

**GENERAL TERMS AND CONDITIONS
FOR**

**OCCUPATIONAL HEALTH
AND SAFETY
MANAGEMENT
SYSTEM**

CERTIFICATION

In accordance with the

OHSAS 18001:2007

standard



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INTRODUCTION

ICMQ Certification India Pvt Ltd (here in after ICMQ) is an independent certification body which provides applicant Organizations (hereinafter "Organization) with assessment and conformity certification services for the following:

- Quality Management Systems in accordance with the ISO 9001 standard;
- Products;
- Environmental Management Systems in accordance with the ISO 14001 standard;
- Occupational Health and Safety Management Systems in accordance with the OHSAS 18001;
- Checking and validation of the environmental declaration in accordance with the EEC 761/01 regulations.

ICMQ also carries out inspection operations in accordance with the EN ISO/IEC 17020 standard.

ICMQ carries out its OHS Management System certification in accordance with the ISO 17021 standard and the EA-7/01 guidelines.

ICMQ does not offer consultancy services to assist the Client in upgrading their OHS management systems or drafting their OHS documentation, either directly or through subcontractors.

"Organization" is the term used in this document to identify the applicant client implementing a OHS Management System according to the OHSAS 18001 standard to be certified by ICMQ.

Article 1 - SCOPE OF THE REGULATIONS

These regulations define the relationships between ICMQ and the Client that wish to obtain and register the certification of their OHS management systems.

In order to achieve the "OHS Management System" certification the Organization's structure, policies and procedures are audited with the purpose of confirming that it fulfils all the requirements according to the standard which the Organization wishes to be certified for.

The Organization has and will retain the sole responsibility towards its customers and third parties for its operations and the goods and services manufactured or provided, together with their specifications and requirements, and their compliance with all the relevant standards, laws and regulations.

The application of these rules is monitored by a Certification Committee appointed by ICMQ. This Committee operates on the basis of a specific procedure and under the periodic surveillance of the Committee for Safeguarding Impartiality.

The ICMQ certificate is the document attesting that the Organization applies a OHS management system in accordance with the OHSAS 18001 standard.

Such regulations apply to the OHS management systems of the Organization that "designs, manufactures, markets, delivers, installs, assembles, constructs and supplies a series of products or services (including design, non-destructive testing and others) for the construction and building industry in general".

The following apply to each "type of product" and "service":

- the OHSAS 18001:2007 reference standard;
- specific documents drawn up by ICMQ, as referred to in articles 3, 6 , 9, 13 and 23;
- the Application Guidelines (where existing)
- the Applicable Checklists;

These documents form an integral part of these regulations and are used in the assessment process prior to issuing certification.

Article 2 - REFERENCES

- ISO 17021 general requirements for quality system assessment and certification bodies.
- EA-7/01 EA guidelines on the application of ISO 17021 - current version
- IAF_MD5_2009 QMS EMS Audit Duration (for reference)



Article 3 - DEFINITIONS

With regard to the terminology used, the definitions set out in the OHSAS 18001 standard are generally applicable.

The following definitions used in the text should also be noted:

Organization: Group of people and facilities with an arrangement of responsibilities, authorities and relationships. Under this contract this term indicates the party which applies for certification.

Product: Result of a set of interrelated or interacting activities which transforms inputs into outputs. The Product is the result of the Organization's operations and, under this contract, must be in accordance with predetermined specifications, which may be national or international standards, specifications agreed with the customer or internal specifications or other identified documents.

Product range: a range of products and/or services under the scope of a specific "Application Guide" and the related "Checklist".

Production unit: the premises which carry out the operations required to manufacture, assemble and/or deliver the product and/or service subjected to the OHS management system certification.

Construction site: the site where all the construction activities are going on.

Certification body: an independent body which manages a conformity certification system allowing to declare that the organization's OHS management systems complies with the standard requirements and ensuring an established degree **of reliability**

Audit: Systematic, independent and documented **process** for obtaining **audit evidence** and evaluating it objectively to determine the extent to which **audit criteria** are fulfilled. Under this contract the Audit is the action conducted by ICMQ to verify how the applicant Organization performs in compliance with the reference standards.

Surveillance: the operation conducted by ICMQ to check, at periodic intervals, the maintenance of the Organization OHS management system and its continued compliance with the standard.

Audit Team/Auditors: ICMQ personnel appointed to conduct the OHS management system audit on the organization.

