

Legislation Outlook

November 2023



This monthly legislation briefing will help you to plan ahead for the maintenance of your ISO 14001, ISO 27001, ISO 45001 and ISO 50001 systems. We will give advance warning about important legislation that will affect compliance with the standards, relevant news, newly published guidance and government consultations that you might find useful, and any other significant legislation beyond the scope of the standards listed which will potentially impact your organisation. We don't waste your time on items such as an increase in administrative fees, we only report items of value.

This month sees the publication of the Government's controversial Online Safety Act, which will be of interest to clients with an online presence.



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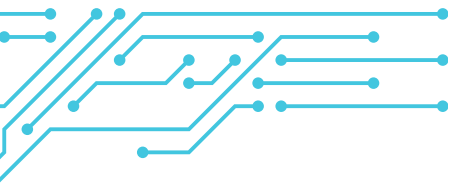
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Upcoming Standard-Related Legislation

ISO 14001

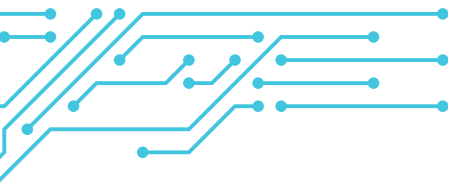
Environment (Wales) Act 2016 (Commencement No. 4) Order 2023

This Order brings into force in Wales, on 6th April 2024, section 66 of the Environment (Wales) Act 2016. This provision bans the disposal of food waste to public sewers from non-domestic premises in Wales. Businesses in Wales will no longer be able to dispose of food waste by obtaining trade effluent consent from the sewerage undertaker. Food waste is defined in the Act as 'waste that has at any time been food (which for this purpose does not include drink) intended for human consumption, or is biodegradable waste arising from the processing or preparation of food or drink. It does not include waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any place or equipment used in processing or preparing food or drink.'

Official Controls (Plant Health) (Prior Notification) and Phytosanitary Conditions (Amendment) Regulations 2023

These Regulations come into force on 24th November 2023 and 2nd May 2024 to protect Great Britain's biosecurity and support trade between Great Britain and third countries. The Regulations amend the Phytosanitary Conditions Regulation (Regulation (EU) 2019/2072) by:

- introducing measures against the import of host plants and other relevant goods for Citrus exocortis viroid, Columnea latent viroid, Pepper chat fruit viroid and Tomato planta macho viroid (together, "the solanaceous pospiviroids") to prevent their introduction into Great Britain;
- revising the import requirements for certain goods to ensure that they are fully aligned with the risk posed by these goods. The revisions include the expansion of existing import requirements on potato tubers, to cover plants for the planting of potatoes (other than seeds);
- incorporating existing trade easements, including derogations retained from the EU that apply to certain wood from Canada and the USA and to certain species of bonsai trees from Japan, that have recently expired or are due to expire soon;



- making the temporary trade easement for testing requirements on seeds of tomato and pepper for Tomato brown rugose fruit virus (“ToBRFV”) permanent; and
- altering the regulatory status of some pests following a technical review of their current risk to biosecurity - certain pests are deregulated, in cases where their continued regulation is no longer technically justified, whilst other pests are newly added to the GB quarantine pest list, or to the provisional GB quarantine pest list, as set out in the Phytosanitary Conditions Regulation.



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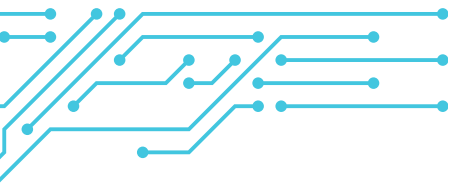


ISO 27001

Online Safety Act

This Act received royal assent on 26th October 2023 but, for the most part, will not commence until a date that will be specified in future regulations. It creates a new duty of care for online platforms, requiring them to:

- remove illegal content quickly or prevent it from appearing in the first place, including content promoting self-harm;
- prevent children from accessing harmful and age-inappropriate content;
- enforce age limits and age-checking measures;



- ensure the risks and dangers posed to children on the largest social media platforms are more transparent, including by publishing risk assessments; and
- provide parents and children with clear and accessible ways to report problems online when they do arise.

Platforms failing in their duty will be liable to fines of up to £18 million or 10% of their annual turnover, whichever is higher. The Act applies to any:

- 'user-to-user service': an internet service by means of which content that is generated directly on the service by a user of the service, or uploaded to or shared on the service by a user of the service, may be encountered by another user, or other users, of the service; and
- 'search service': an internet service that is, or includes, a search engine.

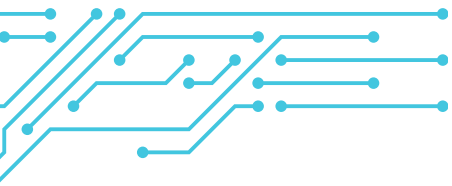
The Act will be regulated by OFCOM, who will provide codes of practice and guidance about the various duties of care prior to the commencement of those duties.

We expect OFCOM to publish a consultation in the next couple of weeks. We will keep you updated via the Legislation Outlook and provide further information when it becomes available.

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The laptop screen displays the 'Incident Log: Burn to arm - Details' interface. It includes fields for Incident No (2), Status (Closed), Summary (Burn to arm), Date/Time of Incident (25/03/2014 06:00), Location (Reactor room), Incident Category (Accident), Type (Injury/Illness), Sub-type (Cut), Person Type (Employee), Name (Andrew Clark), and a detailed Incident Description and Investigation Results section.



News

HSE inspection campaign for users of CNC machines

The Health and Safety Executive has launched a campaign to make sure workers are safe when working with metalworking fluids in businesses that use computer numerical control (CNC) machines. Metalworking fluids can cause harm to the lungs and skin through inhalation or direct contact with unprotected skin. To support the campaign, HSE will carry out inspections to look at how employers are ensuring workers are protected from exposure to fluid or mist generated by CNC machines across Great Britain.



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Guidance

Workplace monitoring

The Information Commissioner's Office has published guidance on the monitoring of workers by employers. Monitoring can include tracking calls, messages and keystrokes, taking screenshots, webcam footage or audio recordings, or using specialist monitoring software to track activity.

The new guidance provides clear direction on how monitoring can be conducted lawfully and fairly. As well as outlining legal requirements, it also includes good practice advice to help employers build trust with their workers and respect their rights to privacy.



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