



Trade Union Guide 'ISO 45001 - Using the new health and safety standard in the workplace'

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This guide is intended for use by those union safety officers or health and safety representatives in workplaces where the employer seeks to introduce ISO 45001. The information that follows has been compiled with the utmost care in order to keep you abreast of recent developments. However, errors may occur, especially as the national implementation of ISO 45001 may be different. The publisher cannot be held liable for any misprints, errors or omissions. All rights, including the rights of reprinting and photomechanical reproduction, are reserved. If you quote from this publication, please cite precise details of the publisher, the title and the version of the publication, and please send a specimen copy to the publisher.

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Contents

Part I

Introduction

What are standards?

What is ISO 45001?

Why Get it?

The process

Part II

ISO 45001 – the requirements

Introduction to the standard

Clause 1 Scope

Clause 2 Normative references

Clause 3 Terms and definitions

Clause 4 Context of the organisation

Clause 5 Leadership and workers participation

Clause 6 Planning

Clause 7 Support

Clause 8 Operation

Clause 9 Performance evaluation

Clause 10 Improvement

Annex A - Guidance

ISO 45001 - Using the new health and safety standard in the workplace

PART I

Introduction

From March 2018 there is a new health and safety management system standard called ISO 45001 which some employers may wish to adopt. This guide is intended for use by those union safety officers or health and safety representatives in workplaces where the employer seeks to introduce ISO 45001. It has two parts. The first outlines what the standard is for and the principles that underpin it. The second part is a summary of all the requirements and some suggestions of what unions need to check for.

What are standards?

There are over 20,000 international standards covering everything from manufactured products and technology to food safety, agriculture and healthcare. They are requirements, specifications or guidelines that can be used consistently to ensure that materials, products, processes and services are fit for their purpose. They are not normally legally binding, although some do have a semi-legal basis and are sometimes referred to in national legislation or in legal disputes. This is different from international labour standards which are agreed between employers, unions and governments at the International Labour Organisation and which are legal binding on those countries that ratify them.

International Standards are mainly developed by the International Standardisation Organisation (ISO) with the involvement of [national standards bodies](#) such as DIN in Germany or AFNOR in France. There is a separate European standards body called the European Committee for Standardization (CEN).

The standards committees that get involved in European or international standards are made up by “technical experts” who are appointed by their national Standardisation Body. Usually these are manufacturers (in the case of product standards), or representatives of national standards bodies, many of whom are consultants. Most of those involved have some form of commercial interest in the outcome.

While all regulations and laws are usually available free on the internet, standards are not and must be purchased.

Some of the product standards lay down requirements for manufacturers to ensure some level of conformity and often meeting that standard will mean that they are complying with the law. They therefore give the customer an element of confidence.

Management standards however are different. They are a recommended way of managing some aspect of an organisation. They are not intended to show conformity with any legal requirements, although they do require organisations to commit to legal compliance along with having processes for evaluating this. In the case of certifiable standards, if the organisation can prove that they meet all the requirements of the standard they can be certified. Possessing a certificate demonstrates that they have a suitable management system in place and being certified can often be useful in publicity and bidding for contracts. However, management standards require continual improvement and so organisations need to recognise that certification is the beginning of a continual improvement journey.

What is ISO 45001?

ISO 45001 is an international standard for occupational health and safety management systems and is structured to be consistent with existing ISO standards, such as quality management (ISO 9001) and environmental management (ISO 14001).

The new standard has been developed over several years by a group of 85 international standards bodies. It was based initially on the British Standards Institute's standard BS OHSAS 18001, which many employers in Europe already have, but the new standard has changed considerably as it was developed, in particular on the issues of leadership and worker participation. It was finally agreed in January 2018 and published in March 2018.

ISO 45001 is a standard – not a management system which can be just taken down and applied directly in the workplace. It is based on what is called the “Plan-Do-Check-Act” cycle which is common to a lot of management systems and treats health and safety management as an integral part of good management generally, rather than a stand-alone system.

Because ISO 45001 is designed to work the same way as other ISO Management Standards, the structure was not designed originally for health and safety management. It is made up of 10 clauses which all Management Standards have to follow and some core wording which cannot be changed – just added to.

The standard can be seen as a series of minimum requirements which an employer's management system must comply with to achieve certification. ISO management standards are designed to be generic, applicable to organisations of all sizes and industry sectors. Whilst the standards provide a

framework for good management practice, specifying things that need to be included, they do not say how they must be done. That means there is a lot of freedom in meeting the requirements of the standard.

