



Case Report

1	Case Number	0197/13
2	Advertiser	WorkSafe Victoria
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	26/06/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

It's the start of a local footy game. One of the assistant coaches, Nick, looks on as the team run out. Then we see why he's can't join them – his right arm ends in a stump, a couple of inches above the wrist.

We dissolve back in time to Nick in his late 20s at a casual restaurant meal with his family – Mum, Dad, and brother. He's got a steak and salad but, frustratingly, cannot cut the meat. So his Dad helps cut it up, which is a bit embarrassing in a public place.

Dissolve back to Nick in his early 20s; he's with a couple of friends in a pub when he meets a pretty girl and fumbles to hide his stump.

Nick is 19, bare-chested in front of the mirror in his bedroom at home, soon after the accident. He looks at his raw stump, and rubs it.

The accident.

Now we dissolve back to Nick working at a place that prints books and brochures. He's on a fast-moving machine that stacks the brochures. A friendly supervisor walks past and asks if Nick is ok. Nick nods and carries on. Then a pile of leaflets gets stuck; he's uncertain what to do, but doesn't want to bother the supervisor who's gone off to another area. So he reaches in. But his hand gets too close and is dragged in and instantly crushed. Blood splatters on the guards. He screams as other workers rush over. And we close on the words; If you're not sure, ask.

THE COMPLAINT

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

I resent being subjected to horror and gore without my consent. They aren't relevant to me. Commercials don't come with warnings. These ads are frequent and often shown during family programming and flanked with toy commercials. I'm amazed they are sanctioned. They are designed to shock and I'm sick of them, as are my family. We would love for these ads to be removed.

I do not want to be watching television and be forced to look away from it because I don't want to hear or see a hand being chopped off and blood splattering on his face when I am watching a non-violent show and not expecting it. It is too gruesome for television of any time of the day and is not necessary to get the point of the commercial across.

THE ADVERTISER'S RESPONSE

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

Re: Complaints relating to WorkSafe Victoria's Young Worker Commercial 'Nick's story'

Your refs: 0197/13 and 0206/13

In this response to both complaints, I outline the background to the campaign, key aspects of the extensive market research we conducted and the rationale for the creative approach taken. The confronting nature of the creative was thoroughly market tested and endorsed by all audience groups, particularly young people, as what is required to make them take notice and genuinely engage with the ad's message.

Following your review of this material I am confident that you will find that WorkSafe has developed a commercial to tackle the issue of traumatic workplace injuries suffered by young workers in a responsible way and that is 'justifiable in the context of the product or service advertised' being workplace safety (*section 2.3 AANA Code of Ethics).*

The commercial and internet advertising in question is titled 'Nick's Story'. It is one of two commercials produced together; the other titled 'Beth's Story'. The commercials are part of a campaign comprising radio, outdoor and internet advertising.

Background – Why young workers are such a focus.

Workplace injury (and obviously death) is a social issue that affects more than simply 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 tackling the issue of workplace safety, WorkSafe has segmented its approach, looking at aspects like age, industry type, workplace culture, and type of hazard (such as manual handling). Large investments have been made in research – particularly to understand the attitudes and behaviours of workers, employers and the Victorian community at large, to best enable us to influence behaviour change.

While the total number of workplace injuries is falling, alarmingly, young workers (aged 15-24) suffer 17% more injuries than the average across all other ages.

- 18.9% of Victoria's workforce is aged between 15 – 24 years old. Every year around 3,000 of these young Victorians suffer serious injury as a result of a workplace accident.*
- Young Victorian Workers have a 21% higher hospitalisation rate as a result of workplace injuries than their older counterparts, indicating they are more likely to suffer a severe injury;*

'Young Workers' has therefore become one of the specific groups chosen for direct attention. An integrated Young Worker advertising campaign is one aspect of a wider organisational effort that includes workplace inspections, instructional guidance for employers and workers, and educational seminars.

Manufacturing, featured in the commercial that is the subject of this complaint, is an industry with one of the highest injury rates for young workers. Many of these injuries arise through not understanding safety procedures when operating machinery such as the one depicted in the commercial, and a reluctance to ask questions.

Research specific to the Young Workers advertising

Since 2008, several rounds of research have been conducted on WorkSafe's behalf by Sweeney Research to help us develop the most effective and well founded campaign.

Some of the key insights that guided us in the development of this commercial included:

Young workers considered WorkSafe and the issue of workplace safety only to be relevant to older people working fulltime in trades, factories and construction

Young workers lack knowledge about safety and considered they were not exposed to dangerous situations in the workplace.

For a variety of reasons including not wanting to appear stupid or bother the boss, young workers are reluctant to speak up and seek assistance. They often feel intimidated about asking questions.

Older workers and employers see this reluctance to engage as apathy or arrogance, with young workers who either 'don't care' or 'know it all'.

Older workers/employers have forgotten what it is like to be new, that 'common sense' must be taught.

Therefore our challenge was to create a commercial that had relevance for young audiences, getting them to appreciate that 'it could happen to me' and to speak up when they aren't confident about how to safely undertake a task or to resolve a problem.

