



Case Report

1	Case Number	0114/16
2	Advertiser	WorkSafe Victoria
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/03/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The recent WorkSafe advertising campaign shows a man missing his bus in the rain and a woman dropping red sauce on her white shirt. These situations are described as having a bad day. We then see the aftermath of incidents in the workplace – a factory worker with a bloody towel around his hand is being walked through a factory and a healthcare worker is unconscious on the ground with his colleague calling for help. We also see a man on the phone contacting a woman at home to deliver sad news about an incident. Finally a WorkSafe inspector talks to the camera stating why WorkSafe inspects workplaces. A black screen then appears with the words "You can stop really bad days".

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

If aired after 9:30 when children are in bed I could accept this message but it is very inappropriate at the times being displayed and we have seen it at this time several times this week on several different channels. My children have both become very upset and emotional when they have seen it and I have had to cover their eyes which I shouldn't need to do just after 7pm.

The commercial depicts gore. The individuals involved in the workplace accidents are

displaying life threatening injuries. Their bloodied body parts are shown up close.

The commercial is being aired during family viewing time/program (MKR). Children are being affected by this commercial - scared and disturbed by it.

I don't this advertisement should be shown during the day or before 8.30pm at night due to its distressing content to children.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Thank you for bringing to our attention concerns amongst the community regarding our recent public awareness campaign, 'Really Bad Day', which went live 21 February 2016.

In response to the complaints, each relating to the depiction of a bloody towel as a result of a workplace injury, I would like to outline the background to the campaign, and the responsible and considered approach we took for ensuring it was developed within Australian standards. This includes key aspects of the extensive market research, the rationale for the creative approach taken, and approvals sought in the production of the advertising's creative material and placement at various times on television.

Following your review of this material I am confident you will find that WorkSafe has developed this campaign in an appropriate and responsible way. It is a campaign which will help prevent traumatic injuries sustained in workplaces and one that is 'justifiable in the context of the product or service advertised', the enforcement of workplace safety across Victoria (*section 2.3 AANA Code of Ethics).*

Background (the need for this campaign)

Workplace injuries and fatalities are a social issue that affects more than the individual worker. Families, friends and work colleagues are placed under enormous stress, not to mention the wider impact on health and insurance systems. Every year WorkSafe administers over one billion dollars in benefits for rehabilitation and financial support to injured workers.

In 2015, 20 people died in workplace fatalities and more than 26,000 workers were injured seriously enough to receive compensation. Tragically, already in 2016, four Victorians have died at their workplace. We need all Victorian employers to make sure that safety is the top priority in their workplaces to prevent these tragedies.

WorkSafe inspectors – our frontline staff – play a crucial role in ensuring Victorians return home safe from work every day. To effectively encourage compliance with OHS law among Victorian employers, WorkSafe needs to be seen as having a strong and present enforcement arm.

In the absence of Enforcement advertising over the past three years, we have seen a downward trend in community reporting of key organisational measures such as:

- *Believing that a WorkSafe inspector is likely to visit your workplace over the next 12 months.*
- *Agreeing that WorkSafe works with the community to keep workplaces safe.*

This campaign needed to address these issues, as well as increase awareness of the risks of an unsafe workplace. WorkSafe data suggested key industry targets should include construction, manufacturing, healthcare and retail (based on injury data as well as the operational focus of WorkSafe Inspectors).

Pre-formative research (informing the campaign direction)

A significant amount of research was conducted to inform the creative approach of this campaign, particularly to understand the attitudes and behaviours of employers (as well as workers and the broader Victorian community), to best enable us to influence behaviour and attitude change.

The 'pre-formative' research activities started in June 2015 and included a review of relevant academic papers on behaviour change relating to enforcement and the workplace as well as consultation with internal experts, external stakeholders (such as unions and employer associations), employers and workers.

Three major insights were drawn from this research to inform the campaign:

- 1. We need to make sure cutting corners is perceived as not worthwhile, because the risk of getting caught and/or someone getting hurt is believable enough.*
- 2. If people understand why we're doing this (because unsafe workplaces are unacceptable), they'll believe in and support what we're doing and find it harder to opt-out of the messaging.*
- 3. An emotional angle may well be powerful and new territory for the enforcement message to have an impact with employers.*

The research also confirmed the need to target primarily employers in small to medium workplaces in the construction, manufacturing, retail and healthcare industries. And it indicated the need for a secondary target of all employers and workers.

Research also suggested a need to encourage proactive compliance rather than forcing compliance in response to a WorkSafe 'threat'. Inspectors needed to be shown to be firm, but with a strong interest in worker welfare.

Formative research (testing the ideas)

Several creative ideas were tested through focus groups with workers and employers. The 'Really Bad Day' concept was determined to be the most effective at reaching the campaign's objectives and encouraging employers to prioritise workplace safety.

Critical to the success of this idea was the inclusion of three core pillars fundamental to creating compelling and influencing behaviour change message: enforcement, emotion and education.