To gain ISO 45001 certification an organisation must ensure that the processes they have in place to manage health and safety risks meet all the requirements in the standard.

ISO 45001 states that the organisation (as the employer is called in the standard) not only has to have a management system in line with the demands of the standard, but also requires them to follow a strict order in dealing with hazards by eliminating them if possible before looking at substitution or engineering controls with personal protective equipment as a last resort. This “hierarchy of control” is similar to the requirement of European legislation laid down in Article 6 (2) of [the 1989 ‘Occupational Safety and Health’ Framework Directive 89/391/EEC](#). It also states that organisations must have a system of continual improvement rather than just obey the law.

The standard has a lot on the consultation and participation of workers. Much of this is positive and could be an important way to ensure worker involvement in countries where this does not happen, but there is no mention of unions. There is also no requirement for joint health and safety committees although organisations must support establishing one, which is different. One concern is that the standard does not require employers to issue protective personal equipment (PPE) free of charge, nor to ensure that training is free. These are major omissions, but, in the EU they are already a legal requirement and the standard does state that an organisation must obey all national laws.

Further details of what the standard entails are in Part II to this guide.

Trade unions and employers at both European and International level opposed the development of the standard. This included the European and International TUCs and the International Organisation of Employers. A [briefing](#) on the draft standard published by the European Trade Union Research Institute detailed many of the objections, but primarily there was a strong view that workplace standards were best developed by governments, employers and unions through the International Labour Organization (ILO). The ILO already has guidelines on Occupational Health and Safety Management Systems although they are a bit dated. The main difference between ISO 45001 and the ILO or most other standards is that employers cannot get a certificate that confirms that they comply with them. In Europe there are already a number of existing national standards such as [MASE](#) (Manuel d’Amélioration Sécurité Santé Environnement des Entreprises) in France. Some industries also have their own frameworks such as the Energy Institute’s High-level framework for process safety management.

Although certain standards, in particular machinery standards, do have some semi-legal status in Europe, ISO 45001 has no legal status at all. The standards also do not guarantee that the employer is complying with health and safety regulations, or any other legal requirements and an employer cannot

rely on achieving ISO 45001 certification as a way of automatically fulfilling their legal obligations. Employers must ensure that they follow the requirements of all national laws and collective agreements as well as the Framework Directive and all regulations made under it. ISO 45001 is an “add-on” which an employer may use to try to raise standards.

Nor should national enforcing authorities consider that an organisation being ISO 45001 certified is a guarantee that they comply with national law. All it means is that they have done what they need to do, to implement the management system that is laid down in the standard.

Effectively managing health and safety is not just about having a safety management system. The success of whatever system is in place depends on what the employer does in practice and that of course is the process of risk assessment and risk elimination and reduction, along with promoting a positive safety culture, including worker engagement. As the British HSE states *“Focusing too much on the formal documentation of a health and safety management system will distract you from addressing the human elements of its implementation - the focus becomes the process of the system itself rather than actually controlling risks.”*

However, if an employer decides to use the standard, trade unions should seek to be fully involved to ensure that it is done in a way that ensures that the top priority is protecting workers – not achieving a certificate.

Why get it?

The first step for an employer is to ask whether they need the standard. The employer should have a clear idea of their objectives and what benefits will be gained by achieving ISO 45001 Certification.

In the EU any employer must comply with all national health and safety regulations which are, at a minimum, the requirements of the 1989 Framework Directive. The obligations of the employer are clearly laid down, with Article 6 specifying the measures they must take. That means they need a health and safety management system, however informal. Some countries are more specific. Swedish law requires Systematic Work Environment Management while Norway makes it mandatory for organisations to establish internal control systems to make sure all their health and safety activities are legally compliant. The UK requires “demonstrable management of Occupational Health and Safety”.

That said, unions will always want employers to seek to achieve the best outcomes possible, and simply complying with the law should never be the aim. One criticism that has been made of many national standards and guidance, such as the UK’s guidance HSG65, is that they do not do enough to encourage employers to have a system of continual improvement because it is too focused on employers just

meeting their legal requirements. ISO 45001 places much greater emphasis on the need for continual improvement.

It is likely that, over time, ISO 45001 could be a requirement for gaining contracts in some sectors, in particular infrastructure and other construction work. It may also be required by multi-national companies who have activities in EU countries and who want to standardise their health and safety management systems.

