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Compliance with legislation and regulations  
for users of occupational health and safety  
management systems

*We at SCCM are convinced – and our experience has proven – that any organization, large or small, will achieve better performance by using the ‘plan-do-check-act’ approach outlined in the OHSAS 18001 standard.*

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# Compliance with legislation and regulations for users of occupational health and safety management systems

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# I Background

For any organization, an important requirement for its continuity is ensuring compliance with legislation and regulation. More and more, organizations are being held responsible for their behaviour in this regard. Consequently, their management wants to know if their organization is 'in compliance'. Proper compliance with legislation and regulations is a precondition for operating a sustainable and socially responsible business. An organization's management can only state with conviction that it has control of its compliance when it is working on it systematically.

Compliance with legislation and regulations is one of the basic requirements of the OHSAS 18001 standard. The standard in fact contains all the elements of a 'compliance management system' with which compliance can be demonstrated:

- Identifying legislation and regulations.
- Translating legal requirements into their impact on the organization.
- Ensuring implementation.
- Self-evaluating compliance.
- Internal audits.
- Management review of the results.

The requirements for compliance management in the OHSAS 18001 standard correspond to requirements incorporated in the ISO 14001 standard. The system as described in this guide corresponds to the system described in the SCCM guide on compliance within ISO 14001. Accordingly, the elements of both management systems can be integrated. We have chosen to draw up two separate documents so that we can provide examples of legislation and regulations that are relevant to occupational health and safety (hereafter OHS).

The ISO 45001 standard, which will replace the OHSAS 18001 standard, is currently being developed and publication is expected in 2017. The ISO 45001's requirements for compliance management will be comparable to those in OHSAS 18001. The only difference is a new term, 'compliance status'. The term is being used in this document. The requirements in other points of the standard will also be laid down.

## **Aim of this publication**

Our objective is to help show organizations in practical terms how to interpret the requirements in the ISO 14001 and OHSAS 18001 standards related to compliance with legislation and regulations. This guide provides some concrete examples, but there certainly are other ways the requirements can be worked out. The idea is to inspire you to find an interpretation that is right for your own organization.

This document is intended as an aid, and organizations are free to use the suggestions in it or not.

### **EA 7/04**

This document is also based on the EA 7/04 guideline 'Legal compliance as a part of Accredited ISO 14001: 2004 certification'. This guideline of the European Co-operation for Accreditation must be followed by every certification body accredited in an EU member state when conducting ISO 14001 certification work. Since the basic principles in EA 7/04 also apply to OHSAS 18001 certification, we have taken them into consideration. In the future, we expect a similar document for certification of OHS management systems to be published. EA 7/04 can be found on [www.sccm.nl](http://www.sccm.nl).

### **Legal and other requirements**

This guide is oriented to compliance with legal requirements. Within OHSAS 18001, however, compliance management involves both legal and any other requirements with regard to working conditions and safety. Other requirements include those from clients, the larger concern of which the organization is a subsidiary, or commitments arising from obligations such as a covenant entered into voluntarily by the organization.

### **Computer programs**

Every organization must document its management system and support its implementation, whether or not using dedicated software. This guide frequently shows the relationship with procedures and instructions. In practice, these can be 'automated' by using software with the various steps built into it. The user is automatically taken through these steps.

## 2 Compliance management within the OHSAS 18001 standard

Various elements of the OHSAS 18001 standard contain direct or indirect references to ‘compliance with legislation and regulations’. Together these elements constitute the compliance management system. Table 1 shows the elements of the standard that make explicit reference to legislation and regulations. Although the ‘internal audit’ element does not explicitly refer to legislation and regulations, it is included here since the internal audit is an essential part of the compliance management system.

The requirements for compliance with legislation and regulations in the ISO 45001 standard currently being developed will differ little from those in OHSAS 18001. It is expected, however, that ISO 45001 will include the requirement of ISO 14001:2015 that the organization maintain its knowledge of its compliance status. This publication assumes that this is the case.

TABLE 1: COMPLIANCE MANAGEMENT RELATED TO REQUIREMENTS IN THE OHSAS 18001 STANDARD

COMPLIANCE MANAGEMENT ELEMENT	TEXT OF OHSAS 18001	CLAUSE NO. OHSAS 18001
1 <b>Commitment to compliance</b>	Top management shall define the organization's OHS policy and ensure that, within the defined scope of its OHS management system, it includes a commitment to comply with applicable legal requirements and with other requirements to which the organization subscribes which relate to its risks and hazards.	4.2 c
2 <b>Identifying legislation and regulations</b>	The organization shall establish, implement and maintain (a) procedure(s) to identify and have access to the applicable legal and other requirements to which the organization subscribes related to the organization's risks and hazards.	4.3.2
3 <b>Translating legal requirements into impact on the organization</b>	The organization must establish, implement and maintain (a) procedure(s) to determine how these legal and other requirements apply to its risks and hazards.	4.3.2

COMPLIANCE MANAGEMENT ELEMENT	TEXT OF OHSAS 18001	CLAUSE NO. OHSAS 18001
4 Ensuring that organizational and technical measures are taken in order to comply with the requirements	The organization shall ensure that these applicable legal and other requirements to which the organization subscribes are taken into account in establishing, implementing and maintaining its OHS management system.	4.3.2
	The objectives and targets shall be measurable, where practicable, and consistent with the OHS policy, including the commitments to prevention of risks and hazards, to compliance with applicable legal requirements [...].	4.3.3
	The organization shall identify and plan those operations that are associated with the identified significant risks and hazards in line with its OHS policy, objectives and targets, in order to ensure that they are carried out under specified conditions [...].	4.4.6
5 Self-assessing compliance	Consistent with its commitment to compliance, the organization shall establish, implement and maintain a procedure(s) for periodically evaluating compliance with applicable legal requirements. The organization shall keep records of the results of the periodic evaluations.	4.5.2.1
	This self-assessment must be done in such a way that there is an up-to-date overview of the compliance status of the organization as a whole (addition in ISO 45001).	
6 Internal audit	The organization shall ensure that internal audits of the OHS management system are conducted at planned intervals to	4.5.5
	<ul style="list-style-type: none"> <li>a determine whether the OHS management system conforms to planned arrangements, and has been properly implemented and is maintained, and</li> <li>b provide information on the results of audits to management.</li> </ul>	
7 Management review of compliance	<p>Reviews shall include assessing opportunities for improvement and the need for change to the OHS management system, including the OHS policy and OHS objectives and targets.</p> <p>Input to management reviews shall include:</p> <ul style="list-style-type: none"> <li>→ results of internal audits and evaluations of compliance with legal requirements and other requirements to which the organization subscribes, and</li> <li>→ changing circumstances, including developments in legal and other requirements related to the organization's risks and hazards.</li> </ul>	4.6

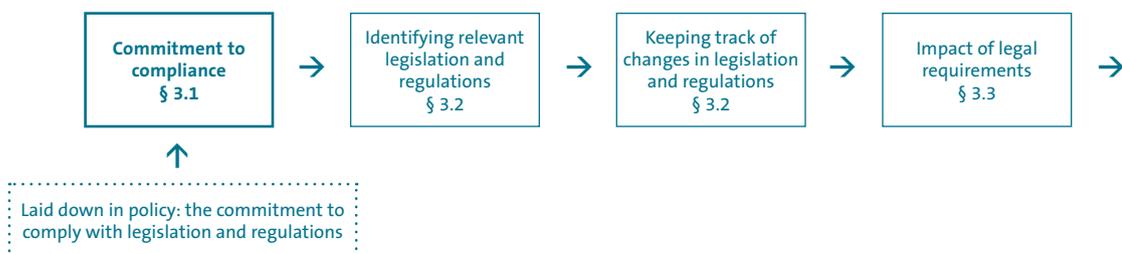
The elements of the standard listed in table 1 constitute the 'core' of the compliance management system. Of course other elements are also relevant for achieving proper compliance (such as communication, monitoring and measuring, and nonconformities and corrective action). They will be discussed in chapter 4.