Article 4 – ORGANIZATIONS WITH MORE THAN ONE PRODUCTION UNIT OR OPERATIONAL SITES

If the Organization has a number of production units manufacturing products of the same type or operational units doing the same type of activity, the OHS has to be applied and assessed – either gradually or otherwise – in each of these.

The certification of OHS management systems can therefore be issued by two methods outlined below, depending upon the specific situation and the types of product:

- a) **Global** certification: only issued if departments such as: coordination and services at all the production units are deemed suitable;
- b) **Partial** certification: only issued if departments such as coordination and services at specific production units are deemed suitable. A list of all the concerned departments will have to be explicitly referred to in the certificate.

Partial certification can be replaced by the global counterpart after a proper assessment has been carried out concerning the suitability of all the production units in relation to the product and/or service types specified in the application for the OHS Management System Certificate.

In the case of partial certification, when the certification process starts, the Organisation will have to specify a date by which the checks on the remaining production units can be performed – such requirement is a precondition for global certification. An agreement must be established with ICMQ.

With regard to the audits for monitoring and renewal purposes, as referred to in article 13, if the production units (low to medium risk activities) use the same OHS management system, and this is administered centrally and subjected to surveillance and reassessment by a central office, such units may be inspected on a sample basis, in line with the following principle (in line with IAF MD1 guidelines):

- \sqrt{n} during the initial audit
- $0,6 \sqrt{n}$ during the surveillance process



- $0,8 \sqrt{n}$ during the renewal process

where n = number of production units.

All units will however be subjected to an audit at least once every three years. The Head Office will be always audited at every visit.

In case of construction companies, where there are many sites in operations, these sites are treated as temporary sites. In such case ICMQ may follow the sampling methodology as outlined above. But since it involves critical activities, hence a representative sample of 30% of the total number of operational sites is taken for all the audits. The criticality of operations and also the progress of work is considered prior to preparing a sampling plan and agreed by the client. Since these are temporary sites, the total sites which existed at one instant may not be there in the next year. Hence 30% of the total number of sites is applied at all instances to plan an audit.

In case of processes industry (e.g. RMC plants) ICMQ retain the right of certifying plant by plant and sampling shall not apply here.

Article 5 - THIRD PARTY PRODUCTS AND SERVICES (only for CE mark Certification)

When an Organization intends to supply its customers with third party products or services, it has to obtain these from manufacturers or suppliers certified by ICMQ. Should it fail to do so, the Organisation will have to carry out the checks that it would perform if the production and supply process was carried out by it directly, or arrange to have such checks carried out on its behalf.

Article 6 –OHS MANAGEMENT SYSTEM ADMINISTRATION

The “OHS Management System” is performed by the Organization itself, which exert permanent control over it.

All necessary requirements together with issued instructions and procedures deployed to monitor operations have to be outlined in the Organization’s documentation, including the mandatory OHS Manual. This documentation has to cover all the provisions set out in the OHSAS 18001 standard and the “Application Guides” drawn up by ICMQ on the specific type of product/service referred to by the OHS management system.

By assessing the OHS Manual, it should be possible to understand in a clear, unequivocal manner, the OHS guarantees required, together with the control procedures and the allocation of responsibility.

The subjects covered by the OHS Manual are developed by each Organization in an independent manner.

The organization should have performed a preliminary analysis which includes:

- a detailed description of the type of activity carried out at the site/s for which Management System certification is requested and of the processes to be audited, including the laws and rules which govern them;
- identification of the occupational health and safety hazards associated with the organisation’s activities and related risks and the procedure to accurately identify the hazards, assess the risks and implement the necessary control measures;
- prepared a gap analysis of the status of OHS before starting implementing the OHS system in line with OHSAS 18001

and make available:

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

Article 7 - AUDITORS

The Audit Team responsible for conducting the audits aimed at granting or maintaining the OHS management system certification can consist of “single auditor” with specific skills in the technological sector involved, or by “a number of auditors”. Within the “Audit Team” one member is known as the “Lead Auditor”: He/she coordinates and supervises the audit, and acts as the interface between the audit team and the Organization being audited.

Auditors may be engineers, architects or graduates in other technical disciplines (or holders of diplomas in these, in the case of specific types of product or service). They may belong to companies or bodies, or be freelance specialists or ICMQ personnel. The team is required to have competency in OHS issues, either by qualifications or experience.

