



# RULES OHSAS

## Occupational Health and Safety Management Systems

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## GENERAL

These Rules define the additional procedures, applied by QS for certification of Occupational Health and Safety Management Systems in relation to what is already defined in the QS Quality Services Ltd General Rules for the Certification of Management Systems.

QS issues the certification in accordance with requirements of standard ISO 17021-1:2015 and ISO/IEC 17021-10:2018, IAF MD 22:2019 Application of ISO/IEC 17021-1 for the Certification of Occupational Health and Safety Management Systems, IAF MD 05:2019, EA-07/04-M:2017 Appendix C Legal compliance, ESYD GA-H&S/01/03 GA/01/04/02-10-2020 GUIDANCE FOR THE ACCREDITATION OF OCCUPATIONAL HEALTH AND SAFETY MANAGEMENT SYSTEM CERTIFICATION BODIES, to Organizations whose OH&S Management System has been recognized in accordance with the requirements of standard: OHSAS 18001:2007 or ISO 45001:2018.

The certificate issued by QS concerns exclusively to a single organisation, where organisation means a group, company, business, body or institution, or their parts or combinations, whether associated or not, public or private, which has its own functional and administrative structure and which depends completely on an employer, having full responsibility for the OH&S Management System.

The accredited certification of a OH&S system fulfilling the requirements in Safety standard may not be an absolute and continuous guarantee of legal compliance. However, a OH&SMS is a proven and efficient tool to achieve and maintain legal compliance and keeps the Top Management informed with relevant and timely information on the State of compliance of the Organization.

It is recognised that accredited OH&SMS certification shall demonstrate that an independent third-party (Certification Body QS) has evaluated and confirmed that the organisation has a demonstrably effective OH&SMS to ensure the fulfilment of its policy commitments including legal compliance

The applied terminology in the present Rules is the same as that contained in OHSAS 18001 and ISO 45001:2018.

### REFERENCE STANDARD / REQUIREMENTS FOR CERTIFICATION

To obtain QS certification, an Occupational Health and Safety Management System must fulfil, both initially and over time, the requirements of OHSAS 18001:2007 or ISO 45001:2018 and the additional requirements of accreditation bodies (ESYD GA-H&S/01/03/02-08-2018) and document IAF MD 22:2019, in addition ISO 45001:2018/Amd 1:2024, requires organisations to actively assess and address the implications of climate change in their operations and strategic planning.

The cost of certification activity is proportional to the number of man-days (m/d) necessary to the evaluation of the OH&S management system of the Organization and to the level of complexity/criticality of it (as identified to Annex 1 document ESYD GA-H&S/01/03/02-08-2018 GA/01/04/02-10-2020) with reference to document IAF MD 5, IAF MD 22 in the latest version in force.

In particular, to obtain OH&S Management System certification, the organisation shall:

- Make available a formal statement of awareness of the fact that compliance with the mandatory regulation concerning OH&S is an essential and unavoidable prerequisite to implement an OH&S Management System and that the organisation has already checked the existence of such a prerequisite;
- Provide legal authorization (copy of the Chamber of Commerce registration certificate or equivalent document), and any previous sanctions and/or convictions concerning Occupational Health and Safety aspects;

Have performed a preliminary analysis which includes:

- a detailed description of the type of activity carried out at the site/s which Management System certification is requested for and of the processes to be assessed, including the laws and rules which regulate them;

- identification of the occupational health and safety key hazards and OH&S risk associated with the organisation's activities and related risks and the procedure to accurately identify the hazards, assess the risks and implement the necessary control measures;

Make available:

- a copy of the documentation which describes the OH&S Management System, including the list of references to worker safety and health mandatory legislation for the type of activity carried out by the organisation;
- the procedure to precisely identify the hazards, for the assessment of risks and for the implementation of the necessary control measures;
- the procedure to identify potential accidental events and potential emergency situations;

For Mandatory legislative requirements are intended:

- Limitations and/or provisions by law;
- Limits and/or rules given on authorizations/licences or other prescriptive documents etc.

Ongoing or potential non-compliances with the applicable legal requirements might show a lack of management control within the organisation and its OH&SMS and the conformity with the standard should be carefully reviewed

## **INITIAL CERTIFICATION**

In addition to the general Regulations of QS Quality Services LTD, the organisation shall communicate to QS the significant aspects of its process and operations including the identification of significant professional health and safety risks, hazardous materials used in the processes, any legal obligations relevant to the applicable OH&S legislation, any processes outsourced, any offsite activities, secondary sites.

The application submitted to QS shall contain the details of employees, shifts, external workers, part-time employees, the organisation and all personnel involved in the OH&S system. The effective number of personnel considered shall consist in all personnel involved within the scope of certification (permanent, temporary, part-time, collaborators, contractors/sub-contractors personnel performing work or work-related activities that are under control or influence of the organization, that can have impact on the organization's OHSMS performance). In case of seasonal operation (e.g. holiday villages, hotels, harvesting activity) the calculation of effective number of personnel shall be based on the personnel typically present in peak season operations.

