

NSW Workplace Protection Orders

Finance Sector Union of Australia submission

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Finance Sector Union

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Background

The Finance Sector Union (FSU) is a registered industrial organisation under the Fair Work (Registered Organisations) Act 2009. The FSU represents members in the banking, finance and insurance industries (finance sector) in Australia.

The finance sector in NSW consists of approximately 242,700 workers (approximately 5% of the workforce) with women making up approximately 50% of the total number of workers within the sector. The FSU represents workers in metropolitan, regional, and remote parts of NSW.

Customer aggression and violence in the finance industry

In recent years the incidents of customer aggression towards finance workers in customer facing workplaces has increased. The types of customer aggression experienced by finance workers and reported to the FSU includes verbal abuse, yelling, banging on doors and making threats. These types of aggression may be triggered by an adverse decision made by the bank, an error made by a banker or they may be unrelated to their visit to the bank branch. Members who work in retail banking in low socio-economic areas have experienced violent incidents where members of the public have sought refuge in a bank branch when being pursued by a violent offender. Other offenders may be drug affected or suffering from mental health disorders.

Police are called but are often unable to prevent an offender from re-entering the workplace as banking is an essential service that members of the public are entitled to enter during opening hours. Most bank branches do not generally engage security guards.

Finance workers have suffered from both physical and psychological injuries as a result of these incidents. Over the past twenty years the layout of bank branches has changed markedly. In the past bank workers were securely ensconced behind wide counters that had anti-jump barriers and fly up screens which provided a degree of protection for workers from customer violence and aggression. Today most modern bank branches no longer have these safety features and are instead open plan with cash being dispensed by customer service officers using “teller assist units” or “teller cash dispensers” to dispense cash. There are often studios or offices available for bank lenders to use for longer appointments, but most bank staff work in the same physical space as customers.

Currently, NSW employers have a duty to provide a safe workplace under work health and safety laws, yet they are unable to prevent individuals entering into bank branches and rely on individual workers applying for individual intervention orders against customers who offend, even if the offence is related to the workplace and have little or nothing to do with the individual worker.

The FSU supports the introduction of Workplace Protection Orders (WPO) in NSW. This would provide employers with an additional mechanism to ensure their workplaces are safe.

The rest of this submission provides responses to specific relevant consultation questions.

Should WPOs apply specifically to retail contexts? If no, what other kinds of workplaces should be included?

WPOs should be available to any worker who experiences aggression and/or violence at work by a member of the public. For the purposes of this consultation that definition should include every section of the finance industry that is customer facing and is accessible by members of the public.

In the finance industry the types of workplaces where workers experience customer aggression and/or violence includes retail bank branches, insurance customer service centres and smaller insurance brokers, financial planners and mortgage brokers.

Case study 1 – single incident

In December 2018, a violent customer entered an ANZ bank branch and proceeded to smash the workplace over a 40-minute period. The customer left before the police arrived. The employee who was on shift at the time suffered experienced significant distress and trauma from the incident. Due to this psychosocial injury she was unable return to the branch.

Case study 2 – multiple incidents

FSU members in 2 branches in the same central business district experienced six (6) incidents of violence in the same week. In each instance the police were called, and they have confirmed that the area is a known “hot spot for anti-social and violent activity”. The incidents included customers making threats to attack staff members, threats to return after the branch closed to attack staff members, and a customer punching and breaking a safety screen that resulted in injury to a worker.

The WPO legislation should be broadened to include all customer-facing roles in the community, rather than limiting the scope to specific retail settings. This broader application would bring the NSW jurisdiction into line with broader understanding of workplaces in the ACT and South Australian legislation.

Recommendation 1

The WPO legislation should be broadened to include all customer-facing roles in the community.

Do you support only employers of retail workers being applicants for WPOs? Should other entities or persons be entitled to apply for WPOs in addition to employers? If yes, which ones?