Auditors are selected and appointed among those previously qualified in a special register approved by the ICMQ Technical Certification Committee. ICMQ uses this register to select the auditors to be assigned to the Organization using methods outlined in a specific procedure.

The appointed “Audit Team” is deemed as approved if the Organization does not communicate justified written motives for objecting to the team selection within 5 days of being notified of their names.

The general principles for the audit procedures on OHS management systems are in accordance with the ISO 19011 standard.

Article 8 – APPLICATION FOR CERTIFICATION

All Organizations regardless sector and size may apply for certification.

An Organization applying for its OHS management system certified for a specific type of activity that is performed or service must fill the application form specifically made available for that purpose. It should then be signed by the legal representative along with all documents listed in the form.

An Organization which manufactures products and also supplies services relating to the same “types of product” has to apply for the certification of its OHS management system for both its products and its services.

The application has to specify the standards required for the certification and the types of product/service referred to by the OHS management system.

More specifically, the Organization has to declare its acceptance of the rules contained in these regulations and the specific documents (Application Guides and Checklists) on the OHS management system subject to the application for certification.

The Organization agrees to grant the ICMQ Auditors – as well as any NABCB Auditors (assessors from an accreditation body) who might accompany them or might arrange validation visits on the certified organization – access to all the areas and personnel necessary for the complete, precise assessment of the OHS Management System. In the event of failure to do so, the certification will not be issued, or this will be suspended or revoked.

The Organization will supply ICMQ with updated information on its personnel and turnover once a year.

On receipt of the application, ICMQ will supply and/or issue a request for further information, if necessary.

The Organization will pay the fee for the application at the time when it forwards its application.

Along with its application, the Organization will send ICMQ a copy of its latest OHS Manual, along with the mandatory procedures. If this is not possible, the Organization will inform ICMQ of an approximate date for the forwarding of the requested document.

Upon receipt of all the required documents and upon payment of the fee, ICMQ will confirm its acceptance of the application for certification.

Article 9 – CERTIFICATION PROCESS

- 1) Upon, or following, acceptance of the application, ICMQ will communicate the Audit Team members.
- 2) ICMQ will reach an agreement with the Applicant on the methods for the initial assessment (stage1 and stage2 audit). The organisation may request for a preliminary audit (pre-audit) needs to be carried out to check the status of implementation. Any request for a pre-audit has to be made in writing by the Organization. Such pre audits are optional and performed only at the request of the Organisation



- 3) The OHS Manual will be examined during the stage1 audit and any comments will be presented to the Organization for further action.
- 4) The updating of the OHS Manual and other documents must be checked by ICMQ before conducting the stage 2 audit.
- 5) If the Organization wishes to have one of its consultants take part in the audits, it has to require an authorisation in advance from ICMQ. The consultant may be present only as an observer, and may intervene only if asked to do so by the Auditor.
- 6) When agreed with the Organization, a pre-audit will be paid if at least one of the production units to which the OHS management system to be certified applies. A single pre-audit may be carried out.

The pre-audit is used to assess the extent and nature of the Organization's business, its suitability for advancing to the next stage, and whether the Audit Team will require additional assistance in order to carry out a correct assessment.

During the pre-audit, it is possible to provide the applicant with further information on the methods and specific nature of the checks to be carried out during the later assessment. There will be formal report given to the client organisation after such audit. Performing a pre audit would not entail in excluding stage1 audit in any way.

- 7) On the basis of the documentation supplied by the Auditors after the stage1 (audit report and attachments), ICMQ will inform the Organization regarding the audit outcome to allow for appropriate modifications before the stage2 (assessment) audit takes place.
- 8) Typically a stage1 has the following agenda for the audit:
 - audit the client's management system documentation
 - evaluate the client's location and site-specific conditions and to undertake discussions with the client's personnel to determine their readiness for the stage 2 audit
 - review the client's status and understanding regarding requirements of the applicable standard, in particular with respect to the identification key performance or significant aspects, processes, objectives and operation of the management system
 - Collect necessary information regarding the scope of the management system, processes and location/s of the client and related statutory and regulatory aspects and compliance (e.g OHS, environmental, legal aspects of the client's operations, associated risk assessment etc.)
 - review the allocation of resources for stage 2 audit and agree with the client on the details of the stage 2 audit
 - provide a focus for planning the stage 2 audit by gaining a sufficient understanding of the client's management system and site operations in the context of possible significant aspects
 - evaluate if the internal audits and management review are being planned and performed, and the level of implementation of the management system substantiates that the client is ready for the stage 2 audit
- 9) The date of the assessment audit (stage2) will be agreed upon between the Organization and the Auditor and/or ICMQ.