Chapter 3 will discuss how each part of the compliance management system can be interpreted, and also has references to other parts of the standard.

## 3 The compliance management system in detail, by element

This chapter elaborates the elements of the compliance management system. The diagrams show in a nutshell the relationship between the step described and the steps before and after it.

### 3.1 Commitment to compliance



The organization's top management must lay down its commitment to comply with legislation and regulations in its OHS policy. In practice, this is done by including a text in a 'policy declaration' signed by top management, in which other policy principles (such as the commitment to improving performance) are laid down.

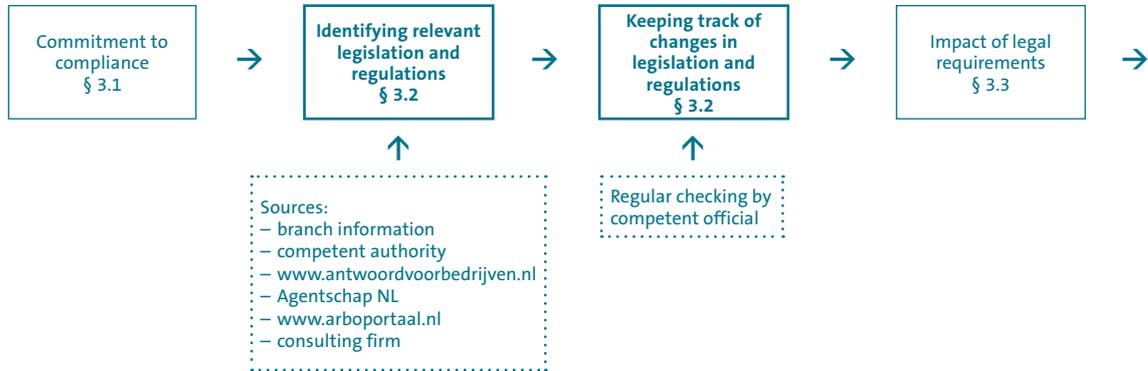
More important than the written statement is the way that this commitment is communicated within the organization by its top management. It is essential that compliance with legislation and regulations is part of the organization's internal culture. Simply putting a statement down on paper is not enough to bring this about, however; regular communication about the importance of compliance is part of this commitment. It is important that the culture allows for open communication about compliance, and that employees are encouraged to come forth promptly to discuss any compliance problems. The ISO 45001 standard will probably require that top management ensure a 'culture' supportive of the OHS management system.

Clause 4.4.2 of the standard is also relevant in this regard, since it sets requirements for creating awareness about compliance with the OSH policy, by the organization's employees as well as third parties such as temporary workers.

Employee awareness and involvement can be encouraged by:

- Oral and written communication from top management reiterating the importance of compliance, and the progress made in this area.
- Making this a regular agenda item in meetings.

## 3.2 Identifying legislation and regulations



### Which legislation and regulations are relevant

The organization must identify the legislation and regulations that apply to it, meaning that they relate to the organization's OHS-related hazards and risks. The requirements identified may be in either Dutch and European law or regulations (insofar as the latter are directly applicable and not already incorporated in Dutch legislation). If an organization has operations outside the Netherlands, it must also identify the applicable legal requirements for the other country or countries.

Regarding OHS legislation and regulations in the Netherlands, it is important to know if an approved OHS 'catalogue' (regulations agreed by government and industry) is available for the sector in which the organization operates. The agreements in this OHS catalogue must be elements of the identified legislation and regulations.

At European level, there is a distinction between regulations, directives and decrees. Regulations apply directly and do not have to be included in national legislation. Where European legislation is integrated in Dutch legislation and regulations, it is sufficient to use only the Dutch legislation. Where this is not the case, the European legislation applies in addition to the Dutch law.

Thus there are different levels of legislation and regulations, for example:

- National legislation;
- European regulations, directives or decrees;
- 'Semi-legislation'.

For the sake of convenience, 'semi-legislation' is understood in this publication to refer to all agreements used as state of the art. Examples include:

- NEN standards specifying, for example, certain measures to take;
- Publications from the Hazardous Substances Publication Series (*Publicatiereeks Gevaarlijke Stoffen*, for example PGS 15);
- Covenants;
- OHS 'catalogues' referred to above.

Besides the legal requirements, there are other requirements that must be identified. Examples of these are requirements in insurance conditions, requirements of the parent company or requirements of customers. These will not be discussed further in this publication, but they must be included in the management system.

It must be realized that some legislation and regulations will be more clearly applicable and some less so. An organization must also have an intention to be familiar with, and to comply with, less obvious legislation and regulations. The question is whether an organization can fairly be expected to be familiar with all the applicable legislation and regulations. This will also be taken into consideration during the certification process. The obvious legislation and regulations in any case will be those that SCCM has made summaries of (see [www.sccm.nl](http://www.sccm.nl)) and legislation and regulations related to activities considered to entail risk.

The website [mijn.sccm](http://mijn.sccm) provides information about legislation and regulations. The list of publications at [mijn.sccm](http://mijn.sccm) can be used as a checklist when making the inventory of possibly applicable legislation and regulations. The list shows the legislation and regulations that apply to many organizations. It is definitely not a complete overview, since it does not include regulations such as those specific to one branch of industry. Organizations associated with SCCM may access this website. For more information about access see [our brochure \(in Dutch\)](#).

#### **Keeping up to date with legal and other requirements**

The overview of legal requirements must be kept up to date, even when there are changes to legislation. Organizations must therefore keep track of these changes and evaluate how they may affect areas such as operational control, as well as measuring and monitoring and any objectives.

Enshrined in a procedure (or another method in the system) are:

- who keeps track of changes in legislation and regulations and other requirements;
- what sources of information are used;
- how often this is done;
- who translates this information into requirements for the organization, and how;
- how this is recorded;
- how changes are communicated internally;
- who determines how, and how often, compliance with the requirements is checked.

It is important that the person responsible for keeping track of and evaluating legislation and regulations is also competent to do so (clause 4.4.2). Competence includes knowledge of:

- the processes in the organization related to legislation and regulations;
- the main thrust of the various kinds of legislation and regulations that can apply.

Often there are several officials/departments in an organization who play a part in this process, such as HRM for health-related legislation, Technical Services for inspection requirements and relevant technical standards, a QES (Dutch 'KAM'; from quality, working conditions and environmental concerns) department for general legal changes, and possibly a legal/accounting department for insurance conditions, etc.

Having good working relationships and laying down who does what can make these things clearer.

With regard to keeping track of changes in legal requirements, there must also be a regular check to see if the applicable requirements still fit the OHS hazards and risks and the company's operations. New or different requirements may apply due to changes in, or of, operations. There may also be requirements that no longer apply. If desired, evaluating the implications of legislation and regulations on new operations or changes can be a part of an MoC (Management of Change) procedure.

After the MoC procedure, the updating the RI&E can be incorporated when linking to the RI&E.

### **Linking to the RI&E**

One practical solution for identifying legislation and regulations and assessing compliance (see 3.5) is to link this procedure to the RI&E.

A risk inventory brings together all the risks and hazards. These can be used as a basis for determining the applicable legislation and regulations. These legal requirements for the various risks and hazards are then laid down in the RI&E.

The following steps take place in the RI&E once the potential risks and hazards have been established:

- Determine what measures for controlling risks are already in place;
- Determine the residual risk, usually by using the formula: risk = probability x exposure x consequences (Fine & Kinney method);
- Determine what new measures are needed to reduce the residual risk. These measures are then laid down in the action plan with the RI&E.

