



## Occupational Health and Safety Management Systems: Reference systems and tools in five European countries

Germany, Denmark, Spain, Italy, Luxembourg

# Frequently cited organizations and acronyms

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**AAA- Association d'assurance accident**, Luxembourg

**Arbejds miljø**: Danish Working Environment Authority

**AT/MP**: Accidents at Work/ Occupational Diseases

**BG - Berufsgenossenschaft(en)**: Social Insurance Fund(s) for Accidents at Work (Germany). Organised by branch, the following BGen are cited in particular:

- **BG BAU**: BG Construction
- **BG ETEM**: BG Energy, Textiles, Electronics and Media
- **BGHM**: BG Wood and Metalworking
- **BGHW**: BG Trade and Distribution
- **BGN**: BG Food and Catering
- **BGRCI**: BG Raw Materials and Chemical Industry
- **BG Verkehr**: BG Transport
- **BGW**: BG Health
- **VBG**: BG Administration

**BSI - British Standards Institution**: British Standards Body

**DGUV – Deutsche Gesetzliche Unfallversicherung**: German Social Accident Insurance

**INAIL - Istituto nazionale per l'assicurazione contro gli infortuni sul lavoro**: National Institute for Insurance against Accidents at Work (Italy)

**INSST - Instituto Nacional de Seguridad y Salud en el Trabajo**: National Institute for Safety and Health at Work (Spain)

**ILO - International Labour Organization**

**International Organization for Standardization (ISO)**

**Länderausschuss für Arbeitsschutz und Sicherheitstechnik (LASI)**: Länder Committee for Occupational Health and Safety (Germany)

**PDCA**: "Plan Do Check Act"

**SMSST**: Occupational Health and Safety Management System(s)

**OHS**: Occupational Health and Safety

**UIC: Union des industries chimiques** – Union of Chemical Industries (France)

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# Introduction

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***This note presents international reference systems and some national tools and reference systems that may be adapted to French companies. This is in response to the E1 commitment<sup>1</sup> made in the Objectives and Management Agreement of the Health Insurance - Occupational Risks (COG AT/MP) 2018-2022 signed with the French State.***

The International Labour Organization (ILO) defines an **occupational health and safety management system (OHSMS)** as "a set of interrelated or interdependent elements designed to establish an OHS policy and OHS objectives and to achieve those objectives".

Several reference systems - certification or guidelines - exist at the international level to support the implementation of an OHSMS within the company. They all have the same overall objective: to improve the company's performance in terms of prevention of accidents at work and occupational diseases.

Indeed, setting up an OHSMS makes it possible to integrate prevention as early as possible. By involving all the company's workers and inviting them to consider all components of occupational health and safety as an integral part of their activity, an OHSMS promotes the development of an organisational culture in the company that is conducive to the prevention of accidents at work and occupational diseases.

Regardless of the tool used, compliance with the country's regulations, where they exist, is a prerequisite for the implementation of an OHSMS; in many countries, this goes beyond national legal obligations.

However, implementing an OHSMS in the company according to international reference systems is not always self-evident and may need to be adapted. This sometimes requires significant resources for small companies and OHSMS can become burdensome. This is the case, for example, if their certification is imposed by a customer. OHSMS can also lead to too much formalism and be out of step with the reality and needs of the company.

This is why, in some countries, occupational health and safety, prevention and regional bodies have developed reference systems, tools and support systems to help SMEs/VSEs design, structure and implement an OHS approach in a management system. Some of them are developed by branch to better adapt to the reality of companies and may enable them to gradually achieve equivalence with other reference systems.

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1 E1 Commitment: Develop tools and methods to make as many companies as possible autonomous in terms of OHS management.

COG 2018-2022 - Promote a policy of supporting companies and rewarding those that will enter into a process of improving the quality of work, employee protection and performance: the objective is to promote a sustainable culture of prevention in terms of OHS. (Enjeux Sheet 2.3)... Other tools (to encourage prevention in companies) could be tested and deployed, drawing in particular on European examples.

# 1 International reference systems

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The willingness of many countries to have an international reference system for setting up an OHSMS has taken shape through the writing and publication of international documents: OHSAS 18001 in 1999, ILO-OSH 2001 in 2001, then the ISO 45001 standard, the drafting of which began in 2013 and which was published in March 2018.

These three international reference systems have in common the concept of continuous improvement PDCA<sup>2</sup>: planning, implementation of prevention measures, performance monitoring and feedback.

Broad in scope, they are less immediately operational than reference systems initially written for national use such as MASE-UIC<sup>3</sup> for example. This obliges the company to identify and analyse its specific context such as its country of origin, its sector of activity, etc. before embarking on the construction of its OHSMS.

The MASE-UIC reference system has, to a lesser extent, an international scope. However, it is very present in the risk prevention field, which is why it is useful to mention it in this note.

## 1.1 ILO-OSH 2001

ILO recognized the usefulness of managerial approaches to OHS by launching a review of the many systems existing worldwide as early as 1997. The synthesis of this review resulted in the publication in 2001 of a general guide to good practice [\*Guidelines on occupational safety and health management systems ILO-OSH 2001\*](#), produced with the involvement of the Organization's tripartite constituents (governments, employers and workers).