The assessment audit is divided into:

- one audit for each production unit, in order to certify the production OHS management systems;
- an on-site audit on a number of construction sites, not less than 3 if possible, for the certification of the OHS management systems for operations carried out on temporary outside construction sites (the audits will have to take place while the services are being carried out).

The Organization shall ensure that:

- the ICMQ Auditors have access to all areas;
- all the documents (OHS Manual, Procedures, Forms, etc.) relative to the OHS management system for which certification is required are available to the Auditors,;
- all OHS management system record are available to Auditors;
- Auditors are assisted during the check, and are provided with any logistical support they might require.

Elements for the OHS Management System audit are collected on the basis of specific "Checklists" and "Application Guides".



Typically a stage2 has the following agenda for the audit:

- Information and evidence about conformity to all requirements of the applicable management system standard or other normative documents.
- Performance monitoring, measuring, reporting and reviewing against key performance objectives and targets (consistent with the expectations in the applicable management system standard or other normative document)
- The client's management system and performance as regards legal compliance
- Operational control of the client's processes
- Internal Audits and management review
- Management responsibilities for the client's policies
- Links between the normative requirements, policy, performance objectives and targets (consistent with the expectations in the applicable management system standard or other normative documents), any applicable legal requirements, responsibilities, competence of personnel, operations, procedures, performance data and internal audit findings and conclusions.

10) ICMQ will examine the report and inform the Organization of the issues that emerged during the audit. ICMQ management may decide to carry on an additional assessment process, consisting of a check on the documentation or an additional audit, before transferring the process to the Certification Committee. Fees for such extra/supplementary audits need to be paid by the Organisation.

In the event of critical non-conformance, the certification may only be issued when such issues have been eliminated and the process has been confirmed by ICMQ.

11) **Decision for Certification:** The Certification Committee will examine the reports prepared by the Audit Team in line with certification procedure and communicate its decision as to whether a certification can be granted.

The Certification Committee may ask for further assessment processes to be carried out.

If necessary, the Certification Committee may contact the Organization prior to taking a final decision.

The decision as to whether or not certification is to be granted will be taken by the Certification Committee, and notification of this will be sent to the Organization.

12) If the certification is refused by the Certification Committee, the Organization cannot present a new application for certification for the following 4 months.

Article 10 – ISSUANCE OF CERTIFICATION

- 1) After notification of granting of certification has been issued and the Organization has completed the necessary administrative formalities, ICMQ will reach an agreement (contract) with the Organization which sets out the requirements to be followed in order to maintain the validity of the certification issued by ICMQ.
- 2) At the same time, the certificate of conformity of the OHS management system will be issued. This indicates the OHSAS 18001 standard, the types of product and service delivered and the production units or operating centres covered by the certified OHS management system.
- 3) Authorisation is also granted to use the ICMQ OHS management system certification logo in accordance with the terms of article 14. The relevant regulations will be forwarded to the Organization along with the certificate.
- 4) If the Organization does not accept the decision of ICMQ to deny the certification, it may issue a request for an additional assessment and explain the reasons for its disagreement, as outlined in article 24.
- 5) Following the issuance of the certification, ICMQ will record the Organization in the Register of Companies in possession of certification, publish the information and pass it to the national and international bodies with which it has cooperation or mutual recognition agreements.

Article 11 - VALIDITY OF THE CERTIFICATION

- 1) The validity of the certification is subjected upon successful completion of scheduled follow up audits. After the first surveillance audit will be performed six months or 12 months after obtaining certification,



follow up audits, as decided by the audit team which will depend on the level of implementation. This will be demonstrated by the fulfilment of the following conditions:

- the establishment of a valid internal auditing system;
- the establishment of a valid Management Review system;
- no significant non-conformance noted during at least two consecutive audits.

In case when the audit team decides to have an extra audit (after stage2) at 6 months interval, then the contract is amended to include the fees of ICMQ for this visit.