A large organisation starting from scratch could find gaining certification to ISO 45001 may involve significant cost although organisations who already have other ISO certifications may find the process of gaining certification easier as they will be familiar with the high-level structure. This is particularly the case with the quality management (ISO 9001) and environmental management (ISO14001) standards, or if they have previously adopted the existing standard on occupational health and safety management BS OHSAS 18001.

Although ISO stresses that the standard can be used by all types and sizes of organisation, smaller employers would want to consider very closely whether achieving certification to ISO 45001 would be useful and much of that will depend on the nature of their business. It is not a simple process to get a health and safety management system in place and then provide the evidence that it meets the requirements of ISO45001 and it is likely that most small employers will want to judge whether this is the most cost-effective way to improve health and safety standards. However, deciding not to seek certification to ISO45001 is not an excuse for doing nothing and if the employer is not using a formal management system unions must ensure that they are still adequately controlling risks and meeting all their legal obligations.

Many organisations that do decide to seek certification will decide to use a consultant. If they intend to do so, they must consult with the health and safety representatives first to ensure that the consultant is competent and also intends to involve the workforce at every stage.

There is no requirement on the organisation to use a consultant with a specific knowledge of health and safety, but unions will probably want to ensure that the person the organisation uses is experienced in occupational health and safety management. Using a consultant doesn't remove management's responsibility for establishing and implementing your health and safety management system.

Unions should also be consulted on which certification body management is going to use. ISO does not certify the standards, it only sets them. Certification is a separate process. This can sometimes be done by the national standards body, but the organisation does not have to use them. There will be other certification bodies offering the service. Employers have to look at more than just price, but also the

service they get. Because ISO 45001 certification is a three year process some certification bodies insist the organisation signs up to a minimum 3-year contract to suit. There will also be annual visits, so the employer should check that they are included in the estimates. Some certification bodies may even ask for more frequent visits. Unions should, at the very least, seek to ensure that the certification body used is accredited for certifying ISO 45001 by an accreditation body which is part of the [European Accreditation Body EA](#).

Having a health and safety management system is important but it must not be about pointless paperwork. What makes a workplace safer is removing hazards, controlling risks and ensuring good worker involvement.

The process

Developing and implementing an ISO-compliant management system needs to be an organisation-wide target led by top management. The joint health and safety committee should have a level of oversight of the process. Management needs to ensure that they have a responsible member of staff who is competent and has the time. Larger organisations will need a dedicated team. This person or team should also be responsible for developing the actual management system. Some staff will have to be trained in the system at an early stage. Management should also ensure that health and safety representatives are trained in the ISO 45001 standard and the implementation and certification process.

The fundamental part of achieving certification to ISO 45001 is developing an effective Occupational Health and Safety Management System. The Management System is formed of processes for meeting its requirements, including risk management, provision of resources, performance measurement, and measurement, analysis and continual improvement. This is much easier if the employer has an existing ISO Management System (for example ISO 9001 or ISO 14001), because some common processes will be in place.

Once all the processes are in place the organisation can seek certification. This starts with what's known as a 'Stage 1 Audit' when an auditor reviews all existing systems and produces a gap analysis report which will identify the actions needed to meet the standard. Normally there will be an action plan produced.

Once the organisation believes that they have implemented the action plan and filled all the gaps highlighted in the Stage 1 report, an auditor carries out a 'Stage 2 Audit'. This is intended to ensure that the health and safety management system is effective and meets all the requirements of ISO 45001. If the system is fully compliant, the organisation will be recommended for certification. The auditor's

report will then be checked via an approvals process and if no anomalies are identified, certification is officially awarded.

Gaining certification is not the end of the process as the management system must be maintained and continually improved. Usually this involves regular internal audits and management reviews to ensure the requirements of the standard are continually met and by setting out corrective actions as required. Certification can be suspended and even withdrawn “if the client’s management system persistently or essentially does not meet the requirements.”

Organizations which already have achieved certification to OHSAS 18001:2007 will have up to three years from formal publication of ISO 45001:2018 to migrate to this new standard. Based on the current schedule, this transition period will end in March 2021.

Union concerns

Trade unions are concerned that ISO 45001 could lead to employers concentrating on systems that have the primary aim of achieving certification to ISO 45001, rather than to control risks. Gaining certification should never be the goal of a health and safety management system and just meeting the requirements of ISO 45001 should never be used as an indication of the effectiveness of an organisation in reducing and managing risk.