If the legal framework is also indicated for every risk, then the extent to which the legal requirements are being complied with can also be checked when determining the measures for controlling the risk. If the legal requirements are not being complied with, measures to ensure compliance with them must be determined. These measures can be laid down in the action plan.

Much of the legal framework can be identified in the link to the RI&E.

The substance of a legal article of the law cannot be reflected through the RI&E, since this is outside the scope of the RI&E. Besides the RI&E, therefore, a register of legislation and regulations can be drawn up, also indicating the general legislation and regulations such as the Gatekeeper Improvement Act (*Wet poortwachter*), Work and Care Act (*Wet arbeid en zorg*), company-wide requirements from the Working Conditions Act (*Arbowet*), Working Conditions Decree (*Arbobesluit*) and Working Conditions Regulations (*Arboregeling*). The register should indicate for each how often compliance is to be checked.

A sample register showing how the legislation is incorporated in the RI&E can be found in Annex 3 and 4.

### **The result**

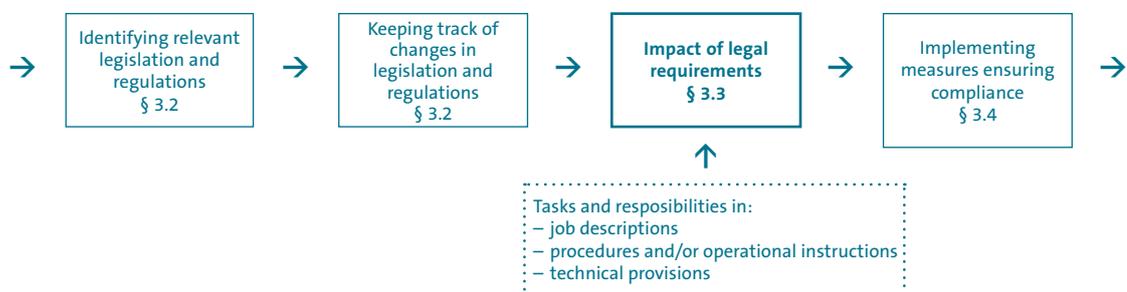
- A procedure concisely laying down who identifies and keeps up to date with legislation and regulations and how they do so (what the sources of information are; what format is used to record information; frequency of updating; the person responsible; where information is laid down).
- Any change to the identified legislation and regulations is included in an MoC procedure.
- An overview of legislation and regulations in effect and any other particular requirements. Annex 1 shows an example of a format for identifying legislation and regulations, giving an indication of the required level of detail.

### EXAMPLE

Annex 1 gives an example of ways to set down information about the legislation and regulations. It is not always immediately clear whether a specific law or regulation applies, for example when its applicability is linked to concentrations of a substance. This can be laid down in an additional document.

Another example is the requirements with regard to working with computer screens, which may or may not apply, depending on the situation. This has been worked out for a sample company in Annex 6.

## 3.3 Vertaling wettelijke eisen naar consequenties voor de organisatie



Once an organization knows which legislation and regulations affect it, it will be necessary to ‘unravel’ them and isolate the particular requirements that the organization must meet.

An organization can only say anything about its own compliance if these requirements are made explicit. This is a time-consuming (albeit one-time) operation, especially for organizations subject to many laws and regulations. Ultimately, however, it has great added value.

It must be clear how the legislation and regulations impact the organization, for example:

- technical provisions that must be made;
- organizational measures required;
- emissions that must be kept below certain levels;
- studies that must be done;
- notifications that must be made;
- obligatory monitoring, and monitoring reports.

The applicable articles/requirements/rules for each legal or other requirement can be added to the overview of legislation and regulations from step 1. Of course, this more detailed explanation may be set down in another document within the management system. This document must, however, be available so that ultimately the organization can self-assess its compliance.

Linking the legal aspects with the register of OHS hazards and risks will make the right level of detail easier to see.

### **Linking legislation/regulations to activities and officers**

Besides identifying applicable legislation and regulations, an organization must identify and evaluate its OHS hazards and risks (this is also done to satisfy the legal requirement for an RI&E). The organization's operations/processes will dictate the line of approach. Making this identification usually shows a connection between the applicable legislation and regulations and the officers responsible. The organization can opt to combine the translation of all the legal requirements into their impacts on the organization with the identification of its OHS hazards and risks. If it does so, it is important to ensure that all legislation and regulations have been adequately incorporated.

Ultimately, the responsibilities and tasks with regard to such things as legal requirements come together in the job descriptions, procedures and/or operational instructions. When identifying both OHS hazards and risks, and legislation and regulations, items in specific job or task descriptions or procedures/operational instructions can be numbered and referred to (see 3.4).

### **The result**

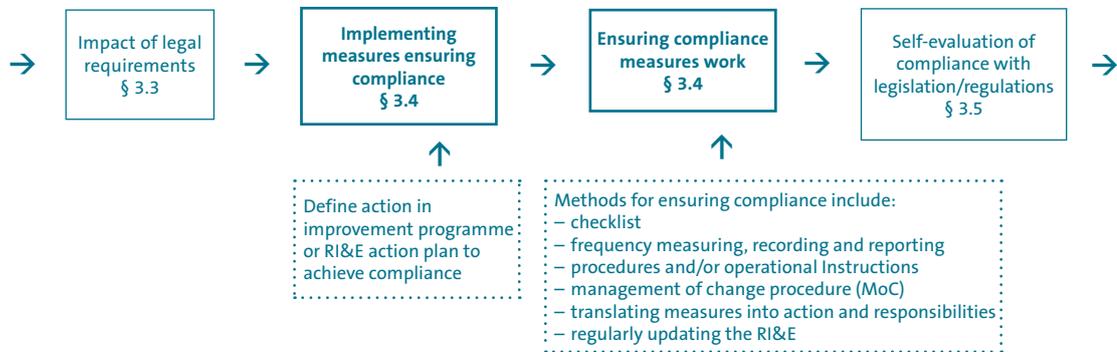
- A procedure (whether or not combined with the procedure from 3.3) which lays down who is responsible for determining the impact on the organization of the requirements in the applicable legislation and regulations. Additional conditions for implementation (frequency, method of documentation, etc.) can also be laid down.
- An overview of the requirements per element of legislation and regulations, and their impacts on the organization.

### **EXAMPLE**

Annex 2 contains tables with examples of how to systematically display the requirements in the applicable legislation and regulations. Since a given requirement can apply to more than one area in the organization, there is sometimes more than one 'rule' for the same requirement. Each table shows the person or department responsible for compliance and for ensuring compliance, with reference to a relevant document.

Another approach is to link the requirements directly to the tasks necessary for adequate compliance. An example is included in annex 5, and annexes 3 and 4 illustrate the requirements and their links to the RI&E.

### 3.4 Ensuring that organizational and technical measures for meeting the requirements are taken



Once the organization knows which requirements apply, it determines how each requirement will impact it. What measures and action are necessary to comply with the requirements?

If a requirement has not yet been met, an action must be defined in the organization's OHS programme (clause 4.3.3) to achieve compliance with it (this programme may be annually updated).

The next step is to ensure that these measures and actions are actually taken.

Doing so properly guarantees that the requirement is met even in between compliance checks (see step 4).

The method of ensuring compliance depends on the type of requirement for the organization. There are roughly four types of requirements:

- 'static' requirements: requirements for parts of the organization that do not change often, such as requirements for a building (fire-proof doors, presence of a sprinkler system, etc.);
- technical requirements: requirements for facilities/equipment, products, amenities such as panic buttons and casings and their maintenance, and certificates;
- performance and monitoring requirements: requirements that entail taking measurements, keeping records and writing reports, for example about concentrations or quantities of hazardous substances used (including reports, measurements and studies by third parties);
- organizational requirements: for matters such as a risk inventory, training and instructing personnel.

