



Independent workplace compliance

White Paper

What does the new Labour Government have in store for workplace management?

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With the new Labour Government in post for less than a month, it is early days for the administration, but what changes have been signalled for the workplace for the next five years?

As well as its manifesto (and supporting documents) and new ministerial objectives, the King's Speech, on the 17th July 2024, saw the announcement of nearly 40 new legislative initiatives/bills it wants to pass during this parliamentary term.

This month we take a look at some of the proposals and possible changes/opportunities for those managing workplace, facilities and health and safety.

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1. Planning and construction

Buildings and construction have been highly discussed, with a plan to build 1.5 million new homes and upgrading critical infrastructure. The introduction of a Planning and Infrastructure Bill with the intention of overhauling the current rules and streamlining the process, looks to facilitate this.

This ambition was further supported by Rachel Reeves, the new Chancellor of the Exchequer, who said, “Labour are going to get Britain building again” through reform of an “antiquated planning system”.

A booming construction industry is usually a good economic sign, but does come with some additional pressures, even with the easing of planning. The skills gap and lack of talent in construction and building services has been clear over recent years, with no short-term change evident.

The construction industry in particular has seen an increase in safety-related fatalities with the HSE reporting the “average number of worker deaths in construction in the last 2 years is statistically significantly higher than the pre-pandemic period (2016/17- 2018/19)”.

How are these likely to change with further demand, and so how do organisations protect what they already have in terms of people, time and safety?



2. Martyn's Law

With cross party support since its introduction, it was not surprising to see the King's Speech stating the intention of the Government to enact the 'Terrorism (Protection of Premises) Bill' (Martyn's Law) to improve safety and security of public venues to "keep the British public safe from terrorism".

Named after Martyn Hett who sadly died along with 21 others in the 2017 Manchester Arena bombing, the proposal will see premises required to take additional measures to combat the threat of terrorism. Based on capacity, venues will fall into one of two categories where:

- **Standard Tier** - covers venues of between 100 and 799 and require a plan, information sharing and training; and
- **Enhanced Tier** - covering venues of above 800 needing additional risk assessment and security plan.



3. Utilities

Labour has for a number of years talked about plans to “rewire Britain” and develop clean energy and “energy independence” and two Bills look to be targeting this.

- **The Great British Energy Bill** - seeing the creation of a new state-owned energy investment and generation company - GB Energy; and
- **A National Wealth Fund Bill** - to invest £7.3bn in infrastructure and green industry (over the next five years).

Additionally, recognising “the need to improve water quality”, the Water (Special Measures) Bill when introduced will strengthen the powers of the water regulator.

The opportunity for cleaner, cheaper energy must be welcomed. But with organisations realising how challenging Scope 3 emissions and net zero is to properly meet, these Government measures must be viewed ‘as well as’, not ‘instead of’, if we are going to make meaningful progress towards mitigating and adapting to climate change.

From a water perspective the issues around sewage discharges have been a regular feature, although lately episodes such as the Cryptosporidium outbreak in South Devon have highlighted why good water management remains so important.



4. Cyber security and AI

With the aim to “strengthen our defences and ensure that more essential digital services than ever before are protected”, a new Cyber Security and Resilience Bill has been proposed, setting out new rules on the protection of critical infrastructure from malicious attacks.

Part of this will be through The Security of Network & Information Systems Regulations (NIS Regulations) 2018, an original EU Directive, which is being reformed, and is designed to “provide legal measures to boost the level of security (both cyber & physical resilience) of network and information systems for the provision of essential services and digital services” (GOV.UK). The Bill will see more power given to regulators concerning cybersecurity incidents – and possibly see ransomware attack reporting mandated.

Although reported prior to the King’s Speech, no specific Bills on the regulation of artificial intelligence (AI) was proposed although comments did allude to establish “appropriate legislation” to “place requirements on those working to develop the most powerful artificial intelligence models.”



