

Related to following requirements:

Reference base	ISO 9001: 2015	ISO 14001: 2015	OHSAS 18001: 2007 ILO-OSH: 2001
§	-	-	4.3.2, 3.7.2, 3.10.1.2

## Raised problem

Is there a minimum level of conformity "required" by AFNOR Certification in order to issue an OHSAS 18001 and/or ILO OSH 2001 certificate?

## Answer

The OHSAS 18001 and ILO OSH standards do not define a minimum level of conformity to regulatory requirements.

Their requirements concerning OH&S legislation and regulations (occupational health and safety) are:

- Top management's commitment to at least comply with applicable legal requirements and with other requirements to which the organisation subscribes that relate to its OH&S hazards (4.2; 3.1.2 b).
- Implementation of a procedure for identifying and accessing the legal and other OH&S requirements that are applicable to it (4.3.2; 3.8.1 a).
- Communication of relevant information on legal and other requirements to the organisation's interested parties (4.3.2; 3.3.2).
- Implementation of a procedure for periodically evaluating compliance with applicable legal requirements (4.5.2.1; 3.11.6 e).

In practice and from an ethical point of view, AFNOR Certification requires a "minimum" level of conformity.

This level varies and is specific to the context of each organisation. That is why auditors must weigh up the importance of the nonconformity(ies) by looking at the organisation's context and the type of nonconformities (see examples below).

On a practical level, a relevant approach would be for the auditor to draw a parallel between any nonconformities (NCs) to administrative regulations and the importance of the associated OH&S risks; for example:

- If the NCs identified by the organisation prove to be associated with uncontrolled OH&S hazards and risks, and the organisation has failed to take any action (e.g. danger of using a noncompliant machine that could lead to a serious risk for employees), certification will not be awarded.
- However, if the organisation has correctly identified and prioritised its NCs according to the associated risk, established and launched an action plan factoring in those priorities, and implemented temporary actions aimed at minimising the short-term OH&S hazards and risks, then certification may still be awarded.
- Special case of French regulations: examples of noncompliance with French legal and regulatory OH&S requirements are given below:
- Occupational risks are not evaluated (the statutory risk assessment record is not available).
- Information is not sent following a formal notice from a regulatory authority.

- Accidents involving bodily injury are not communicated / reported to the regulatory authority, and neither is the annual statement of hours worked and hours lost to sick leave (employer's account statement).
- Maximum authorised noise levels have been exceeded.
- Infrastructures do not conform to technical requirements (e.g. walls with a 2-hour fire rating, presence of windows to allow natural daylight, fire detection system, protection of rotating machinery, etc.).
- Noncompliant equipment (e.g. no fire detection system, equipment without the EC marking, noncompliant PPE, chemicals not stored in retention trays, etc.).
- Failure to comply with organisational and/or operational instructions relating to legal and regulatory requirements.
- Failure to observe inspection intervals (equipment servicing, such as boilers, generators, fire detection systems, extinguishers and electrical installations).
- Drills: no fire or evacuation drills.
- Training: no specific training for first-aid teams, no first-aiders in the workplace, authorisations not up to date...

**Keyword(s):** Legal and regulatory requirements, OH&S aspects

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