The static requirements are checked once, and compliance with them is ensured using tools such as a 'management of change (MoC) procedure'. This procedure determines, for example, what action and measures to take in the event of certain changes.

Other methods for guaranteeing compliance include:

- a checklist which is gone through at defined intervals;
- frequent measuring, recording and reporting (these can be kept up to date in a register or overview of measurements, records and reports);
- laying down the method in procedures or instructions which are ensured by means of internal audits;
- translating requirements into action linked to officers and recording these actions once carried out (see example in annex 2).

The severity of these measures is proportional to the risk of nonconformities. The degree of guarantee must be heavier as the risks increase. The risk has often already been determined in the identification and evaluation phase. Its place in a risk matrix (chance x effect) is useful here.

The management system can include an overview by element of how compliance was ensured, if desired linked to the overview in step 2. If there are changes to legislation and regulations it will be easy to find what parts of the management system must be adapted. This kind of overview is a convenient aid, but the standard does not require it.

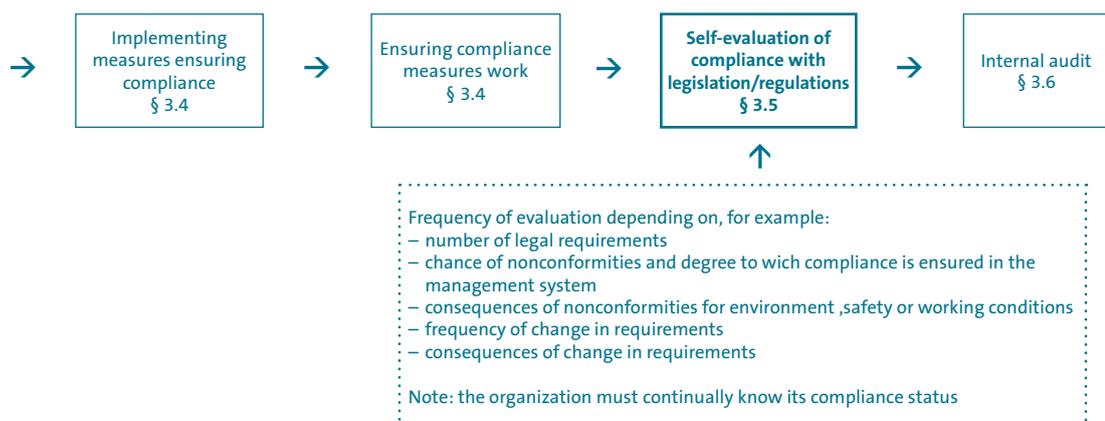
#### Result

→ Overview of how compliance with the requirements is ensured in the organization.

#### Example

Annex 2(right-hand columns) and annex 5 provide examples of how to ensure compliance with the applicable rules. Annex 5 provides partial examples of how the requirements are translated into concrete tasks. Various instruments can be used including checklists, procedures, operational instructions, and record-keeping).

### 3.5 Self-evaluation of compliance with legislation and regulations



The essence of this element is that an organization must be able to say with conviction that it has its compliance with legislation and regulations under control. Since round-the-clock monitoring of all the requirements is impossible, it is difficult to guarantee that all legislation and regulations are being complied with at every moment. A focused approach should enable the organization's management to have confidence that there is a high level of compliance and that any nonconformities are resolved (where necessary, in consultation with the competent authorities). This total overview of the situation with regard to compliance is called the 'compliance status'.

Assuming that the organization knows which legislation and regulations apply, and has translated the requirements they contain into their impacts on the organization, it can get a structural idea of its own compliance by taking the following steps. This means that there is an established procedure for this self-evaluation.

#### **Approach depends on the number of requirements**

If the number of requirements in legislation and regulations is limited, a checklist can be used for a periodic check that the requirements are being met. The management system can designate who fills out the checklist and at what intervals, how the results are reported to management, and how the rectification of nonconformities is ensured.

If the number of requirements is greater, it is a good idea to establish principles for the frequency with which compliance with the individual requirements is evaluated. This frequency will depend on factors like the chance of a nonconformity with the requirements and any consequences of a nonconformity. Using these general principles as a basis, an organization can determine the appropriate frequency and method of evaluation for each requirement.

#### **Basis of the approach**

To determine how and how often compliance with particular requirements should be evaluated, there must be an idea of:

- the chances of a nonconformity with these requirements arising;
- the potential consequences of such a nonconformity for the safety or working conditions.

There is a relationship here with the requirement from the standard to identify and evaluate OHS hazards and risks. The OHSAS 18001 standard requires the application of a risk assessment in evaluating the OHS hazards and risks. The outcome of the risk assessment can be used to determine how strictly to specify the evaluation of compliance with legislation and regulation.

An organization can establish a few basic principles for specifying how it evaluates its own compliance. This can be done using the matrix also used for the risk assessment, as shown in table 2. Each organization can use its own categories for chances and effect.

TABLE 2: EXAMPLE OF PRINCIPLES FOR SPECIFYING SELF-EVALUATION OF COMPLIANCE

NATURE OF REQUIREMENT \ SCOPE OF RISK	STATIC	TECHNICAL	PERFORMANCE/MONITORING	ORGANIZATIONAL
Acceptable	Test only if a change or incident occurs, as part of MoC <sup>1</sup> procedure	→ maintenance check 2x per year	→ 2x per year data evaluated by OHS coordinator	→ 1x per month on rounds with checklist
High-risk	1x per month on rounds with checklist	→ monthly maintenance check	→ 4x per year data evaluated by environment/OHS coordinator	→ 4x per year records evaluated by OHS coordinator
Extremely high (unacceptable risk)	1x per week on rounds with checklist	→ weekly maintenance check	→ 12x per year data evaluated by OHS coordinator	→ 12x per year records evaluated by OHS coordinator

<sup>1</sup> MoC = Management of Change procedure: among other things this procedure indicates what must be done, checked, recorded, etc. in the event of changes in the organization, processes or products.

The higher the risk becomes, the more often the self-evaluation must be performed. It must be clear how compliance is evaluated for each requirement. This means that it is known:

- who is responsible for carrying out the evaluation;
- what is evaluated (for example which rules or checklist, etc.);
- how to record that the evaluation has been done, and how any nonconformities are dealt with.

Evaluating compliance can take various forms, including:

- as part(s) of a checklist used for routine checks;
- periodic agenda point(s) during meetings;
- continuous or periodic measuring programme(s) and reporting results;
- incidental measurement;
- specific evaluation by management/production manager etc.;
- internal audits with an additional audit focused specifically on the process of identifying and complying with legal requirements;
- work-place inspections.

### Checking compliance with legal and other requirements

According to the standard, the organization must periodically evaluate whether it is meeting these requirements and be able to demonstrate that it has done so. The frequency of this evaluation can differ for each requirement. The organization must determine how often to evaluate the various requirements and how to perform the evaluation.

The method and the frequency of checking, including tasks and responsibilities, are set down in the procedure.