The audit duration is based on the calculation given by number of effective personnel, complexity of category (based on the nature, number and severity of the OH&S risks of an organization that fundamentally affect the audit time) and other aspects like number of sites, shifts, temporary sites, external activities.

Boundaries of OH&SMS: the OH&S management system shall include activities, product and services within the organization's control or influence that can impact the organization's OH&SMS.

In fact the organization shall communicate to QS also any temporary sites established for example for the construction site of project/shipyard etc., QS will assess the need to visit this site on the basis of the associated risk assessment and control of the OHSAS system. It is preferred the tendency to visit on site also the temporary sites, alternatively QS will accord with the company alternative methods to evaluate also this aspect e.g. Interviews, teleconferencing etc.

In determining the time to be spent for audit, QS will consider to audit periodically any organization site where these "effective personnel" work. Whether all sites shall be audited will depend on various factors such as OH&S risks associated with the activities therein performed, contract agreements, being certified by another accredited CAB, internal audit system, statistics on accidents and near misses.

If the client provides services at another organisation's premises, QS shall verify that the client's OH&SMS covers these offsite activities (notwithstanding the OH&SMS obligations of the other organization). In determining the time to be spent for audit, QS shall consider to audit periodically any organization site where these employees work. Whether all sites shall be audited will depend on various factors such as OH&S risks associated with the activities therein performed, contract agreements, being certified by another accredited CAB, internal audit system, statistics on accidents and near misses.

Outsourcing: if an organization outsources part of its functions or processes, it is necessary to obtain evidence that the organization has effectively determined the type and extent of controls to

be applied in order to ensure that the externally provided functions or processes do not adversely affect the effectiveness of the OH&SMS, including the organization's ability to control its OH&S risks and commitments to compliance with legal requirements.

QS will audit and evaluate the effectiveness of the organization's OH&SMS in managing any outsourced activity and the risk this poses to OH&S performance of its own activities and processes and conformity requirements. This may include gathering feedback on the level of effectiveness from suppliers, based:

- on the criteria applied by the organization for the evaluation, selection, monitoring of performance and re-evaluation of these external providers based on their ability to provide functions or processes in accordance with specified requirements, in compliance with the legal requirements,
- on the risk that the external providers can adversely affect the organization's ability to control its own OH&S risks.

Even if auditing the complete provider's management system is not required, QS shall consider those processes or functions included within the scope of the organization's OH&SMS, which have been outsourced to external providers to plan and accomplish an effective audit.

Together with the certification request or subsequently, the organisation, as well as what is established in the QS Quality Services Ltd General Rules for the Certification of Management Systems, will also have to make available to QS a final report of the preliminary analysis of the associated risk of the organisation.

The above documentation will be evaluated by QS for compliance with the reference standard and with the requirements of these rules.

The outcome of this review is notified to the applicant with the transmission of a copy of the audit stage 1 report – document review (if performed at QS Office); any remarks considered critical found in the documentation must be eliminated by the organisation, to the satisfaction of QS, before continuing the certification process.

The above documentation is generally retained for archive purposes by QS.

If the audit STAGE 1 is performed entirely on site (first choice of QS), the outcome of the document review is, in any case, indicated in the audit stage 1 report – document review and will be given to the organisation "on site".

During the stage 1 audit on site, qualified QS auditors, also performing on-site audit and interviews with the organisation's staff, shall assess at least:

- a) that the management system documentation, including the procedures/documented information, covers all the requirements of the reference standard;
- b) a cycle of complete audits covering all the sites has been made and also the relative management review;
- c) that the Management System includes a solid, dynamic and involved process of hazard identification and assessment of the relative risks including also those derived from processes established by suppliers/outsourcing/contractors who operate, even sporadically, at the site(s) being certified or those relevant to the presence of visitors;
- d) the top management has correctly individuated the internal and external factors, workers and interested parties' needs, context and boundaries of the OH&SMS
- e) the existence and effectiveness of suitable maintenance programmes and/or maintenance systems;
- f) that the process of identification and analysis of hazards and risk assessment is described in a specific procedure, which specifies over time the monitoring criteria of these risks and which involves the personnel in charge of the various processes;
- g) that hazard identification and analysis and assessment of the relative risks are definitely the input for the continuous improvement process;
- h) that are defined adequate Occupational Health and Safety objectives and that these objectives are supported by technical and financial planning and programming; and the objectives and indicators are in line with the risk assessment;
- i) that at least the first Management review has been undertaken;
- j) that the human resources training and information plan has been defined on the basis of the relative analysis of needs and implemented;
- k) that a procedure has been defined to analyse the Non-Conformities, incidents, "near misses" and accidents;

- l) that the organisation has the necessary health and safety authorisations, relevant to its activities and that they are valid;
- m) that the organisation complies with the requirements of the documents in k) above and also with the fulfilments required by the applicable OH&S;

If the contents of the above letters k) and l) are not fully satisfied, reference is to be made to the contents of point 10.8 of QS Quality Services Ltd General Rules.