Simultaneously, employers need to appreciate that a higher level of supervision and support is required for young workers.

The 'Nick's Story' commercial, the subject of this response, is the next in the series of a dedicated young workers campaign that began back in 2008.

In the lead up to the 2008 campaign a range of concepts were researched and the unequivocal feedback from young workers was the need to be confronting if we were to have a positive impact on attitudes and behaviour.

Following are selected excerpts from the 2008 Sweeney Research report which is included as an attachment to this response.

Sweeney Research - Youth Concept Testing – June 2008

(Respondents were youth + owner-managers from small and medium-large companies)

Permission to "go gory"

"The Youth Campaign has not only received "permission" from its audiences to "go gory," in a sense they are crying out for it. The younger audiences need to be shocked into paying attention to the serious messages of the ads.

"For a younger audience, we need to see the reality of it. The kid waiting for his Dad to come home and those sorts of ads – great, but they're not for us and we can't relate to them. We need to really see the risks. If they want to get our attention, they've got to do something that we're going to watch and go 'shit that could be me'." (Fulltime, 18-20)

Realism is the key – allowing the young workers to watch the ad and say "shit, that could be me." Even if the scenario of the particular ad doesn't match their own workplace, the mindset of the young worker in the ad should resonate.

"Yeah, you want to be able to watch these ads and go 'that's me' or 'that's my friend' ...you know, it has to relate to you so you go 'that could happen to me or my mate'."

(First year apprentices)

This 2008 campaign exceeded expectations with results including...

Approximately 90% of young workers and supervisors deemed this campaign to be effective.

In the 13 months following campaign launch Oct '08 – Oct '09 claims per '000 amongst workers 15 – 24 years dropped by more than 10%

As a result this original campaign provided us with some great insights that were invaluable to assist in the development of a range of concepts from which the commercial, 'Nick's Story', arose.

2013 Campaign research

The 'Nick's Story' commercial was the most effective out of five concepts tested using a range of creative techniques – humour, emotion, action. Consistent with 2008, the 2013 concept research found that our target audience had to be presented with an uncomfortable, believable and raw story to be truly moved. The commercial was the subject of scrutiny in three stages of research:

- 1. Young Worker Campaign Concept Development November 2012 – Sweeney Research*
- 2. Young Workers Campaign concept development & testing – Refinement Phase December 2012 – Sweeney Research*
- 3. Young Workers campaign – Offline testing phase. March 2013 Sweeney*

Copies of all three reports accompany this response. Please note that the most favourable concepts are referred to as 'Eyeless' & 'Handy' in the research reports. 'Handy' is the commercial in question and its final title, as you'll see on CAD records, is 'Nick's Story'.

Following are selected excerpts from each report provided as further support for our case proposing that the trauma and graphic drama presented in the commercial is highly relevant, justifiable and appropriate given the objective of motivating young workers to act safely and speak up.

- 1. Young Worker Campaign Concept Development November 2012 – Sweeney Research*

In this round of research a range of five concepts, all deigned to motivate young workers to speak up, were tested. Here are some excerpts from the report.

Both Questions and ['Nick's Story' / 'Beth's Story'] are the concepts which are the most broadly relevant and effective. Both are seen to bring a different approach. In the case of ['Beth's Story' / 'Nick's story']), it spells out to these young people that the effect of an injury will be felt life long – clearly a concept which some struggle with. It is confronting and thought provoking.

This concept [Nick's Story] is a powerful one, which has the potential to truly affect this hard to reach young audience. The stories are involving and highly emotional. The accident by the

time it is revealed is invariably now seen to be entirely avoidable. As such it is extremely effective in encouraging a reassessment of the seemingly common decision respondents tell us they make to not ask questions when they are unsure. The concept has the power (mostly) to draw people in and find out more about how this awful injury has happened, all the while filling the viewer with a sense of sadness.

2. Young Workers Campaign concept development & testing – Refinement Phase December 2012 – Sweeney Research

A further round of concept research was commissioned to further probe the two concepts that received the most favourable response in the original round. Following are some excerpts from the report including some verbatim quotes from group participants.

In the final analysis, '[Beth's Story / Nick's story]' is recommended because it is:

More attention-grabbing, more confrontational, more challenging, more direct, more memorable... and more emotional

Easier for respondents to see themselves in the story – at having the important 'it could be me' factor

Stronger at promoting workplace safety in a general sense

More persuasive at encouraging, and almost empowering, workers to speak up

'Scares you more – more a feeling of 'it could be me' – that I could be stuck like that forever ... so it'll be more likely to get me to ask the question, to speak up.'

One other aspect that became apparent in this research project was the need to show, or at least infer, a violent accident to ensure that young workers pay attention to the communications. They reject anything that is too 'soft', they react far more positively that something that is quite 'in their face'.

'The impact on your life if you don't ask.'

'Ten minutes of embarrassment saves you a lifetime of regret.'

'Makes me think that the consequences are so much worse than the embarrassment of asking.'