### Linking compliance to the RI&E

If the RI&E is made a 'living' document, then it can be used to satisfy the requirement in the future ISO 45001 (successor to the OHSAS 18001) that the organization continually know its compliance status. In many organizations, the RI&E is a static document that is only updated once every few years. The RI&E is carried out through the action plan, but even the substance of the action plan is not always modified following changes in the organization. Ways to keep the RI&E alive include:

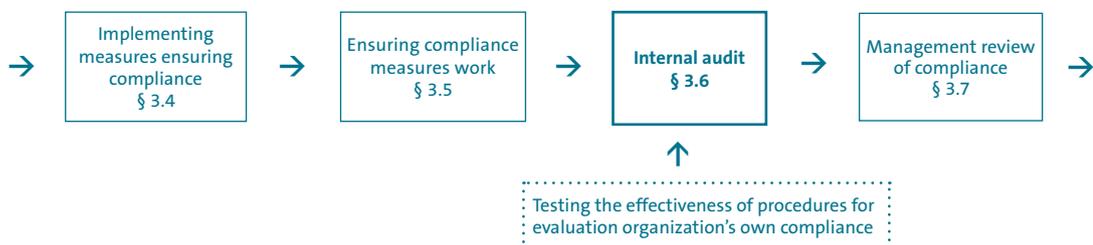
- updating the RI&E in the event of changes in operations, working methods, machines and equipment, etc. with respect to measures, residual risks and legal requirements;
- in the event of accidents or near-accidents, seeing if the risks of them were sufficiently estimated;
- using the RI&E as basis when making decisions about internal monitoring, communications, etc.;
- using the RI&E in internal audits for determining compliance with agreements and risk-control measures;
- using the RI&E and action plan in determining objectives.

Annex 4 shows a sample checklist in which the RI&E plays an important part in the compliance check.

### The result

- A procedure that sets out how the organization evaluates its own compliance.
- An overview (periodically if desired) serving as a basis for determining during the management review if compliance satisfies the principles established in the organization's own policy.

## 3.6 Internal audit



During internal audits, the organization itself determines how the parts of its management system are working. The question is also whether the management system is good enough to achieve its objectives. One important objective of the management system is to comply with legislation and regulations. The internal audit yields essential information for the management review (see 3.7). The SCCM publication 'Internal audits' contains suggestions for carrying out internal audits.

Sometimes people think that the internal audits can be used to perform the 'self-evaluation' in section 3.5. This is only possible to a limited degree. Since the internal audits are intended to evaluate the organization's own system, they also test the effectiveness of the procedures for self-evaluating compliance. Compliance can only be evaluated using the internal audits if requirements from legislation and regulations are embedded in procedures or instructions.

### 3.7 Management review of compliance



The results of the evaluation of compliance must be available during the management review (clause 4.6). If management is to make a judgement of compliance, they must be given an overview of performance. For top management, it is in any case important to know for which legislation and regulations compliance is critical and/or insufficient and what measures need to be taken (if necessary) to improve compliance. The cause of any nonconformity is also investigated so as to formulate corrective as well as preventive action.

An example of part of a management review procedure is in annex 7.

#### The result

- A procedure for performing the management review (when, by whom, what information as input and what decisions are made).
- For each management review, a report of the evaluation by top management of (among other things) compliance with legislation and regulations, and decisions about any necessary action (modifying policy; making means available, etc.).

## 4 Relationship to the other parts of the management system

This publication discusses the parts of the OHSAS 18001 standard that refer directly to compliance with legislation and regulations. Other parts of the management system are also important for proper compliance. A brief indication of their relationship to compliance follows, in order of the elements of the standard.

### **Identifying OHS hazards and risks (4.3.1)**

OHSAS 18001 requires an identification of the hazards and an evaluation of the risks. The requirements for this are specified in greater detail than those set for the legally required RI&E. Thus, the hazard identification and risk evaluation under OHSAS 18001 are also used to fill out the legally required RI&E and for this reason are also often called the RI&E. The legislation and regulations must be identified for the applicable OHS hazards and risks.

If the RI&E makes reference to the applicable legislation and regulations, it will be easy to find the OHS hazard or risk and the part of the organization to which any change in legislation applies. The consequences of the new legislation can then be placed in the correct part of the organization.

This relationship goes both ways: if there are changes to an OHS hazard or risk due to factors such as changes in the process, the relevant legislation or regulation can be used to determine if the requirements are still being met.

### **Competence, training and awareness (4.4.2)**

The employee responsible for keeping track of legislation and regulations and translating the prevailing requirements to their impacts on the organization must have sufficient knowledge to perform this task.

### **Communication (4.4.3)**

Requirements in legislation and regulations that determine how work is performed must be communicated to employees to achieve compliance.

### **Control of documents (4.4.5)**

If procedures or instructions are drawn up for complying with and checking legislation and regulations, they fall under the requirements for control of documents.

#### **Emergency preparedness and response (4.4.7)**

One of the things that must be evaluated in the event of an emergency or disaster is its effect on compliance with legislation and regulations and other requirements. If the requirements are not being met, even temporarily, a decision must be taken whether to inform the competent authority. Action must also be taken to control and reduce OHS hazards and risks, and to come into compliance with the legal and other requirements as quickly as possible again.

#### **Monitoring and measuring (4.5.1) and control of records (4.5.4)**

Monitoring, measuring, or keeping records can be a requirement in prevailing legislation and regulations or other requirements. It also records the demonstrability of compliance with legislation and regulations.

#### **Nonconformity, corrective and preventive action (4.5.3)**

If nonconformities are found during the evaluation of compliance, corrective and preventive action will be taken as quickly as possible.

## Notes to the annexes

→ Step 1 (section 3.1): Commitment to compliance.

Does not include any examples.

→ Step 2 (section 3.2): Determine what other legal requirements apply.

Annex 1 provides an example of the documentation supporting this step. Although this is not a required document, it does indicate the reasons why the requirements apply. Annex 6 provides an example of how to deal with specific requirements that apply in some cases and do not in others.

→ Step 3 (section 3.3): Consequences of legal requirements

Annex 2 contains a sample schematic overview of legal requirements, linked to departments to which each requirement applies and how compliance with it has been ensured.

Examples of the linking of legal requirements to the RI&E are in annexes 3 and 4

→ Steps 4 and 5 (sections 3.4 and 3.5): Measures for complying with the legal requirements and internal compliance check.

Annex 5 contains a sample of how to communicate the legal requirements to employees. This is a method for ensuring and/or checking compliance with requirements.

→ Step 6 (section 3.6): internal audit

Does not include any examples.

# Sample document indicating how legislation applies

Sometimes it is not immediately clear if a particular piece of legislation or regulation applies to the organization. The details can be laid down in a separate document.

LAW, REGULATION OR OTHER REQUIREMENT	REMARKS	WAY IN WHICH LEGISLATION, REGULATION OF OTHER REQUIREMENTS APPLY ORGANIZATION X
<b>Working Conditions Act (<i>Arbowet</i>)</b>	The <i>Working</i> Conditions Act contains general rules for employers and employees, to ensure a safe and healthy workplace. Not every article in the Act applies to this company. The articles which do not apply are in an overview indicating why each does not apply.	In drawing up the risk inventory and evaluation, the company checks to see that it is complying with all the rules from the Working Conditions Act, Working Conditions Decree and the Working Conditions Regulations. This RI&E is performed every four years, and must be done sooner if there are changes to legislation and regulations or within the company. There is an annual check to see if the RI&E must be repeated earlier.
<b>Working Conditions Decree (<i>Arbobesluit</i>)</b>	The general rules in the Working Conditions Act are elaborated on in the Working Conditions Decree. Here as well, not all articles will apply. The articles that do not apply are in an overview indicating why each does not apply.	See text for Working Conditions Act.
<b>Working Conditions Regulations (<i>Arboregeling</i>)</b>	The Working Conditions Regulations contains more specific rules of the Working Conditions Act. Not all regulations apply to this company. The articles that do not apply are in an overview indicating why each does not apply.	See text for Working Conditions Act.
<b>Requirements catalogue sector Y (<i>Arbocatalogus sector Y</i>)</b>	The requirements 'catalogue' was drawn up by representatives of both employers and employees in the graphic media branch. It contains minimum standards that companies working in the branch must meet, as well as suggestions for solutions.	The company has read all the subject pages of the 'catalogue sector Y'. Using the checklists and the RI&E, they have checked if all requirements are being met. There is a check each year of whether there have been any changes that make it necessary to read the pages again.
<b>Working Times Act (<i>Arbeidstijdenwet</i>)</b>	The Working Times Act prohibits employees working too many hours in a day or week.	The Ministry of Social Affairs' (SZW) brochure on the Working Times Act has been read. The working hours and break times meet the requirements in the Act. If working hours or break times change, or if an employee is pregnant, the brochure will be checked again. There is an annual check to see if there have been changes to the Working Times Act.

