

MEASURES TO PROTECT AGAINST VIOLENCE AND ABUSE AT WORK

Introduction

The threat and reality of violence and abuse at work is something that many workers have to contend with across UK industry, especially when they are facing the public.ⁱ As a result, there is a fair degree of advice available for union reps from sources such as the TUC and HSE.

In this Bulletin we will be looking at some of those sources as we describe the current extent of the problem, the legal issues involved and the protective measures that should apply in members' working environments.

Definition of violence

The Health and Safety Executive (HSE) defines workplace violence as "any incident in which a person is abused, threatened or assaulted in circumstances relating to their work".ⁱⁱ

This definition covers:

- verbal abuse
- physical threats
- acts of violence.

The results of workplace violence can include:

- Physical injury

- Work-related stress – which can have long-term effects on health
- Fear and anxiety
- Job dissatisfaction and poor performance
- Poor morale.

How big an issue is violence and abuse at work?

Analysis by the Health & Safety Executive (HSE)ⁱⁱⁱ of the findings from the 2015/16 Crime Survey for England and Wales (CSEW) showed that:

- The risk of work related violence is similar in 2015/16 to what it has been for the previous five years, with an estimated 1.4 per cent of working adults the victims of one or more violent incidents at work;
- This means that in 2015/16 350,000 adults of working age in employment experienced work related violence including threats and physical assault.
- There were estimated to be 698,000 incidents of violence at work in England and Wales, comprising 329,000 assaults and 369,000 threats. The HSE

reported that whilst “the number of assaults was broadly similar to the last few years... the number of threats was significantly higher due to the inclusion of work-related online threats for the first time;”

- Whilst 54% of victims had been assaulted or threatened once during 2015/16, another 18% have had this experience twice whilst a further 26% have suffered on three or more occasions. This means that 43% of victims can be called “repeat victims;”^{iv}
- And violence at work affects both women and men because the CSEW in 2015/16 found that 1.3% of women and 1.5% of men were victims of violence at work once or more during the year prior to their interview by the HSE;
- 46% of cases of workplace violence were committed by strangers to the victim. This means that 54% of incidents involved an offender known to the victim, most likely as a client or a member of the public known through work;
- According to the HSE’s findings, most (67%) of violence at work resulted in no physical injury whilst for the remaining 33%, minor bruising or a black eye accounted for the majority of the injuries recorded.

RIDDOR Reports

Another way of looking at the scale of the issue is by the use of figures that emanate from RIDDOR^v reporting

arrangements – and which include figures for Scotland.

This shows that in 2015-16 there were 4,697 injuries to employees, where the ‘kind of accident’ was ‘physical assault/act of violence’ in Great Britain (England, Wales and Scotland). According to the HSE, this represents 6.5% of all reported workplace injuries. Included in this figure was one death.

Violence and abuse in the rail industry

Within the UK Rail Industry, the Office of Rail and Road’s “Annual Health & Safety Report 2015/16”^{vi} showed that there were:

- 473 assaults on rail workers at stations
- 278 assaults on employees on trains.

These figures represented an 11% reduction in workforce assaults when compared to the situation a decade earlier but does include five workers who received what the RSSB^{vii} describes as “major injuries” attributable to “assault and abuse.”

Despite this trend, however, the RSSB’s recently published “Annual Safety Performance Report 2016/17”^{viii} shows a spike in assaults on rail staff:

- 535 assaults on rail workers at stations;
- 351 assaults on employees on trains.

Five of the rail staff assaulted received major injuries.

Over the last ten years, 60% of assaults have taken place at stations.

It is also notable that the RSSB have cited “managing assaults on trains and in stations” as one of the “clear challenges that the industry is facing” alongside “other areas, such as managing risk at the platform edge... and emerging trends seen in workforce road driving.”^{ix}

For TSSA, any assault or abuse towards a rail worker is totally unacceptable.

Who may encounter violence at work?

According to the HSE, the occupations/professions most at risk, of violence at work are:

- protective services, eg the police and prison service
- health and social welfare professionals
- teaching and research professionals
- transport workers, eg buses and taxis
- sales and customer service occupations
- cash handling occupations.