3. Young Workers campaign – Offline testing phase. March 2013 Sweeney Research

Following the shooting of the final commercial, it was presented as a rough edit to three more research groups to ensure it was communicating effectively – 2 x young worker groups, 1 x supervisors / managers. Following are selected excerpts from this report.

Reactions to both new TVCs, by young workers and supervisors alike, were extremely positive.

There was universal praise for the 'pull no punches' style, for the clarity of the message, for the small vignettes throughout and for the accurate portrayal of the longer term life-affecting

consequences.

Both are very effective in imparting the 'speak up' message – to workers and supervisors alike.

For some, (Nick's story) is the sadder of the two as most felt the loss of an arm to be more impactful and devastating than a facial disfigurement and blindness in one eye...

'Feel so sorry for him. Very sad that he's so self-conscious.'

'Can see how he's lost his confidence.'

The individual scenarios are relevant and powerful ... an inability to cut his steak, unable to play footy, self-conscious when the girls comes in ... and so on. All meaningful, all difficult to cope with.

While most found it quite provoking ... 'shocking' was a common descriptor... a couple of the young males claimed they could predict the outcome... ..but they nevertheless said it still had a strong impact on them. Once again, viewers picked up the message of the long term impact Public Response.

The campaign launched on June 2 has generated extensive publicity and conversation across news outlets and in social media. Not surprisingly, the main topic of the publicity and social media conversations is the graphic and confronting nature of the commercials.

Many admit the confronting style is difficult to watch but at the same time there is understanding that it is required to get Victorian young workers to change behaviour and reduce the 3,000 injuries that they experience every year.

"Yea, the ads are a touch confronting. They do show what can happen when employees take crazy risks. As shown it only takes a second and your life and quality of life is changed forever. Put them to air I say" Cam, 3AW listener, Wednesday 29 May (in response to a 3AW segment discussing the campaign before launch on 2 June)

"Shock tactics in advertising always work. People need to feel scared and disturbed. Think before you act." Louanda Galea, 3AW listener, Wednesday 29 May.

The Channel Ten News story (mpeg provided) provides a typical, balanced example of the reaction to the campaign.

Following are further points specifically responding to the two individual complaints.

Complaint 0197/13 - Ch 7 12.55pm, 3/6/13 (Nick's Story 45 sec TVC M version)

Classification and placement

Complaint 0197/13 relates specifically to the 'Nick's Story' commercial VWA1277 (45 sec) claiming that the ad was 'too graphic' and that the 'time allocation' was not appropriate for a commercial of this confronting nature. We trust we have responded thoroughly to the claim it is 'too graphic' and the rationale for why this approach is justified in the context of promoting workplace safety.

In terms of the 'time allocation' we advise that two versions of the commercial were produced and submitted for classification with one receiving a PG rating and the other being classified M.

PG – this version spends less time on the accident and does not show any blood

M – this is the version the complainant is referring to. There is a splatter of blood on our talent's face when the accident occurs.

Networks were instructed to run the appropriate versions in their respective timeslots during which they are allowed to run.

Following this complaint we appreciate that some viewers may not realise that there are times during the day when material with an M classification is permitted under the guidelines to run. We have since instructed our media agency not to place the M version during the daytime at all, and to be mindful of program content after 8.30pm so as to minimise the chance of children viewing the M rated version of the advertisement.

In summary

We do acknowledge that some members of the public will find this creative particularly confronting and we do not deny that it is graphic and presents a raw, moving and unhappy story.

However, our past experience with previous campaigns and multi staged research provides unequivocal evidence that this approach works and anything less confronting will not change the attitudes of young workers and motivate and empower them to speak up.

We are committed to reducing the 3,000 serious injuries that Victorian young workers experience each year and ask that it be remembered that the unease felt in watching these commercials is nothing compared to the social harm that traumatic workplace injuries cause. We therefore propose that the graphic nature of this commercial is highly justifiable in the context of the response it is aimed at achieving.

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 imagery which is upsetting and not appropriate for viewing on TV.

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 of the Code 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 the advertisement depicts several scenarios where a young man is dealing with life challenges due to his amputated hand. The final scene recreates the work accident where the man puts his hand in moving machinery resulting in the loss of his hand.

The Board noted the advertiser’s response that the target audience for the advertisement is young people and that they are the hardest market to reach therefore an impactful message was needed. The Board noted that whilst we do not actually see the man losing his hand we do see a splatter of blood and the man’s pained reaction.

The Board noted that the advertisement had been rated ‘M’ by CAD and that care had been taken to place the advertisement at times when the target audience were most likely to be the main viewers.

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.

A minority of the Board considered that although we do not see the man's hand in the machine, the splattering of blood on the machine and the agonised scream of the young man is a very graphic depiction which is not justifiable in any circumstance.

After considerable debate a majority of the Board considered that although the depiction of blood may not be necessary as the man's reaction makes it clear what has happened, in the Board's view the advertisement does on balance present material which is justifiable in the context of the advertised message which is aimed at an audience of 'M' rated material.

The Board considered that the advertisement did present or portray violence in a manner which is justifiable in the context of the advertised product and determined that it 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 complaint.