

CHAPTER 4

RESTRICTIONS ON GAMBLING BY STAFF IN THE WORKPLACE

4.1 INTRODUCTION

This chapter presents and analyses the research results pertinent to addressing Research Objective One. This objective aimed to examine how legislative requirements, codes of conduct, and venue policies and practices may or may not restrict the kind of access that gaming venue staff have to gambling products within their workplace in Victoria.

To address this objective, the applicable legislation and regulations governing restrictions on gambling by gaming venue employees in Victoria are reviewed in this chapter, along with the relevant Victorian industry codes of conduct in responsible gambling. Data from the survey of hotel and club employees are then analysed to identify any venue-based restrictions on staff gambling in hotels and clubs in Victoria.

4.2 VICTORIAN LEGISLATION AND REGULATIONS

Several parts of the *Gambling Regulation Act 2003 Vic*, including Chapter 3 (Gaming Machines) and Chapter 9A (Licensing of Gaming Machine Employees), focus on the licensing of Victorian gaming industry employees and the specific responsibilities of these licensed employees in relation to the appropriate provision of machine gambling. Broadly, the legislation defines a gaming employee as ‘a person employed by the licensed provider in functions related to the conduct of approved games’, and this person must wear appropriate identification at all times. Examples of these functions include the ‘prescribed duties’ associated with employment by a venue operator or a gaming operator, and persons employed to service, repair and maintain gaming equipment. The Act further prohibits licensed gaming employees from participating in gaming while on duty or when a venue is otherwise closed to the public. Gaming industry employees must also participate in training (‘complete an approved training course’) within six to 12 months of commencement of employment and undertake refresher courses every three years. Those employees working within the industry at the time of the establishment of the Act must complete an approved course before 2008.

The *Casino Control Act 1991 Vic* regulates the operations of Melbourne’s Crown Casino and its employees. Part 4 of the Act references ‘special employees’, and defines these as persons employed in a managerial capacity who make decisions that regulate the operation of the casino and those employees who ‘are employed or working in a casino in any capacity relating to the following activities—

- (i) the conduct of gaming or approved betting competitions;
- (ii) the movement of money or chips about the casino;
- (iii) the exchange of money or chips to patrons in the casino;
- (iv) the counting of money or chips in the casino;

- (iva) the security and surveillance of the casino;
- (v) the operation, maintenance, construction, or repair of gaming equipment or totalisators;
- (vi) the supervision of any of the above activities;
- (vii) any other activity relating to operations in the casino that is specified by the Commission for the purposes of this definition by notice in writing given to the casino operator.'

Additional legislation applicable to Crown Casino includes the *Victorian Commission for Gambling Regulation Rules – Casino*, which designate a number of procedures that appear designed to protect players by ensuring regularity in gaming processes (Victorian Commission for Gambling Regulation, 2007b). Employees are only addressed under these rules in relation to the duties that they are required to perform.

While the *Gambling Regulation Act 2003 Vic* and the *Casino Control Act 1991 Vic* narrowly define employees, as above, for the purposes of regulating the activities of gambling within the State, a broader definition of employees is utilised for this research project in recognition of the potential of the gambling environment to influence not only employees who hold gambling licences and thus interact directly with the product and its customers, but also ancillary and back of house employees. These include cleaners, bar staff, security personnel (who are recognised as gaming employees under the *Casino Control Act* but not the *Gambling Regulation Act*) and food service staff, all of who perform their duties within the gambling environment and thus have the potential to be influenced by it and the venue's customers.

4.3 INDUSTRY CODES OF PRACTICE

The *Tabcorp Responsible Gambling Code of Practice* (2005) has the stated aim of protecting the welfare of customers, employees and the community, although the language used focuses on 'you' the customer. The Tabcorp Code undertakes to have venues and their employees trained in recognising the signs of problem gambling, delivering relevant gambling help services to customers and complying with the legal and regulatory aspects of gambling and the Code. As a condition of employment or contract obligations with Tabcorp, all Tabcorp employees are banned from taking part in any gaming or wagering activities while on duty (unless authorised as part of their official job duties). Specified employees are also precluded from participating in some of Tabcorp's gambling activities at any time (Tabcorp, 2005). The Code also requires that venues owned and operated independently of Tabcorp, such as hotels and clubs which operate Tabcorp EGMs, have in place policies that strictly prohibit gambling by employees whilst on duty and 'encourage(s) these venues to also have in place policies relating to the participation of employees in gambling products at their venue during off-duty periods' (Tabcorp, 2005:13). Clearly, any policies relating to staff gambling whilst off-duty are voluntary for venues.