TSSA has members in a number of these categories (eg, British Transport Police PCSOs in terms of protective services, transport workers and sales and customer service staff in the TOCs and Network Rail) so this is an issue that can affect the people that you as a rep stand up for.

Reasons for assaults in the railways

The 2016/17 RSSB Annual Safety Performance Report did not give details of the cause of assaults on rail staff. Looking back to the Report from 2013/14, however, ticket disputes were cited as the primary cause in around

41% of reported assaults on staff and alcohol/drugs as the primary factor in 17%.

What does the law require?^x

Outside the application of the general provisions of the criminal law system in the UK, there are no specific regulations on violence at work. There are, however, a range of general health and safety legal requirements that apply to the protection of staff from acts of violence:

- The Health and Safety at Work, etc, Act 1974 requires employers to ensure the health and safety of their employees and others and this extends to protection from acts of violence;
- A number of parts of the Management of Health and Safety at Work Regulations 1999 also apply. Notably, regulation 3 requires employers to perform risk assessments for their work activities and, again, this extends to potential acts of violence. Regulation 5 requires health and safety arrangements to be in place to ensure effective management of health and safety;
- The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) require employers to notify their enforcing authority in the event of an accident at work to an employee resulting in death, major injury or absence from work for seven or more consecutive days. This includes any act of non-consensual

physical violence suffered at work;

- The Common Law “duty of care” applies as well and can give rise to civil claims in the event of death or injury from acts of violence. As Croner’s recently reported when describing the case of *Houghton v Hackney Borough Council* (1967), “employers have to be proactive on the prevention of violence at work to defend potential claims against them.”

What action has been taken to reduce violence and abuse at work?

Rising levels of violence and abuse towards railway staff began to be recognised at the end of the 1990s and the beginning of the 2000s, not the least because of trade union campaigning around the subject.

Since then, a lot of work has been done by employers and trade unions working in conjunction with British Transport Police, the ORR and RSSB:

- Demands from trade unions have resulted in most station operators displaying statements highlighting a zero tolerance approach to violence against staff and police action against perpetrators. Similarly, union demands have also led to arrangements being instituted by many employers that mean victims of assaults and abuse are treated compassionately by the provision of support such as counselling;
- British Transport Police have also included dealing with

violence towards railway workers as one of their key priorities in their annual Policing Plans;

- The RSSB has a stakeholder group called People on Trains and in Stations Risk Group (PTSRG) which includes the issue of violence against staff as one of its main workstreams (TSSA is represented on this group).

Do issues of violence and abuse persist for railway workers and what can reps be doing?

Despite the excellent work that has been carried out and which has seen a steady decline in violence towards staff, the RSSB has reported an increase in 2016/17 indicating that there is still much work to be done.

Apart from the need to keep highlighting this issue, there is a continuing need for vigilance to ensure existing arrangements (including for the care of assaulted staff) are not watered down. There are also potentially new threats to be encountered and which reps should consider:

- One area has to be in connection with the design of new ticket offices. In some railway companies this has involved the removal of glass screens to enable a better interaction between workers and passengers. At the least, this can cause staff to be uncertain and even fearful about what might occur;
- In other companies, and in what appears to be an

increasing trend in Train Operators, staff are being moved out of ticket offices for some, or all, of their shift and asked to walk around station concourses giving advice on travel options whilst also selling tickets via an iPad. Again, this can lead to staff feeling exposed and vulnerable;

- Similarly, cuts to staffing at stations can mean that the number of people on duty at any one time, especially at the start or end of the day, is reduced, putting at risk people who have to work alone. For instance, we have had reports of workers shutting themselves in their offices at stations for fear of drunken passengers late at night.

All of these issues are matters that must be tackled. Part of the process of making these changes must be the production of an adequate risk assessment (see earlier about the requirements under the Management of Health and Safety at Work Regulations 1999) PRIOR to schemes being put into effect and which must involve the TSSA reps and members in meaningful consultation.

