



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0182/12</b>
<b>2</b>	<b>Advertiser</b>	<b>WorkSafe Victoria</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/05/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety      Bullying (non violent)

### DESCRIPTION OF THE ADVERTISEMENT

Series of Worksafe advertisements that show a variety of scenes in warehouses, outdoors, office and factory settings with a supervisor directing staff to undertake unsafe tasks with a definite risk of injury and/or death. The employee agrees in all cases but looks concerned and confused. Ending with tagline " Would you do what you ask your workers to do?",

### THE COMPLAINT

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

*The advertisements are clearly intended to be ironic. However given the times of running of these advertisements they will be seen by children and young adults. The majority of children and young adults will fail to understand the ironic intention and may therefore form an opinion that employers as a group are generally of the character depicted in the advertisements. Such attitudes acquired at an early age are often retained in adulthood and a person so affected may have difficulty making a proper adaptation to adult working life.*

### THE ADVERTISER'S RESPONSE

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

*WorkSafe appreciates and values the right of the general public to provide their opinions regarding advertising content, and also values greatly the work of the ASB. Like most advertisers, WorkSafe Victoria is constantly vigilant in ensuring that our advertising is appropriate and impactful, and resonant with the general public both before and after that advertising is broadcast, and so WorkSafe appreciates the opportunity to respond to this complaint.*

*At the outset, WorkSafe notes that the sole complaint has apparently been filed in relation to section 2.6 of the AANA Code of Ethics, which reads that “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”, and specifically in relation to some perceived “bullying” inherent in the advertisements, according to the complainant.*

*While it is not immediately apparent which conduct is perceived to amount to bullying, it is conceivable that the nature of the absurd instructions handed down to the workers in the advertisements as part of the workplace authority/power dynamic that is clearly illustrated in the advertisements may possibly have been misconstrued as depicting bullying in the workplace. WorkSafe regulates on bullying and is well aware of its potential to cause significant distress in the workplace, and indeed part of the message of this campaign is to promote discussion and to empower employees to speak up when and if such conduct arises, and especially if it places them in a potentially dangerous scenario.*

*Further, to simply label the advertisements as depicting (or glorifying) bullying fundamentally misconstrues the entire point of the advertisements, being to use the scenes to shine a spotlight on safety in the workplace, and to empower employees (and indeed their line managers) to think more clearly about the workplace safety issues all around them, and in the case of the line managers, to consider the impact of their instructions from the other party’s perspective.*

*Importantly, results taken from the vast concept pre-testing research of the campaign showed the ‘Aussie form of sarcastic humour’ used in the advertisements hit a nerve with workplace supervisors, giving them a perspective of what workers are asked to do on a daily basis.*

*Importantly, the language had the potential to be used in colloquialisms around the office/worksite and that it could actually empower workers to speak up if they were asked to do something unsafe. The feedback received by WorkSafe was that supervisors had an uncomfortable laugh at the scenarios while taking in a very serious message. Concept testing dispelled the concern that the creative may create a wedge between management and employees and respondents appreciated the style of humour in WorkSafe making a serious point, which is entirely consistent with WorkSafe’s view of the general community view of irony and humour in advertising.*

*Again, the campaign is built on a significant body of research. It highlighted the significant impact that line management has on the culture of a workplace and factors that can lead to workplace injury. When tested alongside a variety of other communication concepts in the concept stage, segments of the community told us that using typically Australian humour was not only a legitimate vehicle for the message, but one that would be remembered and prompt discussion at work and in the community generally which of course is a massive consideration with any broad-scale community safety campaign such as this.*

*Of course the portrayed scenarios are absurd - but WorkSafe has found that combined with the line, ‘Would you do what you ask your workers to do?’, they have been very effective in prompting supervisors/line managers to think twice about how safe their work environments and instructions they give to workers really are. Rather than driving a wedge between employers and workers or leading to some kind of damaging developmental outcome for*

*individuals as argued in the complaint, the nature of these advertisements has provided some workers with a less confrontational way of broaching safety concerns with their managers. It's an unsubstantiated stretch to propose that young people will reflect any ill feeling to their future real employers as a result of the managers depicted in these ads and will therefore have trouble adapting to adult working life.*

*Following is an excerpt from a research report tabled 5 months after the initial launch of the campaign.*

