



Case Report

1	Case Number	0384/10
2	Advertiser	WorkSafe Victoria
3	Product	Community Awareness
4	Type of Advertisement / media	TV
5	Date of Determination	22/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.2 - Violence - Community service advertising
- 2.2 - Violence - Other

DESCRIPTION OF THE ADVERTISEMENT

A shoe shop employee goes in to the stockroom to fetch a pair of shoes for a waiting customer. The shoes she needs are on a high shelf and as she cannot see the ladder anywhere, she decides to climb up the shelving to reach the shoes.

She slips and falls backwards and we see her crack her head on the corner of a table then land on the floor. We hear a crunching noise as she hits the table and her skull appears translucent as we see a crack appear on it. Her hands are covered in blood and she looks dazed as she lies on the floor.

The screen goes black and the following text appears: "Don't turn your back on safety. Victoria Worksafe."

THE COMPLAINT

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

The ad is overly violent and grotesque. I don't believe this is necessary to get the message across that worksafety is important or else people get hurt. Who makes these ads? Quentin Tarantino?

I am not someone that cannot tolerate violence in film. But its the context WITH the visual presented as part of workplace reality which is something i find to be extremely confronting i understand it is supposed to be effective but that would be like taking kids to watch people die so they understand the reality again not necessary there are other ways to get this important

message across. I have looked after kids who had nightmares after seeing the one with the bread machine and I myself find it very difficult to sleep after seeing the one with the woman banging her head open 10.30 at night! Great that's something soothing to think about before sleep we are supposed to be relaxing in front of the TV before bed not being shocked and traumatised.

The image of the head striking the object showed a pseudo-xray of the brain being split apart. In my opinion this was an excessively graphic violent image. At the time of presentation I was watching an afternoon football match with my sons aged 8 and 6. Both boys were distressed by the image one sufficiently so to have had sleep interruptions that night. There was no warning of any sort prior to this image being shown nor do I think we could have reasonably been expected to anticipate such graphic violence at that time or during that program.

This issue of whether or not showing graphically violent images produces worthwhile results I think is debatable. However if the government of the day insists on subjecting us to such material then at the very least two conditions should be met. Firstly it should not be shown at times when children are likely to be watching. Secondly a warning should be presented prior to the promotion being shown.

This is one of advertisements used to make the public aware of accidents from shortcuts. I have recently sustained a serious injury to my wrist and am unable to work myself. I watch these ads in particular the one where the girl tries to change a light globe and falls directly on her wrist breaking her shoulder. I don't know the time frame or channel I saw this ad on. I find these ads very traumatic. They make my stomach churn and I have to change the channel frequently to avoid these ads. My arm injury has taken many operation and physiotherapy to try and correct. The memory of my accident is very vivid when these ads appear and although my accident was not caused through a work place injury I have to sit through these antagonising ads. I find the ads uncalled for; they show too much detail on what it really is like to injure yourself seriously. My arm aches when I hear the brake and watch the footage.

Worksafe practice advertising is bases purely on shock tactics to instill horror and revulsion at the image being portrayed. The ad in question depicts a see through image of bones crunching and muscle tearing as the young girl hits the table beneath her. Was that necessary to see what kind of damage was being done? Am I watching a Saw film all of a sudden? I'm pretty sure I'm just trying to watch the football. I didn't ask to be confronted by these graphic depictions. How did they get the rights to show this? How have they gotten away with the nail in the head and hand the bread slicer before? Was someone asleep? Or are they above the code of conduct because it's a government funded organisation? Don't get me wrong I am all for safety in the workplace. But such levels of graphic violence are best left off the screen. Harden up.

This was aired during a live football game that my children aged between 4yrs and 8yrs were watching with the family. This ad was extremely distressing for the children.

We understand that this ad would have a G rating to be aired at this time this ad certainly does not fit a G classification.

I personally think these advertisements are to visual and gory there is no warning before showing the advertisement that some viewers may find it disturbing. There is NO warning whatsoever. I think it is the wrong way to get the message across I mean why go to such extremes to warn people of safe working practices? Why not rather talk to people who have

been in work related accidents much like the quitting smoking advertisements. Why not concentrate on the employer rather than the individual person? Because in my experience that is where the problem is.

The issue is very close to my heart personally because my sister accidentally sawed off her finger recently she is 21 years old and it affected her in so many ways also had to get another finger amputated because it was also badly damaged in the accident. i would hate for her to view those ads knowing that she would be deeply distressed by it. Where is the compassion? They are totally not necessary... there must be other ways of getting the message across! like the examples i have given...