TSSA advice and guidance

TSSA published a Reps Bulletin (H&S113 Oct 2015) describing the requirements for Consultation on Risk Assessments and which can be found at: <https://www.tssa.org.uk/en/reps-area/reps-bulletins/health--safety/index.cfm>

The Union has also published previous Bulletins (available as above) related to violence at work:

- “Violence and aggression in the workplace” (H&S/100/March 2014) which contains some excellent advice on Management Systems;
- “Designing out violence and aggression in the workplace” (H&S/101/April 2014).

The TSSA experience in London Underground: an example for all TSSA reps

An example of how TSSA has confronted issues of violence and abuse at work can be seen in how the union responded to the situation that existed in London Underground (LU) in the Autumn of 2016.

At the end of September, TSSA ran a survey of London Underground (LU) members employed as Customer Service Assistants (CSAs) on platforms and at stations after union reps began to report members feeling unsafe at work. Their safety concerns emanated from former Mayor Boris Johnson’s decision, whilst in office, to recklessly close most ticket offices at the beginning of the year and which led to the loss of some 800 jobs out of the customer facing organisation. Amongst the findings of the survey was that:

- 80% of TSSA members reported that they felt less safe at work than they did before the closures;
- 74% of our members reported increases in passenger frustrations with ticket machines;

- A spike in abuse towards customer facing staff, with 70% of CSA members reported an increase in physical or verbal abuse or attacks since the ticket offices closed;
- More than 12,000 separate incidents of passenger abuse towards CSAs were recorded on a company issued ipad app;
- In addition, 80% of CSA staff members reported being put under constant pressure to work overtime because there weren't enough people to cover shifts.

Consequently, TSSA raised the urgent issue with LU management, notifying them that this was a dispute situation and that the union would be balloting for industrial action. After a significant majority mandate was achieved in the ballot and as a result of the members taking strike action, the union won the reinstatement of 325 jobs after ACAS talks and as a first step to resolving the safety and staffing issues.

For reps concerned about safety from violence and abuse at work, there are lessons to be learned from the LU dispute and not the least of these is to:

- Research the issues, perhaps by a survey, asking the people you represent what they feel about the matter;

- Those colleagues that are not in the TSSA, get them to join either by a paper form or online at:
<https://www.tssa.org.uk/en/join-us/index.cfm>
- If they are relevant for the issue, make sure that you are aware of the advice in this Bulletin and those that have been mentioned earlier;
- Speak also to fellow TSSA reps who may be affected by the same issue;
- Contact your TSSA organiser for additional advice and support;
- Working with others from TSSA, including members, reps and your organiser, plan your campaign to gain improvements.

And remember, like many health and safety issues, violence and abuse can lead to physical and mental injuries to individuals - and, in some cases, even death! So, let's stick up for our members!

Acknowledgements

This Bulletin was produced using the material in the notes below.

ⁱ See p42 RSSB Annual Safety Performance Report 2016/17 at: <https://www.rssb.co.uk/Library/risk-analysis-and-safety-reporting/2017-07-report-annual-safety-performance-report.pdf>

ⁱⁱ See: <http://www.hse.gov.uk/violence/>

ⁱⁱⁱ See: <http://www.hse.gov.uk/statistics/causinj/violence/index.htm>

^{iv} See: <http://www.hse.gov.uk/statistics/causinj/violence/violence-at-work.pdf?pdf=violence-at-work>

^v Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013 (that amended the 1995 Regs).

^{vi} See page 46 at: http://www.orr.gov.uk/_data/assets/pdf_file/0020/22457/annual-health-and-safety-report-july-2016.pdf

^{vii} See chart on page 65 of:
<https://www.rssb.co.uk/Library/risk-analysis-and-safety-reporting/2016-07-annual-safety-performance-report-2015-2016.pdf>

^{viii} See Page 42, RSSB Annual Safety Performance Report 2016/17

^{ix} Page vii of RSSB Annual Safety Performance Report 2016/17

^x “Too scared to go to work” by Andrew Christodoulou and published by Croner i, available at: <https://app.croneri.co.uk/feature-articles/too-scared-go-work?product=8>