

# Health and Safety at Work etc. Act 1974 (Amendment) Bill

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[AS INTRODUCED]

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# B I L L

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Amend the Health and Safety at Work etc. Act 1974 to place a requirement on employers to take proactive measures to prevent violence and harassment in the workplace; to make provision for protections for women and girls in the workplace; and to require the Health and Safety Executive to publish a Health and Safety Framework on violence and harassment in the workplace, including violence against women and girls in the workplace.

**B**E IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## 1 Duty to prevent violence and harassment in the workplace

(1) Section 2 of the Health and Safety at Work etc. Act 1974 is amended as follows.

(2) After subsection (2)(e) insert—

“(f) the adoption of proactive and preventative measures to protect all persons working in their workplace from violence and harassment, including—

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(i) gender-based violence;

(ii) sexual harassment;

(iii) psychological and emotional abuse;

(iv) physical and sexual abuse;

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(v) stalking and harassment, including online harassment;

(vi) threats of violence.”

(3) After subsection (3) insert—

“(3A) It shall be the duty of every employer to prepare, and as often as may be appropriate revise, an assessment to identify potential risks of violence and harassment in the workplace and implement policies and procedures to eliminate these risks so far as is reasonably practicable.

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(3B) It shall be the duty of every employer to provide training to all employees on recognising and preventing violence and harassment in the workplace, with a focus on gender-responsive approaches.

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- (3C) In subsection (3B) a “gender-responsive approach” means taking into account the various needs, interests, and experiences of people of different gender identities, including women and girls, when designing and implementing policies and procedures.
- (3D) In this section, “persons working in the workplace” includes – 5
- (a) employees;
  - (b) full-time, part-time, and temporary workers;
  - (c) interns and apprentices;
  - (d) volunteers; and
  - (e) job applicants. 10
- (3E) In subsection (2)(f) and subsections (3A) and (3B), a reference to the workplace includes remote and hybrid work environments.”

## 2 **Duties of the Health and Safety Executive: violence and harassment framework and protection of women and girls**

In the Health and Safety at Work etc. Act 1974, after section 11 (functions of the Executive) insert – 15

### **“11ZA Duties of the Executive: health and safety framework on violence and harassment**

- (1) It shall be the duty of the Executive to develop, publish and as often as may be appropriate revise a health and safety framework on violence and harassment in the workplace. 20
- (2) This framework shall include specific provisions relating to –
- (a) the prevention of violence and harassment against women and girls in the workplace, and other gender-based violence and harassment, including the prevention of physical, emotional, and psychological abuse; 25
  - (b) the duty of employers to create safe and inclusive workplaces and the preventative measures they must adopt; and
  - (c) the use of monitoring and enforcement mechanisms to ensure compliance with the duty of the employer in relation to violence and harassment (see section 2(2)(f)). 30
- (3) The Executive shall work with other relevant bodies, including the Equality and Human Rights Commission and law enforcement agencies, to develop and revise this framework.

### **11ZB Duties of the Executive: guidance for employers** 35

The Executive shall, in consultation with such other persons as it considers to be relevant, issue guidance for employers about the protection of women and girls in the workplace by –

- (a) implementing workplace policies to prevent violence and harassment; 40

- (b) establishing confidential reporting mechanisms to allow victims to report incidents;
- (c) conducting risk assessments and ensuring compliance with the health and safety framework (see section 11ZA);
- (d) reporting and addressing incidents of violence and harassment; and
- (e) supporting victims of violence and harassment, including making accommodations in the workplace to support such victims.”

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### **3 Extent, commencement and short title**

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- (1) This Act extends to England and Wales and Scotland.
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act may be cited as Health and Safety at Work etc. Act 1974 (Amendment) Act 2024.

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*Presented by Liz Saville Roberts*

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