Trade unions have previously warned that the private standards approach could lead to a move away from an emphasis on prevention based on risk management developed through union consultation, towards a more bureaucratic, process-driven approach aimed at achieving and maintaining accreditation.

Trade unions have always been concerned that, although consultation with the workforce is a legal requirement in every country in the EU, the auditing process has no clear, set, requirement on the organisation to have a joint union health and safety committee that inputs directly into the work that is taking place on the development of a management system nor must management ensure that union health and safety representatives can feed into the auditing process and review/comment on the audits. In addition, the focus of the auditing is on the management system, rather than on the actual levels of protection at the workplace and the organisation’s health and safety performance, even though an auditor will be expected to consider the health and safety outcomes.

Trade Unions should not just feed into the way that the standard is introduced but should also be able to monitor and comment on the certification process. Any consultants and auditors should meet with them to allow them to comment on the claims that management are making and make sure that the theory matches what actually happens in practice.

Worker representatives have a legal right to ask for all relevant documentation under Article 10 of the Framework Directive and ISO 45001 requires the organisation to ensure that relevant audit results are reported to workers and, where they exist, their representatives.

It is also important that trade union representatives ensure that the employer implements the standard in a way that fully tackles the health risks, not only the safety ones. The standard is very clear that organisations must cover both equally, but many employers focus on work processes rather than work organisation and this means that issues such as stress, harassment etc. are often ignored. This may not be fully picked up during the auditing process unless trade unions representatives are fully involved.

Trade unions are also concerned that although it is a requirement that any organisation gaining ISO 45001 complies fully with national law and should have processes in place to ensure that happens, certification auditors do not carry out compliance checks themselves but are meant to ensure that the organisation does. This means that there is no guarantee that the auditing process for multinational companies will be robust enough to ensure that they are meeting every legal requirement in all countries that it operates in. Often multinational corporations base their management system on the law of their home country and they may not fully meet EU requirements.

Checklist for workplace union representatives

All employers should have a health and safety management system and the system they use will depend on the nature of the organisation. For small employers it may be relatively simple. The important issue is whether it is effective. If you do not know what system your employer is using then ask them.

However, if your employer does intend to seek ISO 45001 certification, this checklist may be useful:

- Remember that an employer cannot obtain ISO45001 certification without full workforce engagement.
- Ensure that if your employer is considering seeking ISO 45001 certification, it is discussed with the union either directly or through the joint health and safety committee at the earliest opportunity.
- If you are part of an organisation with several sites, or which operates in different countries, ensure that you have an employer-wide safety committee and that the unions are meeting regularly – at least electronically. Also, if your employer is based abroad, ensure that the consultation arrangements meet the minimum requirements within your country as some employers will seek to set up company-wide non-union committees to bypass the unions.
- Check that the employer is seeking ISO certification for all parts of the organisation, including subsidiaries.

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- As the standards are not freely available and must be purchased, get management to provide you with a copy of ISO 45001 and BS45002 along with any other material that they intend to use as it is the only way they can ensure union participation.
 - Seek training for union health and safety representatives on ISO 45001 and the certification process. The employer should provide training on certification free of charge to you or pay for them.
 - If any consultants are being used, request consultation on who the employer plans to use.
 - During the certification process, ensure that the union receives a copy of all reports and meets regularly with the team or consultant responsible for achieving the standard.
 - Ask for arrangements to be in place to allow workplace representatives to give feedback to the auditors at both stage one and stage 2 audits.
 - Make sure you are closely involved in the auditing process for certification to ensure that the relevant provisions on worker consultation and participation are being complied with and that the auditor verifies that all health risks have been addressed, not just the safety ones.
 - Once certification has been obtained, ensure that reports are made to the joint health and safety committee at regular intervals (usually every three months) and ask to see copies of any monitoring reports or action plans.
 - Remember that certification can be revoked and, if your employer fails to meet any part of the standard in the future, raise it with them and if they do not act, contact the Certification Body. If they fail to act, complain to the accreditation body they are registered with.

Part II

ISO 45001 – the requirements

The standard contains 10 clauses, plus an annex of guidance that is almost as long as the standard.

The contents of ISO 45001 cannot be reproduced as they are copyright, but here is a summary of each chapter, along with guidance of what unions should seek to ensure.

This summary is in no way comprehensive and you are recommended to check the wording of the standard.