- *The enforcement pillar reminds employers that Inspectors inspect workplaces “Anywhere, any day, anytime”.*
- *The emotional pillar aims to raise awareness of the impacts of not prioritising safety every day.*
- *And the education pillar, paired with the call to action, enables employers to access tools to continuously improve the safety of their workplace.*

Pertinent comments from the focus groups included (from employers):

- *“It has a good impact ... the shock factor leaves some sort of impression on the mind and makes you think about safety”*
- *“If the workplace isn’t safe, you’ll have a really bad day”*
- *“It’s reinforcing the seriousness of it all”*
- *“They’re not there to hassle you about the pedantic things. Only the things that matter”.*

And from an employee:

- *“It makes you sit up and take notice ... it’s serious stuff”.*

Stakeholder consultation

Key external stakeholders provided input to the development of the campaign and supported the use of the emotional pillar – suggesting it was crucial in appealing to employers to avoid such traumatic incidents, which can and do occur. The workplace incidents (including the depiction of blood) were deemed an accurate representation of what happens in workplaces, and crucial to demonstrating the consequences of complacency. The graphic nature was also deemed necessary to avoid employers ‘opting out’ of the message if the consequence was not as serious as was shown.

Approvals – CAD pre-approval, CAD rating and Department of Premier and Cabinet approval

The appropriateness of using a graphic emotional approach in this campaign was considered throughout the process. Reviews of the material for appropriateness were sought throughout the development process, including early reviews of the concept and television commercial through CAD and the Department of Premier and Cabinet (DPC).

Final approval from CAD and the DPC (as of 10 February 2016) were received in ample time to respond to any issues, none of which were raised by either regulatory body.

Please note, four versions were given to CAD to review, but only one 45-second version was aired on television (Key number: VWA002145T, CAD NO: P2PNTGOA). All variations received a PG rating (Placement code “P”).

Time of day media placement

As the television commercial has been granted a PG rating, it is able to be broadcast at any time of day, except during specifically classified P (Preschool) or C (Children's) programs.

We have had assurance from our media buyer (Dentsu Mitchell – the government appointed agency) that they purchased and booked advertising according to this direction.

In summary

WorkSafe acknowledges that some members of the public may find this advertisement (and particularly the depiction of blood) confronting.

This campaign is designed to have high impact and to highlight the tragic consequences of serious workplace injuries in the hope that everyone prioritises safety and no-one has a really bad day.

Some of the scenes may be confronting but they reflect the traumatic scenarios that do happen (all too frequently) in Victorian workplaces. The unease some may feel when watching these non-aggressive, life-like scenes is an important response which is a precursor to behaviour change.

We have worked within the Australian Standards Bureau guidelines, with the assistance of our media buying professionals, and appropriate industries and regulatory authorities to avoid inappropriate exposure to minors, in the context of our social marketing objectives – and indeed, in the context of WorkSafe's mandate to protect Victorian workers.

WorkSafe remains absolutely committed to ensuring Victorian workers get home safe. The Really Bad Day campaign aims to prevent workplace tragedies by sending a powerful message about the need to make safety a top priority.

Response to all parts of section 2 of the AANA code of ethics

2.1 - Discrimination or vilification

There is no discrimination or vilification either portrayed or suggested in the Really Bad Day campaign.

2.2 - Exploitative and degrading

There is no exploitative or degrading content in the Really Bad Day campaign. We have shown the supportive and responsible actions of managers and employers as they help their injured colleagues and workers.

2.3 – Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

This campaign does not depict violence or unacceptable behaviour. It depicts a realistic scene of the aftermath of a workplace incident – in order to demonstrate the very real consequences of not making safety a priority.

This campaign does not depict any violent injuries actually occurring – viewers do not see what happened to the injured worker’s arm or why the male healthcare worker is unconscious. The campaign only shows the aftermath of an incident occurring.

In the scene which shows blood, no injuries, open wounds or body parts are shown – only a bloody towel wrapped around a man’s arm/hand showing that he has been seriously injured as he is helped through the factory by his manager.

2.4 - Sex, sexuality and nudity

There is no depiction of sex, sexuality or nudity in the Really Bad Day campaign

2.5 – Language

There is no inappropriate language depicted in the Really Bad Day campaign.

2.6 - Health and Safety

At its very core this is a Health and Safety campaign – aimed at preventing workplace tragedies by sending a powerful message about the need to make workplace health and safety a top priority.

Several scenes depict the result of a workplace incident, however they do not show any unsafe practices.

A senior workplace safety inspector was present on set for every scene of filming to ensure the role of the WorkSafe inspectors was accurately represented, that filming was undertaken in a safe manner and that accurate and typical workplace incidents were shown.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement depicts graphic images of injured workers which are too graphic and not appropriate for children to view.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that this television advertisement features examples of what are described as instances of having a bad day: missing a bus in the rain, dropping sauce on a white shirt, before going on to show examples of really bad days where accidents happen at work and we see a factory worker with a bloody towel wrapped around his hand and a health care worker

who has collapsed.

The Board noted that community service advertisements are designed to show important messages but considered that the importance of the message does not mean that any concept depicted in such advertisements is automatically justifiable.

The Board noted the scene where the man is walking with a blood soaked towel wrapped around his hand and considered that whilst we do see blood on the towel, the man's face and hand and on the floor we do not see the actual injury itself. The Board noted that some members of the community would find images of blood to be upsetting but considered that this scene is relevant to the message of the advertisement and the level of violence depicted from a workplace injury, is not inappropriately graphic.

The Board noted the scene where a woman receives bad news over the phone, presumably about her husband or close family member, and is seen to be visibly upset. The Board noted that this scene could be upsetting to some members of the community but considered that it was relevant to the advertisement's message and was not graphic or inappropriate.

The Board noted that the CAD rating was 'PG' which means it could be seen by children. The Board noted that the content of the advertisement is less confronting and graphic than similar advertisements for the same advertiser (0062/14, 0197/13 and 0206/13) and considered that consistent with these previous determinations, the current advertisement depicts violence in a manner which is appropriate in the context of a work safety campaign which can be viewed by a broad audience including children.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.