- 2) Once every three years, a renewal audit on the entire OHS management system will be carried out. During this procedure, all the OHS management system documentation will be reviewed.
- 3) The Organization will comply with all the clauses in the agreement, including the regular payment of the annual fees laid down by ICMQ.
- 4) The certification agreement (contract) will be renewed every three years.

Article 12 - MODIFICATIONS TO AND EXTENSIONS OF THE CERTIFICATION

The Organization certified will:

- promptly inform ICMQ of any projects, structural modifications or situations that might make it necessary to change the OHS management system, or which could have a negative influence on compliance to the requirements previously verified;
- accept any decision made by ICMQ if there is a need for a new assessment or if a new application has to be presented.

If the certified Organization adds new units (production centres or departments) to its production system (with regard to the products covered by the OHS management system certification), the following will apply:

1) new production units or construction sites:

- the Organization will ask for a new procedure to be carried out within six months from the start of production/construction (article 8);

2) production units acquired from other Organizations:

- if the production unit is acquired from an Organization certified by ICMQ (and the production unit itself is also certified by ICMQ), the Organization need simply inform ICMQ that the acquisition has taken place;
- if the production unit is acquired by an Organization not certified by ICMQ, or which has not been subject to a successful audit check by ICMQ, the Organization will ask for a new procedure to be carried out within one year from the date of acquisition (article 8). While the assessment is being carried out on documents relating to products manufactured by the production site in question (catalogues, brochures, offers, orders, delivery notes, etc), it should be clearly specified that such products originate from a production unit that has not yet been certified.

ICMQ shall:

- give due notice to the client of any changes pertinent to the change in its procedures or any changes made in the standards. Adequate time to implement the change (transition) will given to the client.

Article 13 – SURVEILLANCE AND RENEWAL

1. The surveillance and renewal audits referred to in article 11 take place upon an advanced notice of at least 5 days.
2. ICMQ may arrange additional audits if deemed necessary, with or without advanced notice.
If the Organization refuses to accept the Auditors without valid motives, the certification will be suspended, till such time when the issues are resolved.
3. Checks carried out by the Auditors during the surveillance and renewal audits will take place on the basis of specific “Checklists” for the product line or service covered by the OHS management system to be checked.

During the surveillance and renewal audits, the Organization will make the register of customer claims and of the corrective actions taken as a result, available to ICMQ and the Auditors.



Detailed information will also be required on:

- internal audits, management reviews and corrective or preventive actions taken;
- changes at organizational level and changes to the documentation, processes and plant with respect to the previous audit;
- claims;
- use of the logo;
- continuous improvement services.

The costs of the audits will always be payable by the Organization, with the exception of the unscheduled visits referred to in point 2 in the course of which no non-conformity emerges.

4. Auditors will include their comments in a report which will be sent immediately to ICMQ, and will also contain any comments and/or reservations on the part of the Organization.

ICMQ will in any case inform the Organization in writing regarding the outcome of the audit. If any deviations from the requirements laid down are noted during the audits, the Organization will be asked to eliminate the “non-conformities” in question.

Should any critical non-conformity be noted, ICMQ will grant the Organization a deadline for the corresponding elimination. Should no suitable corrective action be taken within this period, the certification will be suspended or will not be renewed.

Article 14 – USE OF OHS MANAGEMENT SYSTEM CERTIFICATIONS AND OF ICMQ MARK AND LOGOS

- 1) The certifications of OHS management systems for the specific types of activities/services for which they are issued may be used by the Organizations for commercial purposes.

However, the certification may not be used toward those products/service lines/sites/plants not covered by the certified OHS management system, or for operations other than those for which the certification was issued, or in any case in such a way that could create the risk for misunderstanding. Please refer to the details issued in the certificate for the plant addresses and the scope of certification.

- 2) Within the limits outlined in the agreement, the Organization is authorised to use the ICMQ logo only with reference to the specific OHS management system certification obtained, in accordance with the regulations on the use of the logo. In case the organisation has multiple production sites (eg many RMC plants) and if only one plant is certified and if they decide to use the ICMQ logo in their letter heads, then care must be taken to use such letter heads only when using it for the certified plants and not for the others.

The OHS management certification **cannot be mistaken** as a product conformity certification. This means that the ICMQ logo cannot be applied to the product or used in such a way that it might be misinterpreted as a product conformity logo.

- 3) The ICMQ certification of the OHS management system does not exonerate the Organization from the legal/regulatory obligations deriving from the products and services it supplies and its contractual obligations to its customers.