I know that you can put almost anything on the internet but for channel ten to put something on like that without any warning is just shocking! I will be telling everyone i know about these ads and how graphic they are and to write in their complaints about them. And I'm sure my sister would be more than happy to express her concerns too.

THE ADVERTISER'S RESPONSE

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

Thank you for notifying WorkSafe of the complaints received by the Advertising Standards Bureau. In this response 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 nature of the creative was thoroughly market tested and endorsed by all audience groups. We acknowledge that some viewers may be uncomfortable with the graphics used, and in particular consideration of young viewers we have carefully planned and are monitoring our PG schedule, taking into account all the learnings from previous campaigns. While three complaints have been received directly by WorkSafe, we have already received 6 requests from industry to use the ads themselves for training purposes. The campaign has also attracted a range of media interest, and we have benefited from positive coverage from Channel 10 News, in the Herald Sun and numerous other local papers and radio stations. Following your review of this material I am confident that you will find that WorkSafe has developed a campaign to tackle the issue of high frequency traumatic workplace injuries suffered by workers in a responsible way, that is 'justifiable in the context of the product or service advertised' (ie workplace safety).

Background

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. The financial impact on the workers' compensation scheme alone in Victoria is approximately \$1,236,686,000 in claim costs in 2008, and approximately \$1,452,164,000 in 2009. Claim costs for Musculoskeletal injuries in the last full reporting year were \$906,837,004.

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 and slips, trips and falls). 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. Every year WorkSafe oversees around 28,300 claims for compensation from people who are injured at work. While the total number of injuries has been falling, the rate of Musculoskeletal injury among all workers is increasing. Musculoskeletal injuries are the most frequently occurring type of workplace injury and account for some 52% of all claims to WorkSafe.

'Musculoskeletal injuries' is a broad term for many different conditions that affect the body's musculoskeletal system – our bones, muscles, ligaments and tendons, as well as the soft tissues that connect them all together. They are often hidden injuries, having no obvious outward indication of injury (such as the presence of blood, bruising, or scarring).

They can affect anyone, regardless of age or occupation. Musculoskeletal injuries can occur suddenly as the result of a single event, e.g. a broken bone, or symptoms can develop slowly over time, e.g. gradual onset of lower back pain.

There are two leading causes of these injuries in Victorian workplaces:

- manual handling, (lifting from below knee height, lowering from above shoulder height, carrying things etc)
- slips, trips and falls

Musculoskeletal injuries are preventable and because of the proportion of workplace injuries they represent, in 2009 they became the major injury issue chosen by WorkSafe for direct attention. A follow-up integrated advertising campaign this year is one aspect of a wider organisational effort that includes workplace inspections, instructional guidance for employers and workers, educational seminars and work with supply chains to outlaw unacceptable weights of products and goods manufactured, transported and delivered in Australia.

Industries with the highest injury rates for musculoskeletal injuries are construction trades (eg carpentry, electrical, plumbing, concreters), manufacturing (esp metal fabricators, food manufacture), planes, trains and autos, emergency services, cleaners, prison services, health and social care (inc aged care etc), teachers, logistics / freight forwarders and warehousing. Most common injuries include hazardous manual handling, and slips, trips and falls. These facts influenced the creative settings of the Musculoskeletal injury television commercials and related materials.

Research specific to the Musculoskeletal injury advertising

In addition to our own data analysis and review of published research, two rounds of research were conducted on behalf of WorkSafe by Sweeney Research.

In light of the fact that musculoskeletal injuries are prevalent in all types of workplaces, our challenge was to create relevance across multiple audiences, getting them to appreciate that in any job, 'it could happen to me', avoid shortcuts and to speak up about risks they identify. Simultaneously, employers need to appreciate that a consistent level of supervision and support is required for all workers and that an environment encouraging of consultation regarding safety matters is essential.

Several advertising approaches were tested among the research participants. As musculoskeletal injuries are often not 'seen', those concepts that illustrated the physical harm that actually occurs were most impactful. Respondents were favourable towards the chosen concept because of the relevance and impact they considered it would have across a broad audience.

Musculoskeletal Concept Testing – May 2010

Below are excerpts from one of the Sweeney Research reports. 'I know, I know' was the name of the concept that was produced. The research groups were drawn from a cross section of industry types covering workers and supervisors / professionals with supervisory duties.