The audit is held by competent QS auditors on the basis of the stage 1 audit report, Risk assessment documents of the company, as well as according on those indicated QS Quality Services General Rules:

The certification process will be suspended if the authorisations or equivalent documents or risk assessment documents, pertinent to OH&S field, required by the laws in force, are missing.

If findings are remarked during the audits connected to non-compliance with mandatory legal requirements in the Occupational Health and Safety field, any such non-compliances are immediately communicated to the organization being audited and the certification process will be suspended, except in particular cases, until the organisation demonstrates compliance with these requirements.

According the ISO 45001 but also the document IAF MD 22, It is expected by the company and top management a better involvement of workers' participation in improving efficiency of OH&S management system

the following personnel shall be interviewed by audit team during the initial assessment but also during the surveillances audit or recertification audit:

- i) the management with legal responsibility for Occupational Health and Safety,
- ii) employees' representative(s) with responsibility for Occupational Health and Safety,
- iii) personnel responsible for monitoring employees' health, for example, doctors and nurses. Justifications in case of interviews conducted remotely shall be recorded,
- iv) managers and permanent and temporary employees.

Other personnel that should be considered for interview are:

- i) managers and employees performing activities related to the prevention of Occupational Health and Safety risks, and
- ii) contractors' management and employees.

Furthermore the representative of the organisation shall invite the legally responsible Manager for Health and Safety at work, staff responsible for monitoring the health of employees and the representative (s) of employees with responsibility for Health and safety at work to participate in the closing meeting both in Stage1, in Stage 2 and also for surveillance audits closing meeting. Justification in case of absence is recorded.

Through the certification assessment process, QS will evaluate an organisation's conformity with the requirements of an OH&SMS standard as they relate to legal compliance and will not grant certification until conformity with these requirements can be demonstrated.

## **MAINTENANCE OF CERTIFICATION**

In addition to what is established in the QS Quality Services Ltd General Rules, the organisation shall keep records and inform QS regarding:

- accidents /emergencies on the site(s) / serious accident and other events that could have had a negative effect on worker health and safety;
- any observations or remarks, breach regulation, from national or local authorities responsible for controlling the workplace; and must make this record available to together with the relative corrective actions taken during the surveillance audits.

In particular, the organization shall promptly inform QS, which will evaluate the actions to be taken like suspend the suspension or withdrawal of certificate or plan of extraordinary audit, any observations or remarks received from national or local Authorities responsible for controlling the workplace, referable to point 10.8 for all the activities performed by the organisation, regardless of the field of application of the Occupational Health and Safety Management System.

Furthermore, in cases where either the Body guaranteeing the certificates issued by QS and/or the pertinent authorities will inform QS about criticalities linked to occupational health and safety Management, it will be applied what stated at point 18 of QS Quality Services Ltd General Rules.

QS, through an appropriate surveillance program elaborated for each customer, assure that conformity is being maintained during the certification cycle, normally three years. The QS auditors shall verify the management of legal compliance based on the demonstrated implementation of the system and not rely only on planned or expected results.

Any organization that has not demonstrated its initial commitment or is continuing to comply with the legal requirements through the key elements discussed below, should not be certified or continued to be certified as Compliance with the OH & SMS Standard requirements of the Certification body

## **REQUIREMENTS FOR MULTI-SITE ORGANISATIONS**

In addition to the requirements as specified in point 11 of the general Regulation QS "certification of multi-site organisations", it is specified that in the case of OH&SMS operated over multiple sites it is necessary to establish if sampling is permitted or not based on the evaluation of the level of OH&S risks and complexity associated to the nature of activities and processes carried out in each site included in the scope of certification.

When sampling is permitted QS will ensure that the sample of sites to be audited is representative of processes, activities and OH&S risks that exist in the organization to be audited. Temporary sites covered by the organization's OH&SMS are subject to audit on a sample basis to provide evidence of the operation and effectiveness of the management system

Where there are multiple sites not covering the same activities, processes and OH&S risks, sampling is not appropriate.

The rationale of such decisions, the calculation of the audit time and the frequency of visiting each site shall be consistent with the requirements of clauses of IAF MD 22 and IAF MD 05.

All the sites will all have to adopt and have to certify the Occupational Health and Safety Management System also on the basis of a programme defined and delimited in reasonable chronological terms.

As well as the activities defined in the QS Quality Services Ltd General Rules, also the risk analysis and risk assessment of the sites is to be managed by the organisation's head office

If sampling is not permitted can be applied the rationale explained in the document IAF MD 19 document "multi site without sampling".

## **MIGRATION TO ISO 45001:2018 FROM OHSAS 18001:2007**

On 12<sup>th</sup> March 2021 the OHSAS 18001:2007 will be not valid anymore and the new standard ISO 45001:2018 will be effective. For all the information and modality to migrate the certification to the new standard, QS has sent to all customers and also has published on the website [www.qualityservices.com.mt](http://www.qualityservices.com.mt) the information letter about deadline for the transition and modality.

According the new IAF communication because of pandemic covid19 crisis, the time to migrate to the new ISO 45001:2015 is postponed of 06 months, thus the customers has time till September 2021