The responsibility of seeking a WPO should principally be held by a PCBU (person who conducts a business or undertaking, as defined by the NSW Workplace Health and Safety legislation), given a PCBU with customer-facing employees is best placed to be able to provide suitable evidence and information about the workplace and the incident.

The FSU has had to manage several cases where employer responses to customer aggression or violence have fallen short of the expectations of their staff. In these instances, FSU members often turn to the union for support. The onus to seek a WPO ought to be on a employer, however in circumstances where the employer fails to provide a suitable response it would be appropriate for other entities or persons having the right to apply for a WPO. The FSU recommends that both Unions and Health and Safety Representatives (HSR) be eligible to apply for a WPO where an employer has not taken the initiative.

This change would be consistent with the South Australian legislation, which allows for employer associations, unions and HSRs to seek a WPO. Furthermore, the bill currently before the Western Australia parliament also allows for a union to seek a WPO on behalf of a member.

This added safeguard for workers is vital, as there may be situations where an employer is reluctant to seek a WPO despite this not being in the best interest of the employee. For example, the FSU is aware of cases where an employee had an AVO against their partner, who was also a bank customer, and the bank opted to move the employee to a different branch/work location to keep the customer satisfied. Customer satisfaction should never be prioritised over employee safety. Enabling unions or HSRs to seek a WPO on behalf of an employee would avert this unfortunate situation.

Recommendation 2

Applicants for WPOs be extended to include Unions and Health and Safety Representatives.

Do you support a WPO needing to be sought on behalf of a specific ‘affected employee’?

Finance workers’ experience of workplace violence and/or aggression includes both incidents of violence and/or aggression directed towards and individual employee, a group of employees and towards the institution. In both case study 1 and case study 2 outlined above the violence and aggression was not directed specifically against one employee. In a high-profile case in September 2025 a woman entered a Commonwealth Bank branch in western Sydney with a stolen knife. In this case the woman threatened all staff and demanded money.

Case study 3

Over a period of 3 days a customer who appeared to be drug affected entered a bank branch demanding money and threatening staff. On the last occasion the customer came in and threatened to grab the gun of the security guard saying she was going to shoot her in the head and kill her, she then said she would come back and kill the worker’s family. The worker called the police and will be pressing charges. Her employer has asked her to take out an individual intervention order against the customer, as without it the Bank cannot prevent the customer from entering the branch. The worker did not think it was fair ore reasonable that she would need to take this step herself and would prefer that the Bank intervene on her behalf. She called the FSU to ask why the Bank could not do this and to ask what her options were in this situation. The Bank closed the customer’s account and has advised them to take their business elsewhere.

WPOs should be able to be sought on behalf of one or all employees in a particular workplace. This should include a named worker, several named workers, an identifiable class of workers, or a workplace.

Recommendation 3

The WPO legislation be broadened so that it can be applied to an individual employee, a group of individual employees, an identifiable class of employees or all employees in a particular workplace may be captured by the WPO.

Do you support a default duration of WPOs of 12 months, where the court fails to specify a duration? Should there be circumstances in which a WPO is deemed to have ceased operation?

Where a court fails to specify a duration, the FSU believes a WPO should be enforced indefinitely. It should be up to the court to determine the duration it deems appropriate based on the individual circumstances of the case, rather than rely on an arbitrary timeframe that provides no protection to the employee beyond the expiration.

Recommendation 4

WPOs should be enforced indefinitely unless a court determines a specific duration.

Conclusion and summary of recommendations

Unfortunately, occupational violence occurs all too often against frontline workers. This violence includes the finance sector, where workers in branches and other customer-facing environments are regularly subjected to abusive and aggressive behaviour from clients. WPOs are a vital additional mechanism for employers to ensure they can ensure the safety of their employees

The FSU supports the introduction of WPOs in NSW, which would bring NSW in line with other Australian jurisdictions.

Summary of recommendations

Recommendation 1

The WPO legislation should be broadened to include all customer-facing roles in the community.

Recommendation 2

Applicants for WPOs be extended to include Unions and Health and Safety Representatives.

Recommendation 3

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