The topic of work safety in general, and musculoskeletal injuries in particular, is considered highly important and to be of relevance to everyone – no matter what their role, their industry, age or gender.

In considering the TVCs from Phase One of the MSD campaign several notable strengths are evident...

- *They show a sense of empathy with all kinds of workers. The communications deliver a sense that WorkSafe understands me and understands what it's like to be a worker in Australia*

- *The ads show real people doing normal things. It is that sense of 'everyday' that has proven very powerful. The creative depicts potentially innocuous activities that can, and do, result in physical harm. Viewers are able to believe that what they are seeing is a regular activity that happens to be caught on film*

- *Each of the ads offer an immediate emotional hook – by virtue of showing real people and everyday situations, the view is immediately involved in the communication. Everyone has a sense that in one or other of the scenarios 'that could be me'*

- *The ads tap into a common truth – we all do silly things for one reason or another. The MSD creative highlights the need to actively consider safety at all times, no matter how harmless something may seem*

- *The use of the CSI style imagery is powerful, immediate and impactful. It is certainly confronting but all workers welcome the strength of imagery and tone given the seriousness and importance of the topic.*

The strength and impact of the original MSD campaign offers the proverbial double edged sword. On the one hand the confrontational style gives permission for the next phase of the campaign to hit just as hard, if not harder. On the other hand, because the ads have worked so well in tapping into some very relevant psychology among workers, the bar is set very high to equal the credibility and engagement of Phase One.

'I know. I know.' Concept

The key strength of this concept is that it is highly relatable. People across the sample felt that these ads offered a realistic snapshot of what happens in all our minds from time to time. Everyone truly believed 'that could be me'.

- *It conveys an understanding of HOW accidents happen*

- *Successfully takes the MSD campaign to the next step. The first phase was arguably about reinforcing THAT accidents do happen and therefore we should all be cognisant of safety in the workplace. This concept clearly shows HOW accidents occur...the mindset behind silly or careless behaviours*

- *The tone is appropriate. The message is strong as is the conviction with which it is delivered. The sense that we are being reminded and told about safety does not come across as a scolding but rather a reminder that WorkSafe has a commitment to our workplace safety*

- *It highlights that safety must be taken seriously. That it is important. That complacency is not acceptable*

- *The manner in which the persona's speak to themselves tap into Australian truths... that we do tend to have a 'she'll be right mate' attitude. These concepts clearly show a reason why she will not always be right*

Reactions to the Overall Campaign

After the TV commercials were filmed but before they went to air, off-line edits were tested amongst workers and managers/supervisors. This second stage of research conducted by Sweeney Research, again highlighted that the creative approach was effective. While provocative, the brief but graphic images are in context and are not gratuitous. The full research report is submitted with this letter, but a salient extract follows:

One group consisted of “employees” (those with no managerial function) and the other of “supervisors/managers” (those who have a supervisory and/or manager function and were responsible for OH&S).

Three TVCs were evaluated...

- Store
- Air-Con
- Computer

The commercials successfully trade on the success of the earlier campaign.

- Once again, the stories are seen as real life scenarios.
- They very accurately show the folly of taking short cuts.
- The scenes are ones respondents can readily relate to.
- The injuries suffered are awful and horrific on the one hand but not exaggerated or extreme on the other.

- Importantly, the sense of it could be me applies to all three.
- The overwhelming consensus was that the incidents could easily have been avoided – that it didn’t need much to be done by management or the worker (depending on the specific story) for a much safer outcome to be likely.

- The commercials make clear that the injuries occurred as a result of negligence.

- That workers must be encouraged to adopt a ‘safety first’ practice. ,

- And that complacency must not be acceptable.

- As a series, these new commercials have progressed on from the original ones. They have taken the message to another level.

“They have moved up a notch.”

- We heard phrase such as ‘more real’, more realistic’ and ‘more graphic’ as respondents described their overall reactions.

- The use of the thought-processes taking place as the events unfold are good.

Respondents feel the anxiety building. The supervisors’ guilt becoming obvious as he sees poor work practices.

- Respondents relate to the scenes as they highlight the need for people to take responsibility and also highlight that the individual recognises where he has fallen down in meeting these responsibilities.

- Several respondents commented on what they noted as another slight change in emphasis from the originals...

“The first ones focussed on giving us knowledge – these ones are reminding us of the next stage, that we have to act.”

- Respondents also unanimously noted that ‘Store’ was primarily targeting employees whilst ‘Air Con’ and ‘Computer’ were aimed at employers.

