

# **Abuse of Public-facing Workers (Offences) Bill**

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[AS INTRODUCED]

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# B I L L

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Make provision for and in connection with offences relating to verbal and physical abuse of public-facing workers in the course of their employment.

**B**E 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 Offences of verbal and physical abuse of public-facing workers

- (1) This section applies to a qualifying offence that is committed against a public-facing worker acting in the exercise of functions as such a worker.
- (2) In this section, a “qualifying offence” is—
  - (a) an offence of common assault, or battery, under section 39 of the Criminal Justice Act 1988, or
  - (b) an offence of harassment under section 2 of the Protection from Harassment Act 1997 which involves the verbal abuse of the public-facing worker.
- (3) A person guilty of an offence to which this section applies is liable—
  - (a) on summary conviction, to imprisonment for a term not exceeding 12 months, or to a fine, or to both;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding 12 months, or to a fine, or to both.
- (4) For the purposes of subsection (1), the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as a public-facing worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as a public-facing worker.
- (5) In section 39 of the Criminal Justice Act 1988 (which generally provides for common assault and battery to be summary offences punishable with imprisonment for a term not exceeding 6 months), at the end of subsection (2) insert—

“and section 1 of the Abuse of Public-facing Workers (Offences) Act 2022 (which makes provision for increased sentencing powers for

offences of common assault and battery committed against a public-facing worker acting in the exercise of functions as such a worker)".

- (6) In section 2 of the Protection from Harassment Act 1997 (which provides for harassment to be a summary offence punishable with imprisonment for a term not exceeding 6 months, or a fine not exceeding level 5 on the standard scale, or both), after subsection (2) insert— 5
- “(3) Subsection (2) is subject to section 1 of the Abuse of Public-facing Workers (Offences) Act 2022 (which makes provision for increased sentencing powers for offences of harassment involving verbal abuse committed against a public-facing worker acting in the exercise of functions as such a worker).” 10

## 2 Aggravating factor

- (1) This section applies where— 15
- (a) the court is considering for the purposes of sentencing the seriousness of an offence listed in subsection (3), and
  - (b) the offence was committed against a public-facing worker acting in the exercise of functions as such a worker.
- (2) The court— 20
- (a) must treat the fact mentioned in subsection (1)(b) as an aggravating factor (that is to say, a factor that increases the seriousness of the offence), and
  - (b) must state in open court that the offence is so aggravated.
- (3) The offences referred to in subsection (1)(a) are— 25
- (a) an offence under section 4 of the Protection from Harassment Act 1997 (putting people in fear of violence);
  - (b) an offence under any of the following provisions of the Offences against the Person Act 1861— 30
    - (i) section 16 (threats to kill);
    - (ii) section 18 (wounding with intent to cause grievous bodily harm);
    - (iii) section 20 (malicious wounding);
    - (iv) section 23 (administering poison etc);
    - (v) section 28 (causing bodily injury by gunpowder etc);
    - (vi) section 29 (using explosive substances etc with intent to cause grievous bodily harm); 35
    - (vii) section 47 (assault occasioning actual bodily harm);
  - (c) an offence under section 3 of the Sexual Offences Act 2003 (sexual assault);
  - (d) manslaughter; 40
  - (e) kidnapping;
  - (f) an ancillary offence in relation to any of the preceding offences.

- (4) For the purposes of subsection (1)(b), the circumstances in which an offence is to be taken as committed against a person acting in the exercise of functions as a public-facing worker include circumstances where the offence takes place at a time when the person is not at work but is carrying out functions which, if done in work time, would have been in the exercise of functions as a public-facing worker. 5
- (5) In this section—  
“ancillary offence” in relation to an offence, means any of the following—  
(a) aiding, abetting, counselling or procuring the commission of the offence; 10  
(b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence;  
(c) attempting or conspiring to commit the offence;  
“public-facing worker” has the meaning given by section 3.
- (6) Nothing in this section prevents a court from treating the fact mentioned in subsection (1)(b) as an aggravating factor in relation to offences not listed in subsection (3). 15

### 3 Meaning of “public-facing worker”

- (1) In sections 1 and 2, “public-facing worker” means—  
(a) a person listed in subsection (2), or 20  
(b) any person employed for the purposes of providing, or engaged to provide, services and whose general activities in doing so involve face to face or telephone interaction with individuals receiving the services or with other members of the public.
- (2) Examples of public-facing workers are— 25  
(a) retail workers;  
(b) airline cabin crew;  
(c) public transport staff;  
(d) emergency workers (within the meaning in section 3 of the Assaults on Emergency Workers (Offences) Act 2018); 30  
(e) call centre operators;  
(f) librarians;  
(g) waiters;  
(h) bar staff;  
(i) prison officers; 35  
(j) social workers.
- (3) It is immaterial for the purposes of this section whether the employment or engagement is paid or unpaid.

### 4 Extent, commencement and short title

- (1) This Act extends to England and Wales only. 40

- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act may be cited as the Abuse of Public-facing Workers (Offences) Act 2022.



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