Introduction to the standard

There is a detailed introduction that stresses that the implementation, maintenance and effectiveness of an OHS management system is dependent on a number of factors including:

- Top management leadership and buy-in
- Good communications
- Consultation and participation
- Proper resourcing and competence of all
- An effective process for identifying and controlling risk
- Continual improvement
- Integration of the OHS management system into the organisation's business processes.
- Legal compliance

All these are dealt with in detail in the standard. The introduction also makes it clear that the exact wording used in the standard is very important, so only if it says “shall” does the organisation have to do it to achieve certification to the standard.

Clause 1 Scope

This is mainly a statement of what the standard is for. It makes it clear that it can be used by any kind of organisation, regardless of size and activity and that it can be used to integrate well-being programmes as well.

What is more interesting is what the standard does not do. This document does not state specific criteria for OH&S performance, nor is it prescriptive about the design of an OH&S management system. So poor health and safety outcomes are not automatically a barrier to certification, so long as the management system is compliant. However, as an aim of the standard is to help organisations achieve continual improvement and the achievement of health and safety objectives, auditors would need to establish why any serious failures were taking place. The Clause also clarifies that it does not address issues such as product safety or impact in the environment.

Comment for unions

It is clear that one of the key indicators of any health and safety system must be how it is performing and whether injuries, illness and near-misses are being reduced. Unions should always ensure that, whatever management system is used, the main way of determining whether it is effective or not is the impact on health and safety. If achieving ISO 45001 is not improving the health and safety of your members then you should not be afraid to challenge what is being done by management rather than just accept the argument that they are meeting their obligations under the standard.

Clause 2 Normative references

This clause contains no information.

Clause 3 Terms and definitions

This is one of the most important parts of the standard because it lays down a lot of definitions that relate to the application of the standard. These include

- Worker – the standard states that this is anyone performing work or work-activities under the control of the organisation, so it may include agency workers, self-employed and contractors. All workers, including managerial ones are included in the definition.
- Workplace – this is not just a specific building but any place that is under the control of the organisation where a worker has to be/go for work purposes.
- Participation – this is simply defined as “involvement in decision making”. There is a note which says that this includes engaging health and safety committees and workers representatives where they exist although this is not in the main text. Unions should ensure that this happens.
- Consultation – this is “seeking views before making a decision” but the definition does not specifically require considering these views, although, as with the definition of “participation”, there is a note that states it includes “engaging”.
- Legal requirements and other requirements – this says that legal requirements are those an organisation has to comply with and other requirements are those that an organisation has to, or chooses to, comply with. This may seem obvious but there is an important note here which states “Legal requirements and other requirements include provisions in collective agreements.” It also states that they include “those that determine the persons who are workers’ representatives in accordance with laws, regulations, collective agreements and practice”.

Comment for unions

There are 37 individual definitions, which is why it is important to have a copy of the full standard from your employer to be able to check that the employer is properly meeting the requirements. The guidance in Annex A of the standard does stress that consultation and participation is a two-way communication,

but there is no requirement for organisations to follow guidance, however unions can use it to try to ensure that consultation is fully meaningful.

Clause 4 Context of the organisation

The four paragraphs in this clause simply state that the organisation has to determine what the OHS management system will be covering and its scope. It also requires the organisation to consider its internal and external issues and relevant needs and expectations of workers and interested parties.

Comment for unions

Although the wording of this is quite technical and the meaning is often unclear, it is important that you know exactly what the management system covers as the certification will only cover that aspect of the organisation's work, and they cannot claim to have it for anything else. This clause could be seen as allowing a company to exclude high-risk places like warehousing or distribution centres, which unions should strongly resist. There is however an annex that says that the "scope" should not be used to exclude areas that can impact the organisations OHS performance, so unions should challenge any attempt by employers to do this.

Clause 5 Leadership and worker participation

This is one of the most important clauses and deals with both leadership and worker participation. It makes it clear that top management must take overall responsibility for health and safety and must be accountable if things go wrong.

Amongst the things that they must do is to protect workers against reprisals for reporting incidents or near-misses. They also must "support the establishment and functioning of health and safety committees". They also have to make sure that everyone knows their roles and responsibilities.

This clause also requires management to have an occupational health and safety policy which must include a commitment to consultation and participation of workers and, where they exist, workers representatives.