The three commercials are supportive of previous campaign themes – not just the initial previous MSD ones but also others, in particular, the Homecomings and Enforcement ones.

The slightly stronger tone in these commercials is praised...

“The stronger they make them, the better – they get to you even more than and it’s important they do because otherwise we can get blasé.”

“Need them to challenge you – need to be strong – it’s too easy for us to act like robots and not act with safety as high enough in importance.”

Overall, the three new commercials work extremely well, both individually and collectively, in advancing the MSD message.

While all three are effective, ‘Store’ is arguably a tad stronger simply because of the injury – one to the head is potentially of greater consequence and the blood on the hands tends to stress the severity a little more. Because it is stronger, it is also more effective. Importantly also is the fact that the public endorse this harder hitting tone...

“That’s the best one – you can really feel it.”

“Shows that we aren’t invincible – even though we often think we are.”

Integrated campaign elements

The TV advertising is supported by radio, outdoor, an on-line promotion, and PR campaign. Where the TV depicts incidents occurring, the radio and outdoor components illustrate some of the instant decisions that lead to lasting after effects.

Other considerations

Three TV ads were originally submitted to Free TV Australia (Commercials Advice) for broadcast approval and ratings.

- *Store was assigned a PG rating,*
- *Aircon was assigned a PG rating,*
- *Computer was assigned a PG rating,*

Care has been taken to place the ads only within the appropriate allowable times. Further, following the ratings advice of PG ‘with care’ we instructed our media agency to review and amend the advertising placements.

Below summarises the actions taken to adhere to the rating;

- 1. All PG spots checked that they sat within the appropriate PG time zones, obviously avoiding P and C programs and also programs adjacent to P or C periods.*
- 2. We also deemed the following programming worthy of further consideration such as X Factor, and The Simpsons. Spots in all of these programs are planned to appear after 8pm (8.30pm where possible) in order to be in a later timeslot to avoid younger children.*
- 3. Spots booked within movies are being reviewed as titles are released - an ongoing week by week process.*

All of the scenarios depicted across the campaign are loosely based on real incidents investigated by WorkSafe. Because of the broad range of individuals at risk, it is important that the campaign airs across different times of the day (as classification ratings permit) so that we reach our audience including shift and part-time workers.

We do acknowledge that some members of the public may find this campaign confronting – especially those who may have suffered workplace injuries themselves. However, since the campaign launched on 30 August 2010, the number of complaints regarding the creative approach received directly by WorkSafe numbers three.

At the time of writing 6 requests for DVD copies of the ads have been received from organisations wishing to use them for training purposes.

I do hope that the ASB acknowledges WorkSafe is acting responsibly in its communications to address workplace safety. Further, that the creative style used, while potentially confronting, does not breach acceptable community standards in consideration of the social harm that traumatic workplace injuries cause.

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 is overly violent and grotesque, traumatic to view, and should feature a warning before being broadcast

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

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements 'shall not present violence unless it is justifiable in the context of the product or service advertised.'

The Board noted that the main purpose of the advertisement was to educate the public on workplace safety, and that the images shown related directly to the message of the advertisement.

The Board noted the advertiser's response that this advertisement is aimed at preventing unnecessary accidents in the workplace and that their intent was to depict a realistic scenario which many viewers could relate to.

The Board noted that this advertisement has been classified PG by CAD and that care has been taken to place the advertisement outside of children's programming. The Board noted that a complainant had viewed this advertisement when watching sport in the afternoon. The Board considered that extra care should be taken by advertisers when placing community awareness advertisements of these nature within sporting programmes as these programmes are of interest to children and that the graphic nature of these advertisements can be upsetting to young children.

The Board noted the complainants' requests that a warning be played before these advertisements are played. Whilst the Board considered that this could be a way to avoid offending or upsetting viewers, the Board noted that it is out of their jurisdiction to make such a request of the advertiser.

The Board noted that the imagery of the girl falling from the ladder and the subsequent sound effects used to mimic the banging of her head were graphic. The Board considered that the content of the advertisement was relevant to the message and that consistent with previous discussions about public health and safety advertisements, the Board considered that a higher degree of graphic detail is appropriate given the important message of this advertisement.

The Board considered that although some members of the public, including the complainants, could find the depiction of the fall grotesque and traumatic to view, they determined that the images depicted in the advertisement were not overly violent and were relevant to the important public health and safety message that the advertisement is attempting to convey, and that the advertisement did not breach section 2.2 of the Code.

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