*“On average 85% of employers and workers recalled seeing the ad. Over eight in ten Supervisors (84%) who recalled seeing or hearing the ‘Supervisors’ advertising campaign claim it has been effective at encouraging them to think about the health and safety of their workers.....All in all, the Supervisor campaign has been extremely successful. This paper has outlined the development of the entire campaign - from initial research suggesting the important role played by supervisors through to the launch of a successful campaign which has delivered results showing high levels of recall and more importantly, high levels of effectiveness. “*

*Sweeney Research THE SUPERVISOR CAMPAIGN: Evolution and Development.  
Reference No. 16796 • February 2008*

*Specifically regarding the AANA Code of Ethics, as outlined above it is highly questionable whether any of the campaign advertisements encroach upon section 2.6 (or indeed any other sections of the Code) at all, however for the sake of the response we shall proceed on that basis in any event.*

*While WorkSafe respects the right of the complainant to take issue and provide an opinion regarding the campaign, to misconstrue the conduct depicted in the advertisements as bullying while at the same time acknowledging that the advertisements “are clearly intended to be ironic” seems entirely contradictory. The interaction between the supervisor and worker in each scenario clearly depicts the influence that supervisors hold over their subordinates’ safety and assists in making the very important community safety message contained within the advertisements. At no stage are any of the absurd instructions glorified or accepted – indeed, the very opposite is the clear take away message.*

*Further, WorkSafe strongly refutes the argument of the complainant that the messaging could possibly be misconstrued by any of the audience (noting that each the campaign advertisements carry a combination of W (General / Warning) and PG Parental Guidance ratings with CAD), and in relation to young children, the messaging is of such a level that the meaning and impact of the statements would likely not be understood at all. However, if a particularly mature child did understand the messaging, it is also clear that they would accordingly absorb the main theme from that messaging, which is clearly communicated, or seek clarity on the meaning from the respective parent or guardian. The visuals in the advertisements are not confronting in any way, and thus it is impossible to conceive that any child or young adolescent would be traumatised or otherwise negatively affected by the advertisements. In any event, the suite of nine ads obtained W or PG ratings from CAD and have been broadcast for a significant period of time without any concern, which is another important consideration.*

*On the basis of the above it is WorkSafe’s contention that the campaign advertisements do not infringe upon the AANA Code of Ethics in any way. Even if a technical argument was raised that there was some breach of section 2.6, it remains that the very obvious messaging in the campaign and the strong community safety focus of the advertisements would sufficiently override any such concerns, and therefore that the complaint in this case should be dismissed.*

## **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 complainant’s concern that the advertisement portrays employers and supervisor’s in a manner that is negative and suggestive of a lack of concern for safety in the workplace.

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

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement shows everyday work situations with discussions between supervisor and employee where the employee is being asked to carry out activities that would be very dangerous such as:

Supervisor: “Marion , hi look we’re running really behind today so I’m wondering if you could hop on the machine with the broken guard. It will drag hair in and scar your face for life.”

Supervisor: “Tony mate we’ve got to get these boxes out before 5 o’clock ok, what I’ll get you to do is jump on the broken forklift drive it into the shelves they’ll collapse and break your neck. You ok with that.”

The Board noted the advertiser’s response that the while the advertisements show real workplaces and environments, the tasks being asked of the employees are not realistic and not a true indication of interaction between supervisor and employee.

The Board noted that the intention of the advertisement is to set scenes that are realistic and familiar to working adults across Australia and to highlight the important message of workplace safety and the importance to speak up at work rather than complete tasks that are dangerous or likely to cause injury or worse.

The Board considered that there is a genuine community concern regarding workplace safety and issues surrounding bullying in the workplace but considered that most adults would identify with the sarcasm used in the advertisement and not consider that the supervisors are bullying the employees into taking on tasks that are unsafe.

The Board considered that the advertisement clearly raises the issue that people (staff) should think about what is asked of them and presents the employer’s requests as ridiculous.

The Board considered that the advertisement does not discriminate against employers. Workplace Safety is a serious issue and employees should always ensure they are comfortable with what they are being asked to do.

The Board considered that in this instance the advertisement is clearly tongue in cheek and does not promote the idea that supervisors should have employees conduct tasks that are unsafe.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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