LAW, REGULATION OR OTHER REQUIREMENT	REMARKS	WAY IN WHICH LEGISLATION, REGULATION OF OTHER REQUIREMENTS APPLY ORGANIZATION X
<b>Work and Care Act (Wet Arbeid en Zorg)</b>	The Work and Care Act regulates different forms of leave, so that employees can better coordinate work with receiving and giving needed care.	If an employee's leave may fall under the Work and Care Act (pregnancy, maternity, adoption, foster care, emergency and other short-term leave, care leave, maternity/paternity leave, or long-term care under the Dutch life-course savings scheme), the checklist based on this law is used.
<b>Gatekeeper Improvement Act (Wet verbetering Poortwachter)</b>	Officially called the 'Eligibility for Permanent Invalidity Benefit (Restrictions) Act,' this Act provides rules for the first two years of illness, with the goal of keeping the period of illness as short as possible.	In the event of illness, the company goes through the checklist, drawn up in consultation with the company doctor.
<b>Tobacco Act (Tabakswet)</b>	The Tobacco Act provides measures to minimize tobacco use, and to protect non-smokers from second-hand smoke.	There is no smoking allowed inside the company premises. Smokers may smoke in the smoking area outside the building. This complies with the Tobacco Act. Each year there is a check for changes in the Tobacco Act.
<b>Works Councils Act (Wet op de Ondernemingsraden)</b>	This Act contains rules for the works councils and employee representative bodies.	Since the company has fewer than 50 employees, it is not required to have a works council. An annual poll is taken among employees asking if they find a need for an employee representative body.
<b>Collective Labour Agreement (CAO)</b>	The Collective Labour Agreement for sector Y contains agreements about illness, leave, risk inventory and evaluation, and training.	The agreements in the CAO are incorporated in the checklist for leave and the checklist for illness. A summary is made of agreements about training that is used in performance appraisal interviews. In performing the RI&E, the testing agreements described in the CAO are used. With any new CAO, the checklists are modified and there is a check to see if other modifications to policy of procedures are necessary.

## ANNEX 2

# Voorbeeld van toepassing zijnde wettelijke arbo-eisen en borging

Dit voorbeeld laat zien hoe de wijze waarop de eisen uit de van toepassing zijnde wet- en regelgeving systematisch kunnen worden weergegeven. Omdat een bepaalde eis op meerdere plaatsen in de organisatie van toepassing kan zijn, zijn er soms meerdere ‘regels’ voor dezelfde eis.

SUBJECT	NO.	LAW	ART. NO.	REQUIREMENT	PROCESS/DEPT.	ENSURED BY	DOC. NO.
<b>Policy</b>	P-1	Working Conditions Act	Article 5	The employer must draw up a risk identification and evaluation (RI&E) and an action plan.	Personnel and QES depts.	Procedure, RI&E	
	P-2	Working Conditions Act	Article 9	Occupational accidents and illnesses must be recorded and in certain cases reported.	Personnel and QES depts.	Procedure, Emergency plan	
	P-3	Working Conditions Decree	Article 4.2	An additional RI&E must be made for exposure to hazardous substances.	Personnel and QES depts.	Procedure, RI&E	
	P-4	Working Conditions Decree	Article 4.3	Exposure to hazardous substances must stay below threshold limit values.	Personnel and QES depts.	Overview of measurements, records, procedure	
<b>Personal Protective Equipment (PPE)</b>	PPE -1	Working Conditions Decree	Article 8.1	Personal protective equipment must meet standards, fit the hazard, circumstances and the person, and be used correctly.	Purchasing and QES depts.	Procedure, informing employees, safety guide, PPE register	
	PPE -2	Working Conditions Decree	Article 8.2	The use of personal protective equipment is evaluated in the RI&E.	Personnel and QES depts.	RI&E report	
	PPE -3	Working Conditions Decree	Article 8.3	Personal protective equipment must be available, used, maintained and repaired.	Purchasing, QES dept. and technical services	Procedures, supply management, PPE register	

SUBJECT	NO.	LAW	ART. NO.	REQUIREMENT	PROCESS/DEPT.	ENSURED BY	DOC. NO.
Noise	N-1	Working Conditions Decree	Article 6.7	The RI&E must evaluate the noise levels to which employees are exposed.	Personnel and QES depts.	Procedure, RI&E report, Noise reports	
	N-2	Working Conditions Decree	Articles 6.8 and 6.9	If threshold limit values are exceeded, measures are taken, keeping in mind occupational hygiene requirements.	Technical services, Personnel and QES depts.	RI&E report, noise report, action plan	
	N-3	Working Conditions Decree	Article 6.10	An audiometric examination must be offered if threshold limit values are exceeded.	Personnel and QES depts., company physician	Procedure, register, individual medical dossiers	
	N-4	Working Conditions Decree	Article 6.11	Information and instructions should be given to employees if certain threshold limit values are being exceeded.	Personnel and QES depts.	Procedure, RI&E-report, noise reports, information campaign	
	N-5	(Rubber/plastics industry) Requirements (Arbocatalogus NRK)	Solutions for noise	Compressed-air hose openings must be fitted with "quiet" nozzles. Employees are given instructions (they usually believe that these nozzles work less well).	Technical services and QES dept.	Checklist, information campaign	CL 201
	N-6	NRK Requirements	Solutions for noise	Use mufflers when releasing product (releasing compressed air after pressure buildup).	Technical services	Checklist	CL 201
	N-7	NRK Requirements	Solutions for noise	Cool with water instead of quick air-cooling.	R&D, Technical services	Redesign	
	N-8	NRK Requirements	Solutions for noise	Cleaning with a vacuum cleaner instead of compressed air.	Production	Procedure, information campaign	
	N-9	NRK Requirements	Solutions for noise	Limiting how far a product may fall.	R&D, Technical services	Redesign	
	N-10	NRK Requirements	Solutions for noise	Breaking the fall of dropped products.	R&D, Technical services	Redesign	

SUBJECT	NO.	LAW	ART. NO.	REQUIREMENT	PROCESS/DEPT.	ENSURED BY	DOC. NO.
<b>Working hours and breaks</b>	WRT -1	Working Times Act	Article 5:7	An employee may work no more than 12 hours per shift.	Personnel dept. and production	Registration system	
			Article 5:7	An employee may work no more than 60 hours per week.	Personnel dept. and production	Registration system	
			Article 5:7	The average weekly hours worked over a period of 4 weeks must not exceed 55 hours.	Personnel dept. and production	Registration system	
			Article 5:7	The average weekly hours worked over a period of 16 weeks must not exceed 48 hours.	Personnel dept. and production	Registration system	
			Article 5:4	If an employee works more than 5.5 hours, he or she must have at least 30 minutes' break. This may be split into two 15-minute breaks.	Personnel dept. and production	Registration system	
			Article 5:4	If an employee works more than 10 hours, the break must be at least 45 minutes. It may be divided into several breaks of at least 15 minutes each.	Personnel dept. and production	Registration system	

## ANNEX 3

# Sample of legislation linked to the RI&E

This sample shows a way of linking the inventory of legislation and legal requirements to the RI&E. The current compliance status with these legal requirements is taken into consideration in determining the risk. If no measures have been taken, both the 'probability' and the 'exposure' will be higher.

