

Workers (Aggravated Offences) (Scotland) Bill

September 2009

Introduction

The Federation of Small Businesses is Scotland's largest direct-member business organisation, representing around 20,000 members. The FSB campaigns for an economic and social environment which allows small businesses to grow and prosper.

We welcome the opportunity to submit our comments on the above proposal as we represent a wide variety of businesses that may be affected by the issues discussed in the consultation document.

Questions

Q1. My proposal is to apply the proposed bill to workers who provide a face to face service to the public. Are there any other groups of worker that you think should be captured in the Bill?

In discussions with our members on this issue, it was not apparently clear to us who this proposed piece of legislation would cover. We were also not sure whether this would cover the self-employed. It would be helpful if this could be made clearer in any future report.

Q2. How effective have you found the Emergency Workers Act 2005?

The FSB has no experience of the above legislation, since this does not cover our members.

Q3. Do you think there will be additional costs associated with this bill and in what areas will they arise?

The only additional costs that the FSB foresees, is potentially additional court costs or police time in dealing with this additional piece of legislation.

Q4. Are the penalties proposed in this document sufficient, and if not, what penalties would you propose?

The FSB is not currently convinced that this piece of proposed legislation is necessary, so we will make no comment on potential penalties.

Q5. Do you have any other comments or views on extending the tougher penalties contained in the Emergency Workers Act 2005, to workers providing a face to face service to the public?

The FSB represents businesses across all sectors and so we take a great interest in their welfare. Indeed, our internal research found that many small businesses take their responsibilities as employers, in terms of safety and training, very seriously indeed.

We do however have some concerns about the necessity of this bill, as we believe it is the case that all individuals are currently covered by existing laws. We cannot immediately see the need for an additional piece of legislation that may merely duplicate existing legislation.

The example given in the consultation document is why a nurse would be protected by the *Emergency Workers Act (2005)* while a bus driver would only be protected by existing general laws. This could of course be extended to staff in many other types of businesses such as restaurants, shops, pubs and other professions such as joiner, electrician, plumber or painter & decorator. While the figures quoted in the consultation document show that there has been an increase in convictions under the 2005 Act, we remain to be convinced that the groups listed above and many others who work in day to day contact with the general public need this additional level of legal protection to guard against attack, as opposed to existing legislation which prevents assault.

While the new proposals would create a new offence of assaulting, obstructing or hindering an employee who is acting in their capacity as a worker while providing a face to face service to the public, and would carry a 12 month prison sentence or a £5,000 fine, we remain to be convinced that this new additional level of protection is necessary.

Q6. In what ways will the proposed Bill extend equal opportunity provisions and should it go further?

The FSB takes no view on this question.

Q7. Should hindrance and/or obstruction of the workers specified in this proposal be included in this proposed bill in the same way as is in the Emergency Workers Act?

The FSB takes no view on this question.

Conclusion

We do not wish to be negative in our response and we hope that these comments are useful in terms of stimulating a debate around these new proposals. We would be happy to enter into further discussions on this issue if you feel it necessary.

Should you require any further information, please contact: Martyn McIntyre, Policy Officer on (0141) 221 0775 or martyn.mcintyre@fsb.org.uk