Tattersall's also has its own Code of Conduct, which sets out a number of broad ethical responsibilities for the conduct of the company's business that its board, managers and employees are expected to follow (Tattersall's, 2006). These include that business will be conducted in an ethical, fair and honest manner, and that gaming will be responsibly administered, with due deference to the relevant regulations (Tattersall's, 2006). While employees are expected to comply with the provisions and 'spirit' of this Code, and to report any breaches to their 'immediate supervisor' no specific practices or roles for employees or managers are defined therein (Tattersall's, 2006). Tattersall's also creates and distributes its own responsible gambling signs and brochures, under the *Have Fun But Play It Safe* Program (HFBPIT). This initiative is in addition to distribution of the Victorian Government's communications, and is 'an ongoing initiative designed

to encourage responsible gaming practice amongst venue patrons, and to provide visibility and access to independent counselling and advice for those patrons requiring assistance' (Tattersall's Limited, 2005). This initiative does not appear to be targeted to staff.

The Crown Casino's Code of Practice is not publicly available. A written response to our request for a copy of Crown's Responsible Gambling Code of Practice was received from the General Manager Community Affairs on 1 January 2008. While declining to forward the document, this manager, on behalf of Crown Casino, wrote that:

'Crown "special employees" are prohibited from gambling at Crown Casino by legislation and Crown has extended this prohibition to all staff. This is made clear to them during training and written documentation provided to all employees.

Crown has a well-structured Employee Assistance Program (EAP) and staff are advised that the EAP provides counselling and support to all employees and immediate family members. The services of the EAP are free. Staff are encouraged to feel comfortable using the EAP to confidentially discuss any work or personal issues that are an inevitable part of life.

Additionally, Crown has established a Chaplaincy Support Service which operates out of Crown's Responsible Gaming Support Centre and is a further option for patrons and staff who may and do utilise the service.'

The hotel and club sector's *Venue Operators' Code of Practice* has a section on staff employment and training, which states that all gaming room staff must complete responsible gambling training, receive ongoing training, be encouraged to apply for licences and not be permitted to gamble whilst on duty unless as part of their employment (The South Australian Centre for Economic Studies, 2003a). Additionally, the *Venue Operators' Code* requires that staff be trained to offer assistance to patrons displaying observable signs of distress (The South Australian Centre for Economic Studies, 2003a). Each gaming venue operator must sign the Code as a condition of entering into a contract with Tattersall's or Tabcorp.

Many local councils in Victoria also have policies relating to the responsible provision of gambling, which have been devised to help them address concerns about the impacts of gaming on their local communities and to deal with development applications, particularly those related to requests for more machines (see for example, *Macedon Ranges Shire Council Responsible Gambling Policy*, 2002 and *City of Monash Gaming Policy*, 2001). However, these are not aimed at staff gambling.

In the short term it is expected that a new code of practice for the Victorian gambling industry will be released. This code has been prepared under the auspices of the Responsible Gambling Ministerial Advisory Council, and designed to supersede each other code discussed above. Although a self-regulated industry code, complaints around breaches will be able to be reported to an independent arbiter (Dowling, 2007).

4.4 SURVEY RESULTS

The results presented below pertain to the 533 survey responses that were collected and analysed for this project. Respondents were asked 'Are you allowed to gamble on (type of gambling) in your workplace?' and asked to tick as many of the following options that applied:

- no, not at all
- yes, on days off/during time off

- yes, during rostered work breaks
- yes, before or after work when in uniform
- yes, before or after work when not in uniform
- yes, between split shifts

As shown in Table 4.1, the vast majority of respondents (91.6%) were not allowed at all to enter their venue's gaming promotions or competitions, and about half the respondents were not allowed at all to gamble on Club Keno, TAB betting and EGMs in their workplace. Of the respondents whose venues operated Club Keno and TAB outlets, most were allowed to gamble using these facilities.

Table 4-1: Per centage of respondents allowed to gamble in their workplace

Type of gambling	Yes ^a %	No ^b %	Respondents whose venues provide these types of gambling %
Club Keno	48.2	51.8	59.6
TAB	48.9	51.1	50.9
EGMs	49.4	50.6	98.3
Gaming promotions/competitions	7.0	93.0	n/a

^a based on a valid per centage of n = 533, reflecting respondents who ticked any 'Yes' categories for qu's 94-97

^b based on a valid per centage of n = 533, reflecting respondents who ticked 'No, not at all' for qu's 94-97.