SUBJECT	LAW OR REGULATION	CURRENT CHOSEN METHOD / MEASURE(S)	PROBABILITY	EXPOSURE	EFFECT	RISK (R=PXEXXEF)	MEASURES TO TAKE
<b>Climate</b>	Working Conditions Decree, chapter 6	The ground floor offices have indoor blinds, ventilation grids, heaters and a climate-control system. There have been complaints from the finance department about the climate: there is insufficient fresh air and insufficient heating in the winter. It is not clear whether the climate-control system is delivering air to this department.	3	10	1	30	Perform a climate investigation for this department, to see if sufficient fresh air is coming in.
		The building has a flat roof, and the first floor gets very hot on hot days. This floor houses the offices of the personnel department, top management and part of the warehouse. Warehouse employees open the area immediately when they arrive, and try to plan their work in such a way that goods on this floor are moved out in the morning. Cold drinks are available.	3	10	1	30	If necessary, plan additional water breaks. Investigate installing roof ventilation.
		The truck-unloading area is cold in winter. Employees have warm clothing at hand.	3	10	1	30	if a redesign or renovation is being considered, the possibility of building an enclosed loading/unloading area can be investigated.
<b>Danger of explosion</b>	Working Conditions Decree, chapter 3	Hazardous substances are stored in a space that vents to the outside. The gases are stored in a separate gas-storage room. The gas bottles in the depot and the technical services' welding room are not all secured.	0,2	10	7	14	Secure the gas bottles.

Below is the method for finding the scores above.

## PROBABILITY

DESCRIPTION	VALUE FOR P
Can almost certainly be expected to occur	10
Reasonably possible	6
Unlikely but possible	3
Only likely as a borderline case	1
Conceivable, but extremely unlikely	0,5
Virtually impossible	0,2
Almost inconceivable	0,1

## EXPOSURE

DESCRIPTION	VALUE FOR E
Continuous	10
Daily	6
Weekly	3
Monthly	2
Infrequent (several times/year)	1
Extremely infrequent (annually)	0,5

## CONSEQUENCE

DESCRIPTION	VALUE FOR C
Catastrophe (many deaths)	100
Disaster (several deaths)	40
Extremely severe (1 death)	15
Extremely severe (permanent injury)	10
Considerable (30 + days lost)	7
Significant (injury and minimum of 1 day lost)	3
Slight (injury but no days lost)	1

## ANNEX 4

# Sample checklist for monitoring compliance with legislation and regulations linked to the RI&E

If the RI&E is used for monitoring compliance with legislation and regulations, it is assumed that the RI&E is checked annually and updated if necessary. The example below indicates the frequency with which compliance is checked for each applicable requirement from the Working Conditions Decree. There is a similar list for the Working Conditions Decree, Working Conditions Regulations, OHS catalogue and other legislation.

The legal requirements have been adapted and turned into questions. For each question the action to be taken and its frequency is indicated:

-  Checked in the RI&E for the organization.
-  Checked before starting projects (project checklist)
-  Checked in the detailed RI&E.
-  Checked annually
-  Inspection list (quarterly)
-  Checked every 3 years
-  Once

	YES	NO	N/A	FREQUENCY
<b>OHS policy (art. 3)</b>				
Does the employer provide working conditions that ensure the safety and health of the employees?				RIE
Does the employer follow the 'work-hygiene strategy' in taking measures (first at the source, then collective measures, then individual measures and only if otherwise impossible providing personal protective gear)?				Annual
Does the employer pursue a labour policy which also includes a psycho-social workload?				RIE
<b>Workplace modifications for an employee with a long-term disability (art. 4)</b>				
Does the employer modify the duties and work area for the employee if the employee is ill?				RIE
<b>Risk inventory and evaluation (art. 5)</b>				
Is the RI&E less than three years old (the rule of thumb) and still up to date?				Annual
Is the action plan for the latest RI&E in place and up to date?				Annual
Has the RI&E been performed or tested by a certified key expert?				After every RI&E
Is the RI&E made available to temporary employment agencies who send employees to the company?				Annual
Can employees familiarize themselves with the RI&E?				After every RI&E
<b>Major accidents involving hazardous substances (arts. 6 and 7)</b>				
Does the employer take measures to prevent major accidents with hazardous substances?			x	Annual
<b>Information and instruction (art. 8)</b>				
Do employees receive effective information about the risks associated with their work?				RIE
<b>Reporting accidents and occupational illnesses (art. 9)</b>				
Are notifiable accidents reported?				After every accident
Is a register of accidents (with over 3 days of absence) kept?				RIE
<b>Preventing danger to third parties (art. 10)</b>				
Is danger to third parties prevented?				RIE
<b>Obligations of employees (art. 11)</b>				
Do the employees bear responsibility for their own safety and health and that of other persons?				RIE
<b>Collaboration and rights of works council/ personnel representatives /interested employees (art. 12)</b>				
Does the employer work with the employees in carrying out the OHS policy?				RIE
Are works council or personnel representatives involved with creating policy?				RIE
May the works council or personnel representative(s) accompany the supervisor during his/her visit?				RIE
<b>Prevention-expert employees (art. 13)</b>				
Is there one or more employees who are prevention/protection experts?				RIE
Does this employee(s) have sufficient means/qualifications to perform his/her task?				RIE

	YES	NO	N/A	FREQUENCY
<b>Provisions for specific tasks (art. 14)</b>				
Does the employer allow help from experts to test the RI&E, monitoring of absenteeism and periodic occupational-health checkups?				RIE
<b>Emergency response assistance (art. 15)</b>				
Are there enough employees skilled in emergency response?				RIE
Do these employees have the training and means they need to properly perform their tasks?				RIE
<b>Information rights of emergency-response employees and other experts (art. 15A)</b>				
Do expert and emergency-response employees as referred to in articles 13 and 14 have access to the necessary documents?				RIE
<b>Other rules on working conditions and exceptions/expansions of scope (arts. 16 and 17)</b>				
Are there special groups or work situations to which the OHS legislation and regulations apply?				RIE
Are there special situations to which the OHS legislation and regulations do not apply, or only partly apply?				RIE
Are there customized arrangements in force?				RIE
Has the works council or personnel representative agreed in writing to these customized arrangements?				RIE
<b>Occupational Health Medical Examination (art. 18)</b>				
Does the employer periodically give the employees the opportunity to have an occupational health medical examination?				RIE
<b>Multiple employers (art. 19)</b>				
Are there multiple employers within the company?				RIE
Can the employers work together (adequate agreements, means etc.)?				RIE
<b>Certification (art. 20)</b>				
Do external experts have the required certificates?				Annual
<b>Provision of information (art. 21)</b>				
Does the company provide information to government authorities?				Regulated in the external communication procedure
<b>Inspections and enforcement (arts. 22 through 43)</b>				
These articles describe the rights and duties of inspectors of the Ministry of Social Affairs and Employment.			x	
<b>Transitional and final provisions (arts. 44, 45, 46)</b>				
These articles describe formal aspects of the legislation.			x	

## Sample translation of legal OHS requirements into concrete tasks

Below is an example of a company that has translated its legal requirements into employee tasks (only a few tasks related to noise). Wherever possible, the company has integrated the requirements into the procedures and operational instructions in its management system. For monitoring purposes (and sometimes for performing the tasks) the tasks have been put in a computerized system. After a task has been completed it must be 'cancelled' in the system. The OHS coordinator performs random checks to see if the tasks have been performed well and carefully and if compliance is being ensured and/or checked by means of the formulated tasks.

