



**Training on ISO 45001:2018 and IAF
MD22:2018**
(Certification and accreditation for OH&SMS)

*hosted by the EA Secretariat,
Buro Club Levallois-Perret
(26 – 27 March 2018)
(28 -29 March 2018)*

Marco Cerri (ACCREDIA) - Leonardo Omodeo Zorini (IIOC)



IAF MD22:2018
Application of ISO/IEC 17021-1 for the
Certification of Occupational Health and Safety
Management Systems (OH&SMS)

APPENDIX C
Legal Compliance as a Part of Accredited
OH&SMS Certification

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Legal Compliance as a Part of Accredited OH&SMS Certification

- ✓ **It extends to OH&SMS** selected requirements based on document [EA-7/04 M, rev.2, 2010](#), already applicable to the EMS scheme.
- ✓ It incorporates **19 requirements** providing information about the **degree of compliance with applicable OH&S laws and regulations to be met** by organizations certified for OH&SMS under accreditation

EA-7/04 – Legal Compliance as a Part of Accredited ISO 14001:2015 Certification



Publication
Reference

EA-7/04 M: 2017

**Legal Compliance
as a part of
Accredited
ISO 14001:2015
Certification**

Source document

PURPOSE

The text of this document has been produced by a working group in the European co-operation for Accreditation (EA). The purpose of this document is to provide useful information on the relationship between an organisation's accredited Environmental Management System (EMS) certification according to ISO 14001:2015 and that organisation's degree of compliance with applicable environmental requirements.

May 2017 Rev03

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FOREWORD

- **C.3.2** The **control of legal compliance** by the organisation is an important component of the OH&SMS assessment and **remains the responsibility of the organization.**
- **C.3.3** It should be stressed that **CAB auditors:**
 - **are not inspectors of the OH&S regulator**
 - should **not provide "statements" or "declarations" of legal compliance.**

NEVERTHELESS

- **C.3.4 An OH&SMS is a proven and effective tool to achieve and maintain legal compliance** and provides top management with relevant and timely information on the organisation's compliance status.
- **C.3.3** CAB auditors shall "**verify the evaluation of legal compliance**" in order to assess conformity with the applicable OH&SMS standard.

NEW REQUIREMENTS

- **C01** Introduced definition of “legal compliance” as “**Conformity with the law, in such a way that the intended outcome is realised.**”
- **C01** Accredited OH&SMS certification shall demonstrate that CAB has evaluated and confirmed that the organisation’s OH&SMS ensure the **fulfilment of its policy commitments on legal compliance**
- **C1.3** The CAB shall assure that **conformity is being maintained during all the certification cycle**. 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.

NEW REQUIREMENTS

- **C1.4** Any organization failing to demonstrate their initial or ongoing commitment to legal compliance, **shall not be certified or continued to be certified**
- **C.1.5** Deliberate or consistent non-compliance shall be considered a serious failure to support the policy commitment on legal compliance and **shall preclude certification** or cause an existing OH&SMS standard **certificate to be suspended, or withdrawn**

NEW REQUIREMENTS

C.2.2 /C.3.6

- **The organisation shall be able to demonstrate that it has achieved compliance** with the legal OH&S requirements that are applicable to it through its own evaluation of compliance **prior to the Certification Body granting certification**

NEW REQUIREMENTS

C.2.3 Where the organization may not be in legal compliance:

- it shall be able to demonstrate it **has activated an implementation a plan to achieve full compliance within a declared date**, supported by a documented agreement with the regulator, wherever possible for the different national conditions.
- **the successful implementation of this plan shall be considered as a priority within the OH&SMS.**

NEW REQUIREMENTS

C.2.4 Exceptionally the CAB may still grant certification but shall seek objective evidence to confirm that the organization's OH&SMS:

- is capable of achieving the required compliance through **full implementation of the above implementation plan within the due date,**
- has **addressed all hazards and OH&S risks to workers and other exposed personnel**
- that **there are no activities, processes or situations that can or will lead to a serious injury and/or ill-health,** and
- during the transitional period **has put in place the necessary actions to ensure that the OH&S risk is reduced and controlled.**