This document provides elements and recommendations on what ILO members believe a good approach to OHS management could be. The notion of "management system" is deliberately favoured considering that "leadership" is rather the responsibility of supervisory staff whereas "management" concerns all the actors in the enterprise.

This guide puts workers at the centre of the OHS management system. It therefore places particular emphasis on participation mechanisms to address workers' concerns and requirements, the implementation of rehabilitation and re-education programmes, their involvement in all stages of audits. It also relies on the general principles of prevention of the 1989 European Framework Directive<sup>4</sup> to define the order of priority of preventive measures to be taken.

These guiding principles are published in the form of a guide which is not intended to be a certification reference system. As such, it is clearly stated in the introduction that the recommendations are neither binding nor intended to replace national legislation and do not require any certification.

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2 "Deming Wheel" diagram, known in English as PDCA "Plan Do Check Act"

3 MASE-UIC: Manual for the Improvement of Company Safety - Union des industries chimiques

4 Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

However, ILO-OSH 2001 has been made "certifiable" in France and in 2016 some 340 companies had the double certification ILO-OSH 2001 and OHSAS 18001.

As ILO is seen as the most legitimate structure for developing guidelines in this area, many European countries - including France, Germany and Poland - have long considered this reference system as the most appropriate.

Addressing not only States but also enterprises, ILO has made an important promotion of it. These guidelines, which are the result of this international social dialogue, differ from the OHSAS 18001 and ISO 45001 standards in that they are freely available. Companies can therefore easily appropriate this tool.

These guidelines provide for the possibility for countries to adapt them to their national realities by developing a national guide and sector- or organisation-specific management aids. This is what Germany has been doing since 2002.

## 1.2 OHSAS 18001

In 1999, a collective of some fifteen certification, standardization, prevention bodies and industry associations, particularly English-speaking ones, drew up an international document based on a British standard BS 8800 of 1996, published as an English standard by BSI under the reference BS OHSAS 18001 (*Occupational Health and Safety Assessment Series*).

This reference system, revised in 2017, sought to harmonize practices and steps to be followed for the implementation of an OHSMS. Written with the aim of one day becoming an ISO international standard, it follows the structure and vocabulary imposed by ISO on its management standards. It is based, like the ISO 9001 "quality management" and ISO 14001 "environmental management" standards, on the concept of continuous improvement PDCA.

This reference system defines criteria for evaluating an OHS management system. It is a tool for auditing companies, which focuses on procedural requirements.

Although OHSAS 18001 has rapidly become the most widely used reference system for certification purposes at the international level, with an estimated 90,000 certificates in 2013, it is nevertheless doomed to disappear by 11 March 2021, the date on which the international standard ISO 45001 will have completely replaced it.

In concrete terms, companies currently certified on the basis of OHSAS 18001:2007 must, at the end of the three-year transition period, adapt their management system and switch to ISO 45001 certification.

## 1.3 ISO 45001

The writing of the international standard ISO 45001, proposed to the ISO work programme as early as 1996, was carried out under the leadership of BSI, after several successive rejections, from 2013 to March 2018.

This standard is the result of a consensus drawn up on the basis of pre-existing international reference systems and contributions from around a hundred international experts representing various stakeholders: representatives of employees, employers and public authorities, as well as OHS experts, certifiers, standard-setters, etc.

While the basis for much of the work was the British standard BS OHSAS 18001:1997, ILO contributed significantly to the drafting of ISO 45001 under a Memorandum of Understanding signed with ISO in 2013. This memorandum aimed to ensure the conformity of the future document with ILO standards and principles (international conventions, ILO-OSH:2001 guidelines, etc.).

While the main objective of OHSAS 18001 is the establishment and assessment of a management system, ISO 45001 goes further by specifying that the aim is to establish processes whose expected results are "to provide safe and healthy workplaces by preventing work-related injury and ill-health" (Article 1).

This standard is built according to a structure imposed by ISO to facilitate the implementation of an Integrated Management System (IMS) Quality Safety Environment (QSE) based on ISO 9001, ISO 14001, OHSAS 18001 and *ultimately* ISO 45001.

Composed of three introductory chapters (introduction, normative references, definitions), standard 45001 also contains an informative annex explaining the requirements set out in seven chapters (Organisational context, Leadership and Worker participation, Planning, Support, Operational activities, Performance evaluation and improvement).

However, ISO 45001 is a generalist standard. It does not address a specific trade, activity or industry sector. Addressing all organizations in the world regardless of their size, structure, activity and status (public or private), the analysis of the context as well as the identification of stakeholders and their needs and terminology are important.

ISO 45001 brings to the forefront the notion of leadership and commitment of the company director and the management team (top management). It places particular emphasis on employee participation and consultation; proposes new definitions and concepts. This is the case, for example, of opportunities for OHS, a concept that characterises a proactive prevention approach by requiring the systematic identification and exploitation of favourable situations - opportunities - for OHS.

As with OHSAS 18001, performance requirements are expressed on the system which, beyond compliance with the legal requirements of the country, must enable the achievement of OHS performance objectives and continuous improvement of this performance. Effectiveness is assessed by means of internal audits of the many identified processes of the system as well as by means of indicators. A management review is carried out at least once a year.