5. Employment and workplace

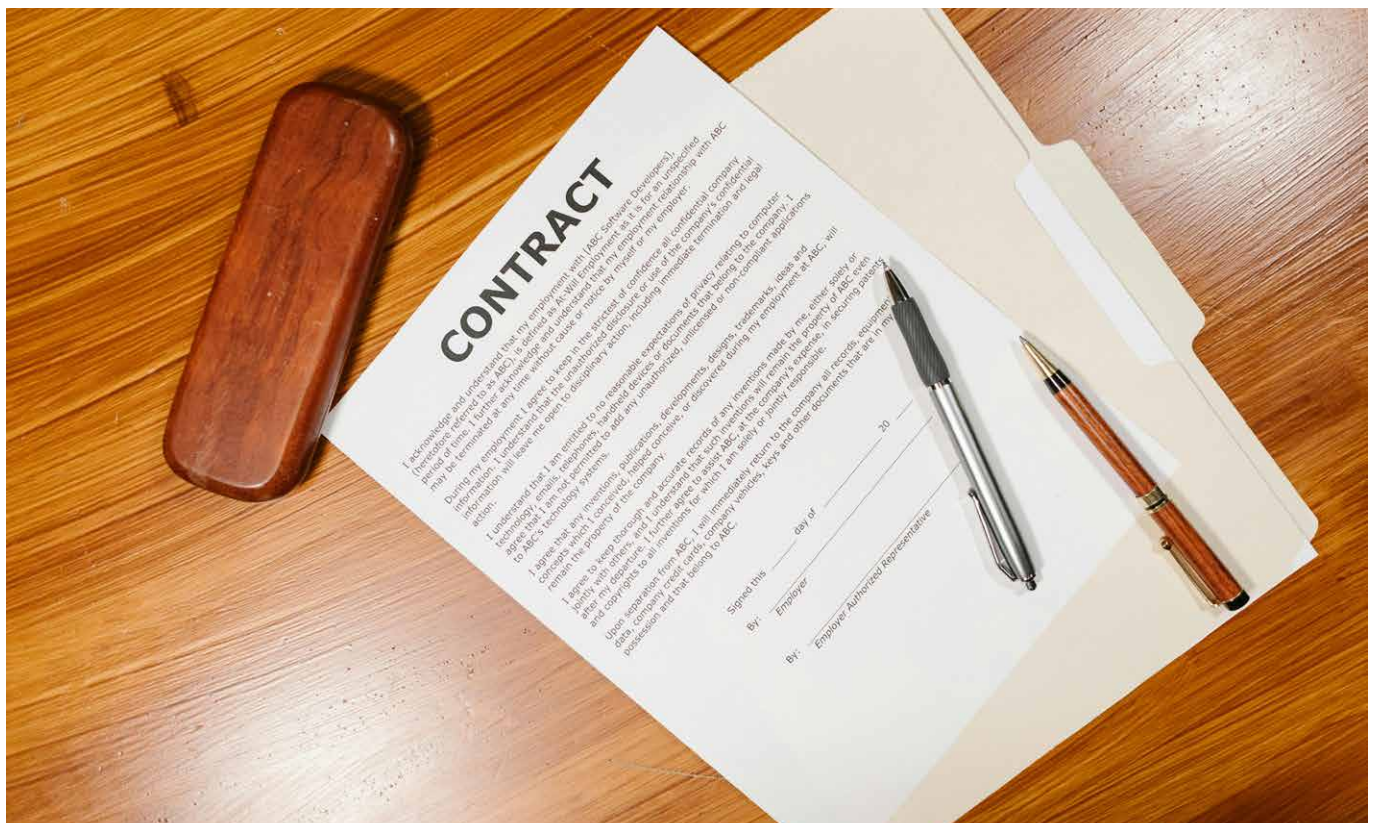
Published prior to the election, Labour's "New Deal for Working People" talked of a "plan to make work pay", with "a mission of growing the economy and raising living standards".

In the King's Speech this was covered by the proposal for an Employment Rights Bill, legislating "to introduce a new deal for working people to ban exploitative practices and enhance employment rights." Additionally, a Race Equality Bill designed to "enshrine the full right to equal pay in law" including for ethnic minority workers and disabled people and look to introduce new pay reporting requirements for larger firms.

