Protection of Workers (Scotland) Bill

[AS INTRODUCED]

An Act of the Scottish Parliament to make it an offence to assault certain persons in the course of or by reason of their employment; and for connected purposes.

1 Assault of workers

(1) A person, being a member of the public, who assaults a worker—

(a) in the course of that worker’s employment, or

(b) by reason of that worker’s employment,

commits an offence.

(2) No offence is committed—

(a) under subsection (1)(a) unless the person who assaults knows or ought to know that the worker is acting in the course of the worker’s employment,

(b) under subsection (1)(b) unless the assault is motivated, in whole or in part, by malice towards the worker by reason of the worker’s employment.

(3) In this section—

“worker” means a person whose employment involves dealing with members of the public, to any extent, but only if that employment involves—

(a) being physically present in the same place and at the same time as one or more members of the public, and

(b) (either or both)—

(i) interacting with those members of the public for the purposes of the employment, or

(ii) providing a service to either particular members of the public or the public generally,

“employment” means any paid or unpaid work whether under a contract, apprenticeship, or otherwise.

(4) Evidence from a single source is sufficient evidence to establish for the purpose of subsection (1) whether a person is a worker.
2 Penalties

A person guilty of an offence under this Act is liable, on summary conviction, to imprisonment for a period not exceeding 12 months or to a fine not exceeding the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995 (c.46) or to both.

3 Saving for certain offences

Nothing in this Act affects section 41(1) of the Police (Scotland) Act 1967 (c.77) (assault etc. of constable in execution of duty or of person assisting a constable), or the Emergency Workers (Scotland) Act 2005 (asp 2).

4 Commencement and short title

(1) This Act comes into force six months after the date of Royal Assent.

(2) This Act may be cited as the Protection of Workers (Scotland) Act 2010.
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Introduced by: Hugh Henry
On: 1 June 2010
Bill type: Member’s Bill