ISO is counting on a strong development of this certification reference system which succeeds OHSAS 18001. It hopes to reach a target of 500,000 ISO 45001 certificates worldwide within 10 years.

## 1.4 The MASE-UIC common system

MASE is a French "law 1901" association created in 1990 whose members are companies. In January 2018, the MASE network included more than 5,000 companies with a total of more than 400,000 employees.

MASE is also the name of a "certifiable" management reference system developed in France since 1997 and in the French West Indies and Guyana from 2012. UIC brought its reference system closer to that of MASE in 2007 and since then the certification issued is for a MASE-UIC common system.

In addition, on 1<sup>st</sup> January 2018 the MASE-GEHSE convergence agreement for a single HSE<sup>5</sup> certification entered into force. The GEHSE certification<sup>6</sup> created by the oil industry mainly concerned companies working in deposits of hydrocarbons and other flammable liquids or small oil establishments or service stations.

This system has recently taken on an international dimension with deployment in 2017 in Côte d'Ivoire and 2018 in Senegal. A partnership also exists with VCA, which is a certification procedure for a safety management system in the petrochemical sector applied in the Netherlands, Belgium, Germany, Austria and Luxembourg.

MASE-UIC proposes, without distinction of activity or particular industrial sector, a simple approach to progress. The terminology used is that known in France.

This reference system is also based on the principle of PDCA and continuous improvement. It proposes a basis for reflection on five axes, each with a specific objective to help the company better structure its HSE approach:

- Axis 1 Employer's commitment  
Objective: to define the organisation of the HSE management of the company
- Axis 2 Professional skills and qualifications  
Objective: to pass on to all employees the "knowledge", "know-how" and "knowing how to be" necessary to perform their jobs
- Axis 3 Organization of work  
Objective: to control HSE risks when carrying out tasks, work or services
- Axis 4 Effectiveness of the management system  
Objective: to evaluate the effectiveness of the management system
- Axis 5 Continuous Improvement  
Objective: to continually improve the management system

The control of risks related to co-activity, in the context of interventions (works, maintenance, etc.) in an industrial environment and the control of environmental risks are addressed.

The effectiveness of the system is verified by regular and planned checks at the human, organizational and technical levels. An audit of the MASE management system on the 5 axes must be carried out at least annually.

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5 HSE – Health, Safety and Environment

6 GEHSE – Guide d'Engagement Hygiène, Sécurité, Environnement (Health, Safety, Environment Commitment Guide)



The recognition of the OHSMS performance is also possible through a MASE-UIC certification based on a CSN<sup>7</sup>, local and national associations and auditing firms. This is the certification required in France for interventions on SEVESO high threshold sites.

The documentation available on the MASE website consists of a manual and a booklet "Les Conseils de Masecotte" (Masecotte's tips) containing 20 tips to help the company, for example to develop its HSE culture.

## 2. National reference systems

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The reference systems and devices selected here are presented briefly, with the exception of those in Germany. They have been chosen according to the availability of detailed information.

In **Denmark** and **Luxembourg**, the promotion of OHSMS is organised around the OHSAS 18001 standard and increasingly around the ISO 45001 standard which will completely replace OHSAS in 2021. Therefore, these two countries do not rely on national reference systems, unlike Germany, Spain and Italy.

### 2.1 Italy: sectoral reference systems resulting from social dialogue

In Italy, [INAIL](#), together with the sectoral social partners, has produced OHSMS reference systems, known as [SGSL](#)<sup>8</sup>, which cover the following areas:

- public health,
- chemistry,
- rubber-plastics,
- energy,
- SME/VSE
- shipbuilding,
- networks,
- services,
- environment,
- aeronautics.

SGSL are guidance documents for the design, implementation and application of occupational health and safety (OHS) management systems, primarily intended for SMEs. SGSL can be integrated with other standards such as ISO 9000 for quality and ISO 14001 for the environment.

SGSL are not intended for certification or control by institutional bodies. Therefore, if a company wishes to have its management system certified, it must refer to the OHSAS 18001 standard until 11 March 2021 at the latest or to the ISO 45001 standard.

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7 CSN: Comité stratégique national (National Strategic Committee)

8 SGSL: Sistema di gestione della sicurezza sul lavoro (Occupational safety management system)

## 2.2 Germany: a national guide based on ILO-OSH supplemented by reference systems and tools resulting from sectoral social dialogue

In Germany, the Federal Ministry of Economics and Labour, the higher labour inspection authorities of the Länder, the accident insurance institutions and the social partners drew up in 2002 a [Guide for Occupational Health and Safety Management Systems](#) (NLF)<sup>9</sup>. This voluntary framework document for the development, introduction and evaluation of OHSMS follows the structure and takes over the contents of the ILO guide.

This reference system is also based on the principle of PDCA and continuous improvement. It contains correspondence tables with the ISO 14001 and ISO 9001 management standards. The NLF does not provide for third party certification but it allows the higher labour inspection authorities of the Länder or accident insurance institutions, as part of a system audit, to offer companies a voluntary review of the effectiveness of their OHSMS. In general, these services are provided free of charge for the advice and expertise phases.