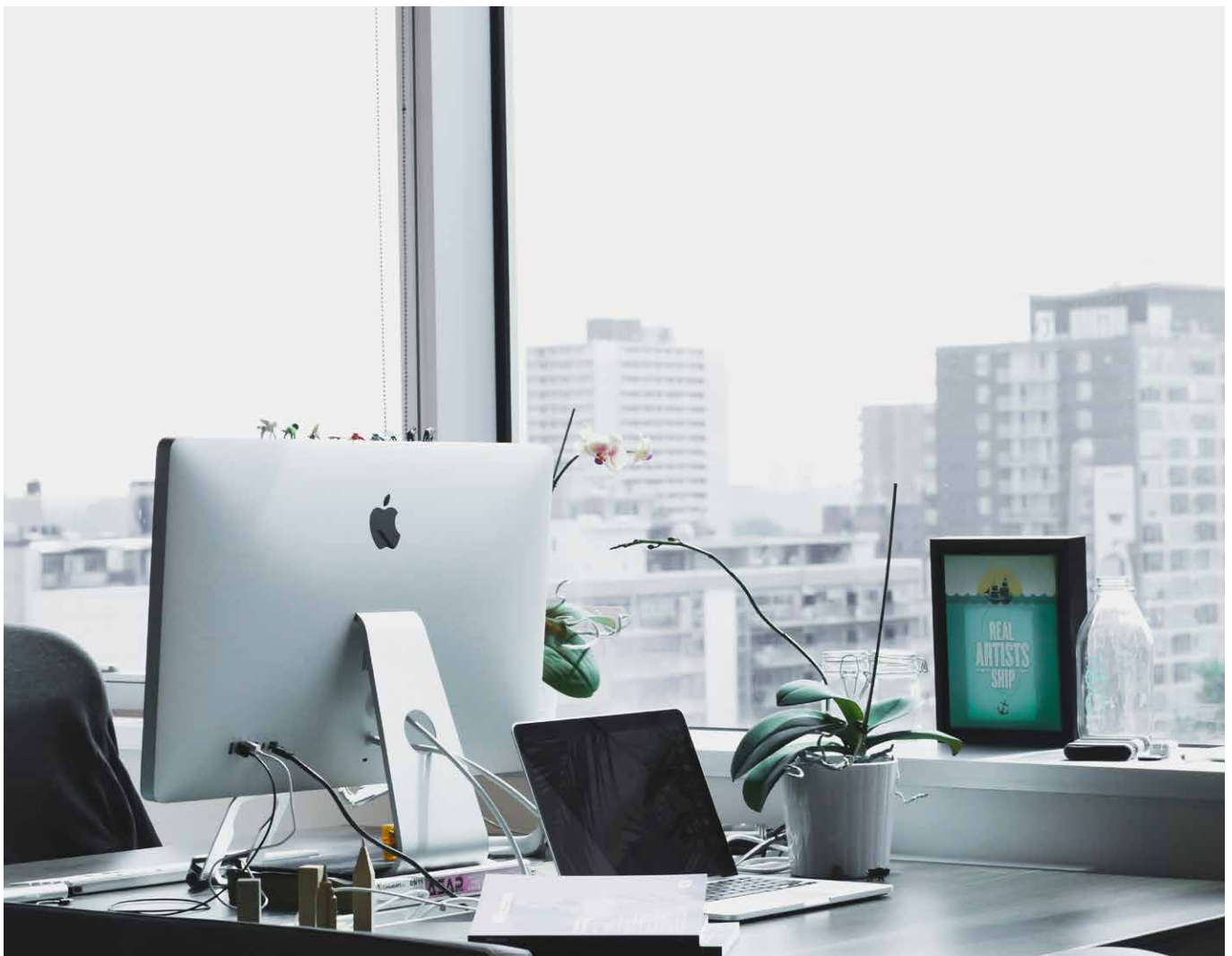
Although again no specific bill was mentioned, the King's Speech also said, "measures will be brought forward to remove the exemption from Value Added Tax (VAT) for private school fees."