ICMQ is not, in any case responsible for any inadequacies or damage of any kind caused by the operations of the Organization or by its products and services. Any Organizational and structural modifications carried out by the Organization with a view to obtaining the certification are the exclusive responsibility of the Organization.

- 4) The organisation shall not use the logo to laboratory tests, calibration or inspection reports, as such reports are deemed to be products in this context The NABCB logo shall not be displayed on vehicles except in publicity material like part of a large advertisement, on buildings and flags and shall not be used on the visiting cards.

- 5) An Organization in possession of certification shall stop using the ICMQ logo and certification immediately in the following cases:

- after expiry or in the event of suspension or cancellation (articles 19 and 21);
- if ICMQ has not accepted a modification to its OHS management system (article 12);
- if ICMQ has announced a modification to the rules of the certification system and the Organization has failed to apply this (article 23).

Article 15 - DISCLOSURE

ICMQ is responsible for keeping the list of Organizations in possession of certification(s) updated, and to publish and/or divulge such list.

The Organizations may:

- inform their customers or potential purchasers of their certifications;
- publicise the certification document;
- grant the use of the ICMQ in accordance with the authorisation received.

The Organization is aware and accepts that in case the certification body is required by law to disclose confidential information to a third party, he/she shall, unless regulated by law, be notified in advance of the information provided.

The Organization is aware and accepts that upon request by any party, ICMQ shall correctly state the status of certification of a client's management system as being suspended, withdrawn or reduced (as detailed in articles 19, 20 and 21)..

Article 16 - CONFIDENTIALITY

The deeds of the applicant Organizations relating to the OHS management system certification operations (documents, letters and other correspondence) are reserved, and consequently their access is subjected to a specific ICMQ procedure.

The ICMQ internal and external personnel with knowledge of such deeds during the performance of their duties are bound to professional secrecy, after signing a specific confidentiality commitment.

The NABCB personnel with access to information on the Organization certified or in the process of being certified during the concession and/or maintenance process for ICMQ accreditation, either from ICMQ or directly on the premises of the Organization, are also bound to professional secrecy.

Organization in any case authorises ICMQ to transfer the information contained in the certificate to NABCB and to publish it in the ICMQ newsletter and on its web site.

Article 17 – IMPARTIALITY AND CONFLICT OF INTERESTS

ICMQ India services are independent, impartial, unbiased and non-discriminatory.

The policy statement itself gives its commitment to impartiality in management system certification activities. All the employees of ICMQ India understand and carry out individual responsibility and authority for fulfilling the OHS policy.

ICMQ India services are provided to any interested organizations and limit the requirements, assessment and decisions to those matters specifically related to the registration scope.

A Committee for Safeguarding Impartiality has been formed to independently ensure the objectivity and impartiality of the certification services.

ICMQ India markets “training” and “certification” services separately so that certification remains and is recognized as impartial. ICMQ India will not suggest or indicate that certification would be simpler, easier or less expensive if any specific consultancy or training services were used. Further more the auditors – external or internal, certification committee members and the technical experts are required to sign a formal obligation to support and maintain impartiality of the certification service. To this in view, ICMQ urges the organisation to promptly inform ICMQ in case an appointed auditor conducted any professional services (consultancy, training, etc.) to the Company in the past.

In case of a claim an internal audit will be executed to assess the evidence and, in case of individual responsibilities, the Managing Director will take the appropriate corrective actions.

The ICMQ India management system complies with the requirements of ISO 17021 and as a result ICMQ India ensures that its activity is consistently limited to the certification. In addition ICMQ does not engage in any consultancy, assistance or internal Audit aimed neither directly or indirectly to the development, establishment and maintenance of any management system at the company to be certified.

Any internal or external threats arising from the action of other persons, bodies or organization and related to ICMQ India impartiality will be dealt with in a specific ICMQ procedure.



Article 18 – CORRECTIVE ACTIONS

The certified Organization will promptly decide on the corrective actions necessary to avert any infringement of the rules of the certification system and will provide ICMQ with formal notice of the corrective actions proposed or applied. These proposed corrective actions need to be approved by ICMQ audit team prior to implementing it.

Article 19 – SUSPENSION OF THE CERTIFICATION

1. In the event of severe shortcomings or the persistence of these beyond the deadline granted for their elimination, ICMQ may suspend the certification.