As regards the Länder, the labour inspectors assess whether the organisation of the company is appropriate on the basis of LASI document LV 54<sup>10</sup> [Grundsätze der behördlichen Systemkontrolle](#) (Basic principles for administrative system control).

Employers who are interested in introducing an OHSMS can be advised by the supervisory authorities. The LASI document LV 58 [Beratung der Länder zu und Umgang der Länder mit Arbeitsschutzmanagementsystemen](#) (Advice for the Länder on OHSMS and their implementation) of June 2013 describes the basis for this advice. The topics covered are the meaning, objectives, usefulness and essential elements of an OHSMS.

Each federal region can equip itself with a specific reference system, but respecting the NLF, to certify its companies following the example of the reference systems of the *Berufsgenossenschaften*, which are adapted to the sector they cover. To date, only the OHRIS<sup>11</sup> practical reference guide for risk and health management in the workplace is specific to Bavaria and Saxony. This OHRIS guide is a generalist document aimed at regulatory compliance rather than a guide for building an OHSMS since key concepts such as management review or OHS policy are not addressed.

For its part, DGUV, in addition to the above-mentioned NLF, has set up a very comprehensive system to support companies in the implementation of an OHSMS and generally offers them free expertise on the effectiveness of their OHSMS on a voluntary basis.

DGUV's [Grundsatz 311-002 für Beratung und Begutachtung von Arbeitsschutzmanagementsystemen](#) (Basic principle 311-002 for advice and evaluation of occupational health and safety management systems) published in 2016 (last amended in 2015) provide BGen with guidelines for advising but also for appraising companies wishing to do so on the basis of the NLF.

In addition to this document, each BG has developed its own guide, always based on the NLF. These guides for the implementation of OHSMS, called *Arbeitsschutzmanagementsysteme* (AMS)<sup>12</sup>, take into account, for example, the size of the companies in the sector,

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9 NLF: Nationaler Leitfaden für Arbeitsschutzmanagementsysteme

10 LV 54 - LASI Publication 54

11 OHRIS - Occupational Health- and Risk-Managementsystem

12 AMS - Arbeitsschutzmanagementsysteme - Occupational health and safety management systems

their infrastructure, as well as the particularities and hazards and risks specific to the sector or type of organisation.

These systems are mainly aimed at SMEs affiliated to the BG which covers their sector:

- BG Administration (VBG)
- BG Construction (BG BAU)
- BG Energy, Textiles, Electronics and Media (BG ETEM)
- BG Food and catering (BGN)
- BG Raw Materials and Chemical Industry (BG RCI)
- BG Trade and Distribution (BGHW)
- BG Transport (BG Verkehr)
- BG Wood and Metalworking (BGHM)
- BG Health (BGW)

The examples of BG Construction (BG BAU) and BG Administration (VBG) are developed below.

An initial assessment, a preliminary inventory of the health and safety organisation, is imposed by the BGen for all companies that want an AMS certificate in order to take stock of what is in place in terms of OHS in the company and what is missing. Companies can carry out their self-assessment with the [GDA-Orga-check](#) tool. Mobile applications for iPhone, iPad and Android are available and a brochure can be downloaded.

Setting up an OHSMS is optional and voluntary but once the company has decided to do so and obtain an AMS certificate, it commits itself by an agreement with the BG. This agreement specifies in particular the scope of application (company/sites), the management's commitment to implement an OHSMS and to provide the necessary means, the person responsible for building the OHSMS and the name of the BG's AMS consultant who will accompany it in implementing its OHSMS. It is this consultant who will advise the company up to the expertise. Consultants spend an average of five days advising a company that has signed such an agreement.

In addition to the sectoral guides, most BGen offer sector- and organisation-specific implementation tools such as checklists and questionnaires on self-checking, information on occupational health and safety topics, model manuals or forms.

Accident insurance institutions also offer seminars, workshops, training courses and other events on the subject of OHSMS to employers, managers, safety managers and other stakeholders such as OHS experts.

The LASI and DGUV documentation emphasizes that OHSMS enable the employer to fulfil his legal obligations and to benefit from other advantages (improvement of the company's image, in particular with the AMS certificate, increase in the efficiency and motivation of the workers, better competence of the management in OHS, etc.).

The company's OHS managed in this way "also contributes to the company's sustainable economic success" through a reduction in direct costs (basic remuneration of insurance premiums, medical costs of an accident at work) and indirect costs (income maintenance following an accident at work or costs of an occupational disease).

LASI LV58<sup>13</sup> states that the recognition of an OHSMS by the accident insurance institution or by the labour inspectorate is an advantage for the company as a contractor because it relieves it, where appropriate, of the obligation, even indirect, of third-party certification or the presentation of other certificates.

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13 LV 58 - LASI Publication 58. See p. 9

## Example of AMS expertise in the construction sector

The [BG BAU](#) proposes a service offering to companies, the [AMS - BAU](#) (*Arbeitsschutz mit System - BAU*) for the construction sector, which is based on an eleven-step guide and on the advice of BG employees specifically qualified for the programme.