As well as flagging aspects of employment such as, zero-hour workers, fire and rehire, basic day one rights, redundancy rights and TUPE and self-employment, the New Deal for Working People document also included:

- **Maternity discrimination** - a commitment to strengthen protections for pregnant women.
- **Flexible working** - embracing technological advancements to benefit workers and the economy, by ensuring "workers can benefit from flexible working, including opportunities for flexi-time contracts and hours that better accommodate school terms where they are not currently available, by making flexible working the default from day one for all workers, except where it is not reasonably feasible."
- **Right to switch off** - "so working from home does not become homes turning into 24/7 offices" by using existing models to give workers and employers "the opportunity to have constructive conversations and work together on bespoke workplace policies or contractual terms that benefit both parties."



- **Voice at work** - to boost worker representation by bringing in “a new era of partnership that sees employers, unions and Government work together in co-operation and through negotiation.”
- **Menopause in the workplace** - the production of Menopause Action Plans requiring larger employers (with more than 250 employees) to set out how they will support employees through the menopause, while also providing guidance for smaller employees.
- **Safer workplaces** - including:
 - A review to modernise health and safety guidance and regulations to reflect the modern workplace.
 - Modernising health and safety guidance with reference to extreme temperatures, preventative action and steps to ensure safety at work, recognising “in a number of sectors working temperatures are regularly unacceptably high, including for those working in strenuous and sedentary jobs, causing serious health and safety concerns.”
 - Working with employers, other stakeholders and trade unions to support worker wellbeing with both long term physical and mental health. Identifying whether “existing regulations and guidance is adequate to support and protect those experiencing the symptoms of long Covid, and we will ensure health and safety reflects the diversity of the workforce.”
 - Requiring employers to “create and maintain workplaces and working conditions free from harassment, including by third parties” and tackling sexual harassment at work (by “strengthen the legal duty for employers to take all reasonable steps to stop sexual harassment before it starts”).



6. So, what might it all mean for those managing the workplace?

The focus on wellbeing and mental health, as well as that of physical health and safety, is going to continue, and continue to expand. The introduction of Martyn's Law sees more emphasis on physical security and with possible greater considerations over workplace temperature, with the physical environment too. It remains to be seen what the "modernisation" of health and safety regulation and guidance will be, and how any sector-specific initiatives could impact.

Flexible and hybrid working will remain areas organisations need to develop, but with 41% of workers no longer working from home (Facilitate article 24th July 2024), this may see increasing challenges in how workplace space you currently have is being used and managed. Similarly, with what looks like a growth in construction, how might this affect the availability of resources and trained/competent personnel at a time when it is already under a degree of pressure. What we will almost certainly see is means to more actively involve employees and others in the decision in processes such as workstyle, workplace and of course health and safety.

Will we see greater integration between workplace/facilities management, HR and IT in delivering solutions for the business? Greater reliance on technology and a varied supply chain are two aspects not unfamiliar to workplace/facilities management, but they do need to be balanced against cyber security and worker rights, particularly as these evolve in the future. The introduction, application and implementation of AI is another consideration too.

Climate change mitigation and adaptation through good environmental management, net zero and the sustainability initiatives are likely to remain key considerations for organisations, and many of these already have activity through workplace/facilities management. Equally, security of supply for aspects such as water and energy for example also need to be factored in.

Key to any change, as and when it is introduced, is knowing where you and your organisation is currently, so a clear understanding of what is needed and how it is successfully achieved can be properly planned and implemented. What information and support do you have in place to identify where you stand?

Be it directly or indirectly workplace/facilities management has a stake in many of these changes and will inevitably be part of the solution. Being prepared and ready for them means our industry can take full advantage of the opportunities on offer with them too.

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Call us on
+44 (0)1403 269375



Email us at
info@assurityconsulting.co.uk



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