There is quite a lot on "consultation and participation of workers" and ISO 45001 has a much stronger emphasis on this than the previous standard OHSAS 18001:2007 'Occupational Health and Safety Management Certification'. The standard says there has to be a process for consultation and participation of workers, and where they exist workers representatives, in the development, planning, implementation and other aspects of the OHS management system.

The organisation also must provide any time-off, training and resources necessary to ensure consultation and participation and must provide all relevant information about the management system. They also must remove any barriers to participation.

Comment for unions

This is obviously a very important clause and means that the organisation cannot achieve ISO certification without full workforce involvement, although nowhere in the standard is the word union used, nor is there a specific requirement on an organisation to have worker representatives of any kind. However unions would not have wanted the standard to require worker representatives unless they were union ones, as it would lead to management appointing their own representatives.

Because the standard is about an occupational health and safety management system, the requirements to consult and to provide resources, training and information only covers the OHS management system - not all health and safety issues. The Framework Directive makes it clear that employers must consult on all health, safety and welfare issues, so unions need to make sure that the employer fully implements their duties under national regulations and any collective bargaining agreements and does not just rely on being involved in issues relating to the management system.

There is also no requirement to provide the training free or during working time in the standard. However, this is a requirement in Article 11 of the Framework Directive so any employer in the EU must provide free training in the employer's time regardless of what is in the standard as the standard also requires them to obey national law. Even if EU law did not require it, unions would argue that not providing it free and in the employer's time would be a barrier to consultation and participation, which the standards requires the employer to remove. This is mentioned in a note to the clause.

Clause 6 Planning

This requires the organisation to determine the risks and opportunities for both Occupational Health and Safety and the management system. It also requires them to have a pro-active process for identifying hazards. It makes it clear that this has to take into account the organisation of work including workload, working time, harassment and bullying. The organisation also must ensure that there is a system for identifying any hazards that could arise from reorganisations or changes in processes, and when knowledge changes. Hazard identification must look at how work is actually done, not how it should be done, and organisations have to learn from past incidents, not only from their own workplace but also similar organisations as well as prepare for potential emergencies.

The management system also must cover the risks to anyone who has access to the workplace, including contractors and the public.

As well as identifying risk, management must have a risk assessment process. It is not spelt out how this is to be done and the organisation needs to define their methods and criteria depending on the hazards associated with their activities. There is very little detail here although more information is given as guidance in the annex.

This clause tells organisations to have processes in place to ensure that they are always up to date with any legal requirements and has all its paperwork properly maintained and updated when required by law.

There are also paragraphs on planning action and establishing OHS objectives.

Comment for unions

This clause focuses on planning including the need to deciding what resources will be required, who is responsible and how outcomes will be evaluated. The wording of this clause, like some other parts of the standard, is complex at times because much of it comes from an ISO template that all management standards must use. Therefore, it talks a lot about “risks and opportunities”, but these are risks to the organisation or the management system, not to the workers or the public although risks and hazards for workers are also included in this section.. There is also a long paragraph on the assessment of OHS opportunities

Despite this, the purpose of this clause is to ensure that organisations have a comprehensive system for risk identification and assessment and unions should ensure that their employer’s risk assessment system meets all the requirements, not only of the standard, but all national and EU regulations.

Clause 7 Support

Organisations need to resource the work they are doing to establish and maintain an OHS management system. That includes making sure that their workers have the right competency so that they are trained in hazard identification. In addition, workers need to be made “aware” of the OHS policy and the consequences of things going wrong as well as potential risks and of any incidents elsewhere that may be relevant to them.

There is an important paragraph that says workers must be made aware of their ability to remove themselves from the workplace if there is an imminent and serious danger to their life or health.

The standard lays down requirements on communicating with both internal and external people about things relevant to the OHS management system. This means deciding what they will communicate, when, with who, and how. The organisation also should take into account “diversity aspects”, which includes for those with a disability, literacy or language issues.

Much of this clause deals with the need for proper documented information, including the systems for storing it. There is a helpful note that says that “access to relevant documented information includes access by workers, and, where they exist, worker’s representatives”.

Comment for unions

This clause will be useful to unions as organisations will have to keep detailed records which worker representatives will be entitled to ask for. Unions can also seek to ensure adequate training, not just at induction, but regularly.

Trade unions should insist that the employer tells workers of their right to leave the workplace if there is an imminent and serious danger to their health or life as required in the standard. The right to leave already exists in EU law, but not all countries have a requirement on workers to be told of it, so this is useful.