Before implementing the 11 steps of the management system, the company must assess its overall OHS organisation. An appropriate questionnaire is included in the guide.

The team dedicated to the [AMS-BAU](#) supports the company in the first phase of consulting on the prevention of accidents at work and occupational diseases in the company. Follow-up consultations are possible throughout the implementation of the OHSMS. The consulting process is monitored by an AMS-BAU consultant from the BG BAU. It should be noted that the latter is the only one to impose an interview with the company at the beginning of the process.

AMS-BAU was developed to take into account the particularities of the construction sector. The guide thus offers a real handbook for an efficient organisation of OHS. The link with other management systems such as ISO 9001, 18001 or 45001 is perfectly possible. Compliance with the [11 Arbeitsschritte zum sicheren und wirtschaftlichen Baubetrieb](#) (11 steps for safe and cost-effective construction) is checked and certified by the BG BAU on request. The expert assessment procedure is defined in an appendix "Procedural principle for the AMS BAU". This procedural principle is kept on file and handed over during the consultation.

Full documentation must accompany the implementation of the AMS-BAU. Implementation aids are available on the Internet. The documentation must be reviewed annually to assess the effectiveness of the OHS organization in the company.

## Example of an AMS expertise of the BG Administration (VGB)

VGB member companies include service providers, banks, insurance companies, temporary employment agencies, engineering and architecture firms, law firms, churches, sports clubs, companies in the ceramics and glass industry and public transport companies.

For this sector, tools have been developed and, contrary to the AMS-BAU, put directly online to help companies achieve:

- [an initial review of the company's overall OHS organisation](#)
- [the 7 steps for setting up the management system \(AMS\)](#)
- [an internal audit.](#)

In April 2018, the VGB published the 5<sup>th</sup> version of its specific guide for its affiliated companies entitled "[AMS Arbeitsschutz mit System – In 7 Schritten zum sicheren und gesunden Betrieb](#)" (OHS Management System - 7 steps for a safe and healthy company). This version includes in particular an annex comparing its document, the National Guide for OHSMS and the DIN ISO 45001 standard showing the specificities of ISO 45001.

In November 2018, the VGB also created a special questionnaire for companies wishing to be assessed on their compliance with DIN ISO 45001.

Among the special features of DIN ISO 45001 that the VGB has identified in relation to the AMS are the clear definition of the company context, the participation and consultation of employees (including suppliers and subcontractors), the consideration of risks and opportunities in terms of occupational health and safety and the culture of prevention that is in line with the [Kommittensch](#) campaign launched by DGUV in 2017.

## The special case of the BG Health (BGW)

This BG has adopted a special approach based on an OHSMS integrated into quality management, the MAAS-BGW<sup>14</sup>. The aim is to develop an OHSMS - essentially for large health establishments and in particular hospitals - which requires the integration of OSH management into an existing quality management system. For the BGW, the advantages highlighted are, in addition to safe and healthy work, an improvement in productivity and competitiveness, in particular due to the interaction with quality.

## 2.3 Spain: generalist guides

In Spain, the theme of OHSMS (notably OHSAS 18001 and then ISO 45001) is at the origin of many productions, whether articles or brochures. [INSST](#) has published several prevention technical notes on OSH management. However, these documents promote the implementation of OHSMS in the company more than they provide a precise framework for their implementation.

In 2007 [MC Mutual](#)<sup>15</sup> published a practical guide on the [Occupational Risk Prevention Management System \(OHSMS\)](#) to provide SMEs and VSEs with all the information available and the resources needed to implement an OHSMS in a simple and practical way. Subject to its adaptation to the particularities of the company's sector of activity, this guide offers practical advice on the 4 stages of setting up an OHSMS: Organisation, Planning, Execution, Control.

Each step contains a series of actions to be implemented consecutively and repeatedly in a cyclical manner.

[Fremap](#), another Mutua, has also published a [Manual for Occupational Risk Prevention Management](#) which provides companies with information on theoretical aspects of implementing an OHSMS, as well as a [Practical Manual for the implementation of the OHSAS 18001 standard](#).

The Region of Madrid has also published a guide entitled [Management System for the Inclusive Prevention of Occupational Risks](#) in 2012 which contains general information and addresses the inclusion of disabled people in the framework of the OHSMS.

These various Spanish documents issued by insurance institutions remain very general.

# 3 Financial Incentives

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Most of the countries surveyed offer financial support, in the form of lower social security contributions or direct aid to companies implementing an OHSMS. These financial

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<sup>14</sup> Managementanforderungen der BGW zum Arbeitsschutz - Management requirements of the BGW for occupational health and safety

<sup>15</sup> MC Mutual is a mutual employers' association (Mutua) with the mission of insuring accidents at work and occupational diseases. It also provides prevention services to companies.

incentives are intended to motivate companies and thereby support these actions which are useful for the development of a sustainable occupational risk prevention culture.

In **Denmark**, the [financial incentive](#) scheme linked to the implementation of an OHSMS ended in December 2002 and has not been replaced since.