^c based on a valid per centage of n = 533, reflecting respondents who ticked boxes in response to qu 10.

However, while some respondents were allowed to gamble on Club Keno, TAB betting and EGMs in their workplace, various restrictions applied, as shown in Table 4.2. Few respondents were allowed to gamble on these activities before or after work while in uniform, between split shifts and during rostered work breaks. However, being allowed to gamble in the workplace on days off was quite common, with 35.5% allowed to gamble on Club Keno, 30.2% at the TAB and 42.2% on EGMs. Large minorities were also allowed to gamble in the workplace before or after work while not in uniform - 22.5% on Club Keno, 18.9% at the TAB, and 23.8% on EGMs.

Table 4-2: When respondents are allowed to gamble in their workplace

Allowed to gamble at work	Club Keno ^a %	TAB ^a %	EGMs ^a %	Gaming promotions ^a %
Not at all	51.8	51.1	50.6	93.0
Before/ after work in uniform	6.0	6.2	3.2	1.9
Before/after work not in uniform	22.5	18.9	23.8	2.6
On days off	35.5	30.2	42.2	4.3
Between split shifts	3.9	4.5	1.9	1.1
During rostered work breaks	1.5	2.4	1.5	0.8

^a based on a valid per centage of n = 533, for responses to qu's 94-97.

Being allowed to gamble in the workplace on Club Keno, the TAB and EGMs was compared between hotel and club employees in large and small venues, as shown in Table 4.3. Results indicated that:

- a higher proportion of respondents from small hotels were allowed to gamble on Club Keno in their workplace (56.8%), followed by those in large clubs (56.3%), small clubs (51.2%) and large hotels (27.2%). Cross-tabulation and chi square analysis indicated these differences were significant ($\chi^2 = 9.210$, $p \leq .002$, $df = 1$);
- a higher proportion of respondents from small hotels were also allowed to gamble at the TAB in their workplace (65.4%), followed by those from large clubs (56.3%), small clubs (50.6%) and large hotels (35.9%). Cross-tabulation and chi square analysis indicated these differences were significant ($\chi^2 = 7.870$, $p \leq .005$, $df = 1$);
- a higher proportion of respondents from small clubs were allowed to gamble on the EGMs in their workplace (58.6%), followed by those from small hotels (55.6%), large clubs (54.2%) and large hotels (21.7%). Cross-tabulation and chi square analysis indicated these differences were significant ($\chi^2 = 8.877$, $p \leq .003$, $df = 1$).

Thus, being allowed to gamble on Club Keno and the TAB in the workplace was most common for employees of small hotels and large clubs. Being able to gamble on EGMs in the workplace was most common for employees of small clubs, small hotels and large clubs. Staff working in large hotels were less likely to be allowed to gamble on any of these activities in their workplace.

Table 4-3: Respondents allowed to gamble in their workplace by venue and venue size

Type of gambling	Small hotels ^{ab} %	Large hotels ^{ab} %	Small clubs ^{ab} %	Large clubs ^{ab} %
Club Keno	56.8	27.2	51.2	56.3
TAB	65.4	35.9	50.6	56.3
EGMs	55.6	21.7	58.6	54.2

^a based on a valid per centage of $n = 533$.

^b small venues were defined as those with 40 or fewer EGMs; large venues with more than 40 EGMs.

4.5 CHAPTER CONCLUSION

This chapter has addressed the first objective of this study, which was to examine how legislative requirements, codes of conduct, and venue policies and practices may or may not restrict the kind of access that gaming venue staff have to gambling products within their workplace.

In summary, Victorian legislation prohibits hotel and club employees from gambling in their workplace whilst on duty, unless as a necessary part of their official duties. However, the legislation does not prohibit them from gambling in their workplace at other times. Nor do the Tabcorp and Tattersall's codes of conduct prohibit staff from gambling in their workplace whilst off-duty, although the Tabcorp code encourages venues to develop house policies around this. In contrast, legislation prohibits 'special employees' from gambling at the Crown Casino and the casino has extended this prohibition to all staff.

Thus, apart from the casino, it is up to individual venues to develop and implement any restrictions around employees gambling in their workplaces when not on duty. From the results of the staff survey, it is apparent that nearly half the respondents are allowed to gamble in their workplace on EGMs, Club Keno and the TAB (where provided), but typically only on days off and before or

after work while not in uniform. Respondents from large hotels were the least likely to be able to gamble in their workplace on EGMs, Club Keno and the TAB.