Examples of such shortcomings are:

- “critical” non-conformities which emerge during the surveillance audits and are so severe as to make suspension necessary;
- failure to apply a satisfactory corrections to the improper use of the certification and of the ICMQ logo, such as when the OHS management system certification is used as product conformity certification;
- any violation of the ICMQ rules or procedures.
- Non payment of ICMQ fees.

2. If a certified Organization should be subject to bankruptcy proceedings, the certification will be suspended automatically on a temporary basis pending the positive conclusion of such proceedings.

The Organizations will promptly inform ICMQ of the occurrence of bankruptcy proceedings, to allow for the appropriate measures to be taken. In the event of failure to do so, the certification will be cancelled.

3. A certified Organization which voluntarily suspends the production or service covered by the certified OHS management system for any period of time, or transfers a production unit, should immediately inform ICMQ. Should it fail to do so, the certification will be suspended during the period in question.

ICMQ should be informed of the re-instatement of the operations, and at the same time be asked to carry out an assessment audit in order to terminate the period of suspension. If re-instatement does not happen during the specified date, then the certificate will be cancelled/withdrawn

4. In each of the above cases, the Organization will be informed of the suspension by a certified letter which will specify the duration and the conditions under which the suspension may be revoked.

ICMQ shall make publicly available the notification of suspension in the web site.

5. When it has been confirmed that the causes of the suspension no longer apply, ICMQ will remove the suspension and inform the Organization. Otherwise, it will revoke the certification.

The costs of the additional audits are payable by the Organization.

6. During the period of suspension, the Organization continues to be under the obligation to pay the annual registration and surveillance fees outlined in the regulations and agreement. However the Organization must refrain from further promotion of its certification and use of the ICMQ trademark/logo.

7. If the Organization does not resolve the cause resulting into decision of suspension within 6 months from the date of communication ICMQ shall retain the right of reducing the scope of certification or revoking the certification.

Article 20 – GIVING UP OF CERTIFICATION (renouncing)

The Organization may give up the rights to make use of the OHS management system certification(s) in its possession:

- a) upon expiry, with a six months formal cancellation notice;
- b) in the event of changes to the reference standards, as specified in article 23;
- c) in the event of non-acceptance of any revisions of the regulations (article 23);
- d) in the event of non-acceptance of changes to the charge rates laid down by ICMQ;
- e) due to withdrawal from the agreement for justified motives (such as the closure of the business for which the OHS management system certification was required).

Date



In cases b, c and d, the notice of withdrawal will be sent to ICMQ by the Organization within one month of the date of notification of the changes.

The withdrawal becomes effective from the date of notification to ICMQ. The Organization will however be under the obligation to pay the maintenance fee up to the end of the calendar year or, in case a) above, up to the expiry date of the agreement.

Following the withdrawal, the Organization is under the obligation to:

- return the original copy of the ICMQ certificate;
- not make use of any copies or reproductions of the certificate;
- stop the usage of ICMQ logo
- remove all reference to ICMQ certification from its headed letter paper, technical documentation and advertising materials;
- inform its customers of the withdrawal in the same way in which they were informed about the obtaining of certification.

Upon withdrawal, ICMQ will:

- eliminate the Organization from the register referred to in article 10, point 5;
- withdraw and cancel the certificate;
- not consider any new application for certification of the same OHS management system for one year after the date of termination of the agreement, although exceptional cases may be assessed by the Certification Committee.

Article 21 – REVOCATION OF CERTIFICATION (Withdrawal)

The OHS management system certification will be revoked or cancelled by ICMQ as a result of:

- failure to eliminate the causes that brought to its suspension (article 19);
- any critical non-conformities for the OHS management system arising during the surveillance or renewal stages. As a result of which the Certification Committee will express a formal judgement that may lead to the certification to be revoked;
- repeated failure to fulfil the commitments taken with ICMQ to eliminate the failure noted and reported;
- persistence of payment default for more than one month following the issue of formal notice by ICMQ (article 22);
- changes to the system of reference standards and ICMQ conditions which have not been accepted by the Organization;
- closure of the operations for which the certification was required;
- bankruptcy or liquidation.

ICMQ will inform the Organization of its decision to revoke the certification by registered letter with receipt slip.