In **Italy**, companies applying OHSMS standards can benefit from a reduction in their contributions in accordance with a [ministerial decree of 12/12/2000](#) or from financial aid. To qualify, the company must demonstrate that it has obtained certification of its OHSMS according to BS OHSAS 18001 or the Italian standard [UNI 10617: 2012](#)<sup>16</sup> or other nationally and internationally recognised standards. The implementation of an OHSMS based on a SGSL also allows the company to benefit from the system.

In addition, every year INAIL launches a [call for proposals](#) to companies wishing to receive direct aid for investments related to OHS or for setting up an OHSMS. Thus, for the year 2018, 370 million euro have been allocated to companies, including 2 million euro to those that have successfully completed their OHSMS project. Interested companies must submit a request to INAIL, which will judge the admissibility of the request<sup>17</sup>.

In **Germany**, financial incentives exist, e.g. by the BG BAU (construction) if the company obtains a positive evaluation in the first review of its OHSMS carried out with the help of the BG. It will receive €2,000 and then €1,000 for each successful evaluation. The certificate is valid for 3 years.

The VBG also insures temporary/interim workers' companies. Those who obtain the AMS certificate receive annual financial support in the form of a prevention premium. In return, the VBG conducts annual efficiency assessments. However, the company may lose its AMS certificate if the supervisor finds significant shortcomings during an inspection. This is a kind of reinforced monitoring of these companies.

In 2018, around 60 temporary employment companies have been awarded a premium of at least €4,000 each.

In **Luxembourg**, [AAA](#) also offers [financial aid](#) for the implementation of the following systems: the ISO 45001 standard, the OHSAS 18001 reference system, the SCC<sup>18</sup> and the [MASE/UIC](#) safety certification. The aid takes the form of covering the costs of setting up one of these reference systems by means of a one-off, non-recurring grant of up to €10,000. The cost of migrating from the OHSAS 18001 reference system to the ISO 45001 standard is €1,000. Can be considered the costs, excluding tax, generated by the services of external consultants for the implementation of the system (support for blank audits and working meetings) as well as the costs generated by the first certification audit, the OHSAS 18001 to ISO 45001 migration audit.

For companies that wish to do so, AAA has developed a consulting and labelling mission designed to encourage companies to set up an OHSMS. This action is carried out within the framework of the "[Sécher & Gesond mat System](#)" label (see below).

In **Spain**, the [Region of Castilla e León](#) offers, by [decree, subsidies](#) to companies that obtain certification of an OHSMS that complies with the ISO 45001 standard and is carried out by a structure accredited by the national accreditation body or an equivalent body in the European Union. The Region also grants these subsidies within the framework of certification renewal. 60% of eligible expenditure is subsidised with the following limits:

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16 The standard specifies the terminology and basic requirements for the preparation and implementation of an OHSMS for the prevention of major accidents related to the use of hazardous substances.

17 See "[Exemples d'incitations financières à la prévention des risques professionnels en Europe](#)" [EUROGIP-134F](#), [EUROGIP-134E](#)

18 Safety Checklist for Contractors

- where the implementation and certification of the OHSMS is jointly subsidised, the grant may not exceed €3,000,
- where the initial certification or its subsequent renewal is financed, the grant may not exceed €1,500.

The Region of Andalusia also offers [subsidies](#) to companies setting up their first OHSMS. Incentives range from €1,200 to €12,000. The Region has been offering this type of financial incentives since 2011.

## 4 Certificates and labels

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In **Luxembourg**, AAA has created the "[Sécher & Gesond mat System](#)" (LSG) label certifying a company's OHSMS in order to encourage employers' special efforts in risk prevention.

Indeed, with its reform of 12 May 2010, accident insurance has focused on its missions of advising and training employees and employers in occupational health and safety in order to help companies better develop their prevention strategy.

In this context, the AAA's prevention department has just launched a two-part service:

- Individualised advice: in order to help small companies in particular, AAA has decided to strengthen its individualized advice service which has proved to be the most effective way to support companies in their approach to effective OHS management;
- A labeling component: in addition to this personalised assistance, the administration intends to offer companies that have chosen to use its consulting services, and under certain conditions, a certification of their occupational health and safety management system in the form of the "Sécher & Gesond mat System" label. In addition to the advantages of individualised advice, the label offers companies a quality image.

In order to benefit from this advice, companies must:

- Give an undertaking in writing by means of an agreement between the management and the AAA's prevention department.
- Carry out a self-assessment: the company assesses itself by filling in a [questionnaire](#); the 1<sup>st</sup> part is dedicated to OHS legislation (14 questions) and the 2<sup>nd</sup> to the various risks that can be encountered in the company (28 questions). For each family of risks, an explanatory note allows the company to better understand the questions asked. The score of affirmative answers to the questionnaire must be 100% for the legislative part and at least 75% for the part dedicated to the different risks encountered in the company (at least during the initial certification, the aim being to reach 100% after 3 years). The questions relating to the different families of risks are weighted according to their importance.

When the company is eligible, AAA offers personalised advice and the prevention service accompanying measures: analysis of the self-assessment, possible compliance actions and, where appropriate, preparation for the audit.

