.

#### Exercise: MacDonald’s employee assaulted by an irate customer



*Video screenshot: MacDonald’s employee being assaulted by customer irate at no-straw policy just implemented in St. Petersburg, South Florida (USA)*

In early January 2019, a video surfaced on the internet showing a customer attempting to grab and assault a MacDonald’s worker, Yasmine James, behind the counter in St Petersburg city, Florida. Another customer in the store took the video, and it went viral very quickly.

It was reported that this stemmed from the customer’s reaction to a ban on a straw policy which was implemented by the St Petersburg City Council’s latest rules adopted only in December 2018. The rule is to be fully implemented by 2020, with a grace period in 2019 where customers can request for straws. The customer failed to find a straw in the condiment section of the restaurant. He refused to listen to the worker’s explanation and started verbally abusing the worker just before he physically assaulted her. The customer, Daniel Taylor, was arrested on two charges of simple battery.

The incident has since sparked a response from fellow workers and activists who called for McDonald's and other fast-food chains to protect employees from physical violence and other safety threats. The workers are demanding for:

* Training to be provided for employees and managers to handle violence in the workplace
* Establish store security protocols
* Provide protection and a voice on the job for its predominantly Black and Hispanic women workforce

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| **Questions to consider:**   1. *Can you identify which of the factors or circumstances identified by the 2016 ILO Experts’ Meeting (see page 9), are applicable in this incident?* 2. *If the above incident occurs in your workplace, how do you think your workplace would manage it?* 3. *What factors do you think contributed to the incident?* 4. *What could have been done to prevent the incident from occurring in the first place?* 5. *What should or could be done to manage the situation after the incident?* |

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# Further Readings

Readers interested in exploring the issue of harassment and bullying in the workplace can refer to the following materials:

1. UNI’s Equal Opportunities office’s campaign “Break the Circle!” also focused on violence at work. The aim of the campaign is to discuss and reflect on the necessary elements for work violence to exist, and detect ways in which organizations provoke its presence. Readers can visit <http://en.breakingthecircle.org> for resources that can help affiliates plan and stimulate awareness of the issue.
2. Seminar proceedings published by the Japan Institute for Labour Policy and Training in 2013. The report showcase the findings and research of ten countries: Finland, Sweden, France and Belgium (comparative perspective), United Kingdom, Germany, South Korea, Japan, Canada, and the United States: *JILPT Seminar on Workplace Bullying and Harassment, Report No. 12*, available online in English at: <https://www.jil.go.jp/english/reports/documents/jilpt-reports/no.12.pdf>
3. Section on “Bullying” in the *Occupational, Safety and Health Guidelines for the Retail Industry* published by UNI Apro and ASETUC in 2013. For a PDF version of the publication, please contact the UNI Apro Director of Commerce at [alice.chang@uniglobalunion.org](mailto:alice.chang@uniglobalunion.org).
4. The latest report, *Report V(1)* *Ending violence and harassment against women and men in the world of work*, compiled by the ILO to facilitate the standard-setting discussion of violence and harassment against women and men in the world of work. It provides a comprehensive and up-to-date information on law and practice across the world. Available for download at: <https://www.ilo.org/ilc/ILCSessions/107/reports/reports-to-the-conference/WCMS_553577/lang--en/index.htm>
5. You may wish to refer the comprehensive report that was compiled following the recent SDA Industry Roundtable on customer abuse hosted by iCare NSW (Government Regulator), SDA NSW Branch and Griffith University. The report *‘Respect and Resilience in Retail and Fast Food – Approaches to reduce the incidence and employee impacts of dysfunctional customer behaviour’*includes a literature review on dysfunctional customer behaviour drawn from available literature around the world. Available at <http://www.sda.org.au/download/submissions-publications/Respect-and-Resilience-in-Retail-and-Fast-food.pdf>
6. To learn more about the Sustainable Development Goals 3, 5, 8 and 10 mentioned in the Guide, please visit <https://sustainabledevelopment.un.org/>.

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UNI Apro. 2013. *Occupational Safety and Health Guidelines for the Retail Industry* (Singapore).

1. Rumination generally means continuously thinking about the various aspects of situations that are upsetting. [↑](#footnote-ref-1)
2. EU law includes the following Directives:

   * Directive 89/391/EEC on the introduction of measures to encourage improvements in the safety and health of workers at work. Article 5 (4) states “*The workers’ obligations in the field* *of safety and health at work shall not affect the principle of the responsibility of the employer.”*
   * Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
   * Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation
   * Directive 2002/73/EC of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions

   [↑](#footnote-ref-2)
3. This could also include measures addressing harassment/violence by co-workers or supervisors. See also further readings section. [↑](#footnote-ref-3)