SUMMARY	LINK	DETAILED DESCRIPTION OF REQUIREMENTS	REFERENCE	DESCRIPTION OF TASK	FREQUENCY	TASK PERFORMED BY
<b>Work equipment must comply with the relevant Commodities Act decrees.</b>	<a href="http://www.wetten.nl">www.wetten.nl</a>	If work equipment has a CE mark, has an EC declaration of conformity and is used in accordance with the instructions, it may be assumed that the equipment complies with the relevant Commodities Act decrees.  If the above is not the case, it must be demonstrated that the equipment complies with the requirements from the Working Conditions Decree.	Overview of equipment with EC declaration of conformity and Dutch-language instructions.  Equipment report	For every item of equipment, make a set with the EC declaration of conformity and instructions.	Once for all equipment. Supplement when new equipment is acquired.  Once a year, check that everything is up to date and complete.	.....
<b>Equipment must be periodically inspected/tested.</b>	<a href="http://www.wetten.nl">www.wetten.nl</a>	Worn equipment which could cause dangerous situations must be inspected and if necessary tested.  Equipment is inspected if special circumstances are a reason to do so.	Logbook and maintenance plan  Logbook and maintenance plan	On the basis of instructions for the equipment, see if inspection is necessary.  On the basis of instructions for the equipment, see if inspection is necessary.	Once. At acquisition of new machines/equipment/tools.  Once. At acquisition of new machines/equipment/tools.	.....
<b>Preventive maintenance of machines, equipment and tools</b>		A maintenance plan must be drawn up in which review days are planned in advance.  If desired, make a maintenance 'passport' for each machine.  Having employees do more preventive maintenance themselves can provide variety in their job description.	Maintenance plan  Maintenance 'passport'  Maintenance 'passport'	Draw up a maintenance plan.  Make a maintenance 'passport' for each machine.  Lay down what part of maintenance is performed by employees on the work floor, technical services employees, and outside companies.	Once. At acquisition of new machines/equipment/tools. Once a year, check that all equipment is included in the plan.  Once. At acquisition of new machines/equipment/tools. Once a year, check that all equipment is included in the plan.	.....

SUMMARY	LINK	DETAILED DESCRIPTION OF REQUIREMENTS	REFERENCE	DESCRIPTION OF TASK	FREQUENCY	TASK PERFORMED BY
<b>Guidelines for safe working with a cutter</b>	<a href="http://www.arbocatalogus.vlees.nl">www.arbocatalogus-vlees.nl</a>	The cutter meets the following safety requirements:  1. The cutter has a hood that ensures that the machine is off if the hood is raised. The hood has a safety catch.  2. The cutter's operating system is such that it cannot be turned on accidentally.  3. There is a feature where the cutter does not work if there is a malfunction in the safety control.  4. The machine is in good condition.  5. Employees wear cut-resistant gloves when replacing the cutter blades.  6. Employees working with cutters receive repeated instruction in safe use of the cutter (proper use of safety hood/catch, necessary caution when removing meat).	Logbook and maintenance schedule.  Logbook and maintenance schedule.  Logbook and maintenance schedule.  Maintenance schedule  Personal protective equipment register.	Check these aspects when purchasing the cutter. During periodic maintenance, check if this requirement is still being met.  Check these aspects when purchasing the cutter. During periodic maintenance, check if this requirement is still being met.  Check these aspects when purchasing the cutter. During periodic maintenance, check if this requirement is still being met.  Check the condition of the machine annually.  Provide cut-resistant gloves to employees who replace cutter blades, and supervise their use.	At purchase and annually.             Continuously	.....             .....

## ANNEX 6

# Sample translation of general OHS requirements to specific rules

This is an example of a way to determine whether legislation and regulations apply using specific rules. Sometimes legislation and regulations only apply if certain limits are exceeded. Here, a company canteen has computer display units (VDUs) in several places. They must find out which work stations the OHS legislation and regulations about working with computer displays apply to.

Article 5.8 of the Working Conditions Decree indicates that the articles about working with computer displays do not apply to:

- 1a Operating stations on machines;
- 1b Computer systems intended primarily for use by the public;
- 1c So-called portable systems not continuously in use on a workstation;
- 1d Calculating machines, cash tills and other equipment provided with a small display for information or quantities and required for the direct use of this equipment;
- 1e Conventional typewriters with displays;
- 2 Neither does this Section apply to work whereby an employee usually uses a VDU less than two hours in every 24 hours.

Below is a list of the displays in the company canteen and in its offices, work spaces and storage spaces.

SPACE NUMBER	DESCRIPTION OF DISPLAY	DOES OHS LEGISLATION APPLY?	EXPLANATION	CHECKING
1.01	Restaurant team leader's display	Yes	More than two hours per day, traditional computer work station.	
1.01	Cook's display	No	Average of 1.5 hours per day.	Check annually if amount of computer work has increased.
1.02	Assistant team leader's display	No	Average of less than one hour per day.	Check annually if amount of computer work has increased.
1.02	Kitchen workers' shared work station	No	Average of less than one hour per day.	Check annually if amount of computer work has increased.
1.03	Cold room, display on refrigerator	No	Display for direct use of equipment (1d).	
1.04	Walk-in freezer room, display on freezer	No	Display for direct use of equipment (1d).	

SPACE NUMBER	DESCRIPTION OF DISPLAY	DOES OHS LEGISLATION APPLY?	EXPLANATION	CHECKING
1.10	Restaurant, staffed cash desk	No	Cash till (1d)	
1.10	Restaurant, automatic cash desk	No	Used by the public (1b)	
1.10	Restaurant, computer for ordering	No	Average of less than one hour per day.	Check annually if amount of computer work has increased.
1.12	Dishwashing area, display on dishwasher	No	Display for direct use of equipment (1d).	
1.13	Kitchen, deep-fat fryer display	No	Display for direct use of equipment (1d).	
1.13	Kitchen, oven display	No	Display for direct use of equipment (1d).	
1.15	Supply room, PDA for supply management	No	Portable system not continually in use (1c).	

### Conclusion

For the time being, the rules from OHS legislation and regulations relevant to computer display work only apply to the restaurant team leader's work station.

## Sample management review procedure

Below is a part of the management review procedure, around the input and analysis regarding legislation and regulations.

### **Documents to be supplied for the management review:**

- procedure for keeping track of legislation and regulations;
- overview of changes in the organization (including other changes in process or product) and the follow-up with regard to legislation and regulations (including updating applicable legislation and regulations fitting the OHS aspects, determining impact on the organization, taking measures to achieve compliance, information campaigns within the organization, etc.);
- report of evaluation(s) of compliance with legislation and regulations (performance): conclusions, nonconformities, analysis of cause, corrective or preventive action;
- reports of external monitoring (by government authorities etc.): nonconformities, cause analysis, corrective or preventive action;
- reports/results of internal and external audits regarding legislation and regulations: nonconformities, cause analysis, corrective or preventive action;
- results of competency analysis of employee(s) responsible.

### **Analysis by top management:**

- evaluate whether the method of keeping track of legislation and regulations ensures an up-to-date register of legislation;
- evaluate whether changes in the organization have been adequately followed up;
- evaluate if the way compliance is achieved, and the compliance itself, is sufficient;
- evaluate whether sufficient corrective or preventive action has been taken;
- evaluate whether the procedure for corrective action is sufficient;
- evaluate whether the employee(s) involved have sufficient competence and if they need additional training.

### **Conclusion by management:**

With the management review, top management determines if the management system is still suitable, appropriate and effective. Part of this is determining if the compliance management system or method is still suitable, appropriate and effective, and that it ensures continual compliance with legal and other requirements.

## Contact

Please do not hesitate to contact us if you have any questions. We will gladly help companies, organizations, consultants, supervisory bodies, certification bodies and other stakeholders.

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