The label is then awarded to companies that comply with the criteria developed in the self-assessment questionnaire, at the earliest six months after the start of the procedure. The

label is awarded by an independent body following an audit. It may be withdrawn if the company no longer complies with the conditions of the questionnaire and/or in the event of a serious accident at work or occupational disease for which the company's responsibility can be demonstrated.

In addition, companies undertake to carry out a partial re-audit every year and a full re-audit every three years.

In **Germany**, all BGen issue certificates to companies that have successfully implemented an OHSMS according to the AMS. The procedure to obtain the AMS certificate based on the NLF is exclusively conducted and issued by the accident insurance institutions or by the state labour inspectors. It is not possible to resort to a private certification company.

For all BGen in general, advice and expertise are free of charge and covered by the membership contributions for accidents at work/occupational diseases. In some cases, expertise can also be financially supported by the BG.

The implementation of the OHSMS carried out with the support of the BG and with the resulting company's planning of measures is checked within the framework of the assessment by the accident insurance institution. The expert is not the same person who advised the company on its OHSMS. In principle, he is a supervisor with a specific OHSMS qualification. The company can, if it wishes, be assisted by an external consultant but the BG will ultimately verify that the company has implemented the AMS.

The accident insurance issues a certificate, valid for 3 years and renewable, certifying that the company's OHSMS meets the requirements of the accident insurance institution (or the National Guide).

The AMS certificate based on the BG and NLF reference systems is exclusively issued and controlled by the BGen or government labour inspectors.

OHSAS 18001, DIN ISO 45001 or SCC/SCP certification is carried out by accredited certification bodies. These standards can possibly be checked and certified in addition to AMS.

The certificate issued by the BGen is of a high level. BG experts have professional experience in OSH. They check that the company complies with the legal requirements (risk assessment, prevention measures, mandatory periodic checks, etc.) and that the OHSMS it has set up complies with the requirements of a management system. This is the subject of a written agreement between the company and the BG. 10 to 20% of companies fail to pass the BG's assessment.

All BGen combined, 3,707 companies had valid AMS certificates in 2018. About 560,000 employees worked in those companies with AMS certificates.

As regards the Länder, about 400 companies in Bavaria and Saxony have the OHRIS certificate, which is almost 10 times less than for the BG certificate.

### **Example at the BG BAU**

The BG BAU provides a service offer including :

- the initial consultation with an inventory of the organisation of OHS in the company and clarification of the scope;
- follow-up consultations;
- the formal review of the implementation of the AMS BAU by an AMS BAU expert from the BG BAU.



On the basis of the results of the expertise, the BG BAU then issues a certificate confirming that the company meets the requirements of the AMS BAU. The AMS BAU certificate does not exempt the company from site inspection by the BG BAU. The validity of the certificate is limited to three years. The expiry date is indicated on the certificate. Once the period of validity has expired, the affiliated company may obtain a re-issuance of the certificate for a further period of three years after a new conclusive assessment. With the certificate, the company acquires the right to use the AMS BAU logo for commercial purposes during the period of validity of the certificate, e.g. in its offers, advertising (also on its own website) and correspondence.

Once a year, the company must provide proof of the proper functioning of the OHSMS (including an indication of the frequency of accidents). Additional information on changes in the organisation (e.g. new company name, new sites or independent organisational entities) shall be provided and supplemented by annexes.

The following events may lead to the withdrawal of the certificate:

- the "Annual Communication on Internal Audit" is not submitted on time or is incomplete;
- the occurrence of serious accidents (e.g. fatal accidents due to organisational shortcomings, massive accidents);
- flagrant violations of applicable rules and regulations;
- the initiation of administrative infringement proceedings;
- misuse of the certificate (e.g. use of the certificate outside its scope);
- change of name;
- an initiative by third parties (e.g. prohibition from engaging in commercial activities due to unreliability).

### **Example at VBG**

The VBG conducts an average of 80 appraisals per year and spends a lot of time upstream in consulting. Of the approximately 150 supervisors of the VBG, 40 are additionally qualified AMS experts.

In 2018, for the sector covered by the VBG, 258 companies representing a total of 152,415 employees were AMS-certified (compared to 50 in 2009). The size of these companies is generally above 10 employees because the implementation of an OHSMS requires significant resources.

15 of these 258 VBG certificates also attest to compliance with OHSAS 18001 and 21 companies received their AMS certificate for the first time in 2018. In addition to the AMS, eight companies were certified in accordance with DIN ISO 45001.

The VBG considers that the publication of DIN ISO 45001 has revived the interest of companies in OHSMS and is becoming a gateway for them. Companies that want the ISO 45001 certification know the importance of prevention. Some turn to their BG for advice and support. Companies that are beginning to take an interest in DIN ISO 45001 ask for information on consultation and participation, opportunity assessment and management of external companies, for example.

In **Denmark**, a certificate system using smileys has been introduced. After each visit to a company, [Arbejdsmiljø](#) awards a smiley:

- [green](#) if the company follows the regulations in force and has not received any formal infringement decisions regarding the prevention of accidents at work/occupational diseases;
- [yellow](#) if it gets an [injunction](#);
- [red](#) if it had to cease its activity immediately during the visit.

Arbejdsmiljø publishes the list of companies and the smiley awarded on its website.