Following the revocation, the Organization will:

- return the original copy of the ICMQ certificate;
- not make use of any copies or reproductions of the certificate;
- remove all reference to ICMQ certification from its headed letter paper, technical documentation and advertising materials;
- inform its customers of the revocation in the same way in which they were informed about the obtaining of certification.

Upon revocation, ICMQ will:

- eliminate the Organization from the register referred to in article 10, point 5;
- withdraw and cancel the certificate;
- not consider any new application for certification of the same OHS management system for one year after the date of the date of revocation/cancellation, and even then only if the causes that brought it about have been eliminated
- make publicly available the notification of suspension in the web site.

The revocation/cancellation will give no right to the reimbursement of the fees paid.



The Organization may appeal to ICMQ against the decision to revoke the certification (article 24).

Article 22 – ECONOMIC CONDITIONS

- a) The charge rates (fees) to which the ICMQ services are subjected are reviewed on an annual basis. The Organizations will be informed of any changes to the charges in writing by means of a Fee Schedule.
The Organization has the right to relinquish the certification within one month of receiving the notification of the changes. The charge rates which were in force prior to the changes will be applied during this period of notice.
- b) The Organization will accept any additional checking audits over and above those programmed at its own expense, with the exception of the case referred to in article 13, point 2 for unscheduled ones.
- c) The fees will be paid as outlined in the Fee Schedule and described in the Agreement (contract).
In the event of failure to comply with the above, ICMQ will issue a formal notice.
- d) In case that in stage1 audit it was realised that the company through FRM 03 (request for quotation) gave incorrect information about the system or details of the company, then the mandays for the stage2 is amended and the offer is amended accordingly. This generally happens when the company declares wrongly the number of people, or the scope of certification.
- e) In case that ICMQ gave an offer at one instant based on the company's declaration of number of temporary/permanent sites and if during the surveillance audit if this has been increased, then again the offer has to be amended and the sampling size of the audited site has to be increased accordingly.

Article 23 – MODIFICATIONS TO THE STANDARDS AND REGULATIONS

If the Bodies responsible for the publication of standards and reference documents should make any changes to these documents, or if ICMQ should make any substantial modifications to these regulations and/or specific documents (application guides and checklists), ICMQ will promptly inform the certified Organizations and those with pending applications or certification procedures.

The Organization shall comply with the new rules by the date set by the relevant Bodies and/or ICMQ for the modifications to be effective. Such deadline will take into consideration the extent of the modifications and the time necessary for their implementation.,

Failure to apply the new rules may lead to the suspension or revocation of the certification (articles 19 and 21).

Should it refuse to accept the modifications, the Organization may give up the certification (article 20).

Any variations to the reference standards may imply the necessity for conformity checks. If these have to be carried out, they will be at the expense of the Organizations.

Article 24 – APPEALS, CLAIMS, COMPLAINTS AND DISPUTES

The applicant or certified Organization may appeal against the decisions made by ICMQ, by explaining the reasons for their dissent within 30 days of being notified of these.

ICMQ will communicate in writing to the Organization its judgement within 3 months of receiving the appeal. Upon the approval by the Organization ICMQ may decide to make such information publicly available.

Submission, investigation and decision on appeals shall not result in any discriminatory actions against the appellants.

Any costs incurred in relation to the appeal will be payable by the Organization.

The Organization may also present written claims and complaints against the decisions made by ICMQ or against the actions of ICMQ personnel, to which a written reply will be issued.

The Organization has the right to request the procedure related to the claims and complaints management from ICMQ that accepts to fulfil this duty.

Appeals, claims and complaints regarding the operations of the certifying body and the certified Organizations may be applied to ICMQ by third parties, which may refer to these Regulations, available on its web site, www.icmq.in . In any event that these could not be extracted from the web, then a request can be made to ICMQ office for the same.



This process shall be subject to requirements for confidentiality, as it relates to the complainant and to the subject of the complaint.

ICMQ shall determine, together with the client and the complainant, whether and, if so to what extent, the subject of the complaint and its resolution shall be made public.

Article 25 - ARBITRATION

25.1 Without affecting the terms of point 25.2 below on disputes over the payment of fees and costs due to ICMQ, any other dispute that might arise between the parties over the interpretation and execution of these Regulations will be submitted to the Court of Mumbai.

25.2 Without affecting the above, any disputes over the payment of fees and costs due to ICMQ for services rendered or regarding any other aspect of these Regulations, will be subjected to the exclusive jurisdiction of the Court of Mumbai.