

Protection of Workers Bill

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TO

Create a specific offence relating to assault on those whose work brings them into face-to-face contact with members of the public; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Assaulting certain providers of public services

- (1) A person who assaults another person acting in a capacity mentioned in subsection (3) below commits an offence.
- (2) No offence is committed under subsection (1) above unless the person who assaults knows or ought to know that the person being assaulted is acting in that capacity. 5
- (3) The capacity referred to in subsection (1) above is—
 - (a) that of a person whose employment, paid or unpaid work whether under a contract, apprenticeship or otherwise, involves dealing with members of the public, to any extent; 10
 - (b) that of a person whose employment, paid or unpaid work whether under a contract, apprenticeship or otherwise, involves essential work.

2 Provisions supplementary to section 1

- (1) A person may be convicted of the offence under section 1 of this Act notwithstanding that it is effected by means other than physical means. 15
- (2) Evidence from a single source is sufficient evidence to establish, for the purpose of section 1 of this Act, whether a person is acting in a capacity referred to in that section.
- (3) Essential work includes prison officers and related grades, operational support grades, nursing staff, industrials and instructional officers; all clinical staff employed by the NHS; probation service officers and other operational staff; 20

local authority employed staff and social workers, who work directly with the public.

3 Penalties

A person is guilty of an offence under this Act is liable, on summary conviction, to imprisonment for a period not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both. 5

4 Saving for certain other offences

Nothing in this Act affects section 89 of the Police Act 1998 (assaults on constables) or section 44(3) of the Fire and Rescue Services Act 2004 (obstruction of fire-fighters in an emergency) or the Emergency Workers (Obstruction) Act 2006. 10

5 Power to modify

- (1) The Secretary of State may by order modify this Act by –
 - (a) adding a person or description of person to, or
 - (b) removing a person or description of person from, section 2(3) of this Act and by making such provision connected with that modification as he thinks fit. 15
- (2) The Secretary of State shall not make an order under subsection (1)(a) above unless it appears to him that the person to be added (or, as the case may be, each person of the description to be added) is one whose functions or activities are such that the person is likely, in the course of them, to have to deal with the public. 20
- (3) An order under subsection (1) above is to be made by statutory instrument.
- (4) No order under this section shall be made unless a draft of it has been laid before, and approved by a resolution of, each House of Parliament. 25

6 Short title, commencement and extent

- (1) This Act may be cited as the Protection of Workers Act 2013.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act extends to England and Wales only.

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To create a specific offence relating to assault on those whose work brings them into face-to-face contact with members of the public; and for connected purposes.

*Ordered to be brought in by Graeme Morrice,
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*Ordered, by The House of Commons,
to be Printed, 30 October 2012.*

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