There is also a [krone smiley](#) awarded to companies that have received an OHSMS implementation certificate. The krone smiley award was introduced in 2001. In order to obtain it, the company must implement an OHSMS by obtaining certification according to:

- the OHSAS 18001 or ISO 45001 standards;
- a certificate of the business management system;
- a working environment certificate by inspection.

The certificate that allows a krone smiley to be obtained must be issued by a [certifying body](#) accredited by [Danak](#)<sup>19</sup> or by an accreditation body recognised in the same way. It is the certification body that informs Arbejdsmiljø of the company's certification. If the company so wishes, it can join the list of companies that have obtained the krone smiley.

In order to obtain a krone smiley according to the OHSAS 18001 or ISO 45001 standards, companies must comply with two additional requirements in addition to the requirements of the standard<sup>20</sup>:

- the company/production unit must not have significant OSH problems,
- the company/production unit must have a procedure in place to ensure the participation of employees or their representatives in:
  - o the identification, implementation and evaluation of the working environment policy,
  - o the mapping and assessment of the work environment,
  - o the preparation of action plans.

A [decree](#) that came into force on 1<sup>st</sup> January 2019 provided for the replacement of the OHSAS 18001 standard by the ISO 45001 standard with regard to obtaining krone smiley via the implementation of an OHSMS.

In February 2010, a [study](#) was carried out on the implementation of OHSMS in 13 companies having obtained a krone smiley in the last 3 years. The authors judged the results of the survey to be rather positive even though, in their opinion, obtaining a krone smiley does not always guarantee a satisfactory OHS working environment.

In fact, in 2016, krone smileys were at the centre of a [political and media debate](#): a member of parliament discovered that companies with the label declared more accidents at work/occupational diseases than companies without the label and that 7 of the 10 companies with the most accidents in Denmark had krone smiley.

19 DANAK - Den danske akkrediteringsfond: national accreditation body

20 [Decree 1191 of 9 October 2013](#)

## 5. Control and responsibility of companies

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In **Italy**, in the case of accidents at work/occupational diseases, a company can be exempted from legal proceedings<sup>21</sup> if it has set up an OHSMS (SGSL, or OHSAS 18001)<sup>22</sup> which contains all the legal obligations concerning:

- equipment, installations, workplaces, chemical, physical and biological agents;
- assessment of risks and implementation of corresponding preventive and protective measures;
- emergencies, first aid, contract management, periodic safety meetings, consultations with workers' safety representatives;
- health surveillance activities;
- information and training activities for workers;
- supervisory activities concerning compliance by workers with safety procedures and work instructions;
- certificates required by law;
- periodic checks on the implementation of the OHSMS and the effectiveness of the procedures adopted.

In addition, in order to benefit from this exemption, the company must have organised the necessary skills for the verification, evaluation, management and control of risks. The company must also have provided for disciplinary sanctions in the event of failure to comply with preventive measures. The OHSMS must also have been updated regularly and as soon as an event or new regulation requires it.

In **Denmark**, following the political debate in 2016, the legislator decided to strengthen the supervision of certification bodies. In order to be able to issue the krone smiley, certification bodies must now prove that they have undergone specific training on psychosocial issues.

In addition, it was also decided to strengthen the monitoring of labelled companies in 2018, as they were generally exempt from unannounced checks on OHS issues except in the event of problems. Thus, since 1<sup>st</sup> July 2018 and until 2021, Arbejdsmiljø must conduct free inspection visits in at least 500 labelled companies to assess their OHSMS and ensure that their certification is justified. A report will be produced by Arbejdsmiljø at the end of this 3-year inspection campaign.

**In Germany**, the German prevention strategy aims at having the accident insurance institutions and the state labour inspectors working together. If, during a review, a serious deficiency is found, the company may lose its AMS certificate issued by a BG. A kind of reinforced control therefore applies in companies with an AMS certificate.

As regards the Länder, the consequences of the existence of an OHSMS are clearly stipulated in chapter 6 of LASI LV58: "The successful completion of an effectiveness review of an OHSMS or similar system should lead to an easing of the monitoring measures initiated internally by the labour inspectorates. This is particularly the case when the company presents attestations, labels or other certificates evaluating the company's OSH

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21 Within the framework of article 30 of the Decree-Law 81/2008 and Decree 231/01

<http://www.medicoeleggi.com/argomenti000/italia2008/400116-30.htm>

22 And probably ISO 45001 by 2021

organisation, which meet the contents and requirements of the NLF." In Bavaria and Saxony, obtaining the OHRIS certificate therefore allows lighter controls.

BG certificates also allow for a lighter supervision by the labour inspection services. The DGUV guidelines specify that it is not necessary to carry out routine surveillance assessments during the period of the certificate since the accident insurance institution receives regular information on the company (number of accidents, training by the accident insurance institution, visits by the persons in charge of the control, etc.). Where appropriate, an interim assessment should be carried out if the data transmitted so require.

A supervisor visiting a company holding an AMS certificate issued by a BG will focus on the processes related to management, employee participation, its OHS policy and objectives and not primarily on the "basics" of first aid or emergency devices, such as fire extinguishers, for example.

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