

MEDIA RELEASE

Customer abuse of staff leaves employers open to litigation

Adequate rostering, policies and training all need to be addressed by employers coming up to the Christmas period

Brisbane, 9 December 2008 – Harmers Workplace Lawyers says that employer litigation exposure for stress in the workplace is likely to escalate amid economic turmoil as businesses try to maintain profits by decreasing the number of customer service staff on the floor. This will be particularly evident during high demand periods in some industries such as Christmas.

Jamie Robinson, Brisbane Partner at Harmers Workplace Lawyers says that due to our high-stress and time-poor culture, customers are short-fused and will take out their frustration on customer service employees. “What exacerbates an already tense situation is when there apparently aren’t enough staff rostered on to meet the demands or complaints of customers, leading to verbal abuse and sometimes even physical violence.

“Particularly as we are coming into the busy and often stressful Christmas period, it is important that employers take this issue seriously,, roster adequate staff on (where they are aware of increased demand), have appropriate policies in place and train staff in relation to how they should deal with angry/aggressive customers, otherwise they leave themselves exposed to both physiological injury claims from their employees and potential prosecution from workplace health & safety authorities as a result of their inaction,” he says.

Mr Robinson says that employees facing irate customers often have not been trained to properly mitigate these situations and they frequently do not have easy access to a manager or supervisor who they can direct the complaints to. This exacerbates the situation and the employer’s exposure.

“Policies and training are necessary for employees working in customer service jobs, so they are equipped to diffuse a situation with minimum stress. Employees also need to have appropriate support from senior management. If the support isn’t there, these situations can lead to staff turnover and serious psychological problems if bullying is endured over a long period of time.

“While many employers now realise that the issue of bullying between employees must be addressed, many still totally overlook the fact that staff can be subject to bullying from customers, particularly when they are expected to deal with irate customers on an ongoing basis.

“A prime example of where customer bullying occurs is in airports, where there may be as few as half a dozen staff to check in the hundreds of passengers over a very short timeframe. These employees can be subjected to abuse on a daily basis from

passengers already stressed about making their flight, which is aggravated by the lack of staff and long queues. In fact, one airline employee told me that staff turnover was high because the employees couldn't handle the abuse," he says.

Employees who feel that they aren't being safeguarded from customer bullying and are suffering from stress are protected by the relevant Occupational Health and Safety Acts and bodies in each state, such as WorkCover in NSW.

"If employers don't take customer bullying of their employees seriously and have the right procedures in place then they are opening themselves up to serious litigation for stress leave and stress disorders and also prosecution in some cases for failing to ensure that they have provided a safe work environment," he says.

Practical steps for employers

Mr Robinson says there are a number of proactive steps an employer can take to address customer bullying of their customer service employees. Employers should:

- Consult with employees and identify risks that can lead to customer bullying and determine what can be done to prevent or overcome these situations
- Develop an effective policy and procedure to deal with customer complaints and abusive situations (i.e. pass situation along to manager and have communication channels through which a complaint can be properly heard and dealt with)
- Communicate the policy to all employees, with regular training and induction training for new staff
- Conduct separate training for supervisors and managers and ensure that senior managers are available on the floor to handle situations
- Ensure that the appropriate number of staff is rostered, particularly when you expect higher customer numbers (i.e. Christmas or weekends)
- Ensure there are feedback channels open, available and known to customers
- Provide appropriate support and counselling for staff members that have experienced customer bullying
- Keep accurate records of steps taken to assist if legal action commences

Ends

Note to editors:

About Harmers Workplace Lawyers

Harmers Workplace Lawyers was established in 1996 as a boutique employment law firm. Since then it has become one of Australia's leading employment and industrial law firms, with offices in Sydney, Melbourne and Brisbane. The firm has been awarded Australasian Legal Business's 'employment specialist firm of the year' for the past three years running.

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