Clause 8 Operation

The organisation is required to implement whatever comes from the risk identification and risk assessment outlined in Clause 6. Amongst the things it must do is “adapt work to workers”.

It requires organisations in multi-employer workplaces to coordinate the OHS management system with the other organisations.

They also need to have a system to eliminate all hazards and reduce risks through a hierarchy of control which is - eliminate the hazards; substitute; use engineering controls and work reorganisation; administrative controls (including training); and lastly adequate personal protection equipment. This is similar to the requirements in EU law. However, it does not require PPE to be provided and maintained at no cost, unlike in EU law.

The standard makes it clear that organisations must manage the risks that can come about through change such as new working conditions, reorganisations, new equipment, and new staff by understanding and mitigating the risk.

Contractors are also covered in this clause. As well as stating that the procurement process must be coordinated with contractors it states that the organisation shall ensure that the requirements of the OHS management system will be met by all contractors and their workers.

Organisations must also have a level of control over any outsourced services ensuring that they are consistent with legal and other requirements and the intended occupational health and safety outcomes. This is more limited than for contractors but still very important.

There is quite a bit on emergency preparedness, which means that the organisation must have a proper process for dealing with emergencies that includes training, testing and communicating information. There is also a requirement for first aid provision.

Comment for unions

This is one of the clauses that will be of most interest to unions as it says what an organisation has to do to actually protect workers. Of particular importance are the requirements on procurement and contractors.

The requirement to adapt work to the worker can be used by unions to challenge some behavioural safety measures which seek to try to concentrate on the worker rather than controlling the risk.

Clause 9 Performance evaluation

This is one of the most detailed clauses and it covers how an organisation must have a system for monitoring, measuring, analysing and evaluating performance and legal compliance. It includes a requirement for internal audits and regular management reviews. These must include information on consultation and participation of workers.

Comment for unions

Most of the evaluation is about the occupational health and safety system rather than the actual health and safety outcomes which is why unions need to be involved in the evaluation process to make sure it is not just a paper exercise. Although there is nothing in this clause about involving workers representatives in the monitoring and evaluation process, the earlier clause on “leadership and worker participation” does state that the organisation needs to consult on what they monitor and how to do it. In addition, organisations must ensure that the “relevant” results of the audits and the outputs of management reviews are reported to workers and workers representatives if they exist. Unions should seek to ensure that union health and safety representatives are a part of the monitoring and evaluation process at all stages.

Clause 10 Improvement

The standard requires organisations to learn from any incident that takes place, including a full evaluation of how and why it happened. They also have to review their risk assessments after an incident and give information on the investigation, outcome and remedial action taken to the workforce and workers representatives.

There is a requirement on the organisation to always seek to improve its performance and to keep documented information that shows they are doing this. They also must promote the participation of workers on this and let workers and their representatives know the results of their continual improvement.

Comment for unions

This is an important clause, especially given the emphasis that many national enforcement bodies give to simply complying with the law. To gain certification, an organisation must do much more than legal compliance and demonstrate that they are continually improving their occupational health and safety management system and their performance. However, the detail on how it needs to be done is rather vague. What will be crucial is how this is measured in the audits, but it is important that trade unions emphasise the need for continual improvement to management and ensure that they are fully complying.

Annex A – Guidance

In addition to the standard there is detailed guidance on how the standard should be used. There is a lot of very useful information here, but unions are not able to require employers to implement it in order to gain certification. The clauses of the standard are requirements, while the annexes are advisory recommendations to better understand the requirements of the standard.

Unions can use the guidance in negotiations and among the points that are worth highlighting are:

- The reference to consultation and participation of workers (A.5.4) There is a lot of useful text here but of particular value is the paragraph which stresses that consultation is a two-way communication that involves the timely provision of information and the need to consider feedback before making decisions.
- The guidance on hazard identification (A.6.1.2.1) which outlines what organisations should consider. This can act as a helpful checklist.
- Under support (A.7.2) it does mention at the end that workers should receive the training required to enable them to carry out their representative functions for occupational health and safety effectively. Although this is already much more specific in EU law, it is useful to have it here.
- The hierarchy of control is spelt out in much more detail in A.8.1.2.
- The section on contractors (A.8.1.4.2) lists some practical tools including contract award mechanisms and pre-qualification criteria which include past performance. This is certainly useful.
- While the examples of incidents etc in A.10.2 do not add much there is a section on root cause analysis that unions can use in respect of incident investigation. This can be a more effective way of looking at all the causes of an incident.

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