



Abu Dhabi Environment, Health and Safety Management System Regulatory Framework (EHSMS)

Codes of Practice

AD EHSMS CoP 03 – Self-Regulation

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Code of Practice - Self-Regulation

1. Aims and Intent

1.1 Aims

- (a) The aims of the CoP are to:
- (i) clearly define the principle of self-regulation in relation to the Abu Dhabi Environment, Health and Safety Management System (EHSMS); and
 - (ii) clearly outline the minimum requirements of the Abu Dhabi EHSMS.

1.2 Intent

- (a) The intent of the CoP is to:
- (i) outline the framework to be adopted by entities seeking to establish an EHSMS and assist entities in applying the principle of self-regulation;
 - (ii) the European Environmental Advisory Councils describe self-regulation as:
“All (partly) voluntary individual or group activities that contribute to the realisation of a common interest within conditions agreed with, or provided by, a government or sometimes non-governmental entity.”
 - (iii) self-regulation can arise from direct interactions with business partners, landowners, consumers, non-governmental organizations (NGOs) and governmental bodies. It can also result from anticipating market led, technological, cultural, political or environmental developments; and
 - (iv) self-regulation can be limited to the implementation of specific plans; it may also extend to the formulation of self-regulatory targets. Self-regulation, however, always functions within a framework of legal, economic and cultural conditions.

2 Application and Implementation

2.1 The Principle of Self-Regulation

- (a) For the purpose of the EHSMS, self-regulation is defined as:

“Action undertaken by nominated entities to develop, implement and maintain an EHSMS that complies with the laws and policies of the Emirate of Abu Dhabi, the UAE and relevant international standards.”

- (b) Self-regulation is a concept designed to enhance protection of human health and the environment by encouraging the regulated community to voluntarily discover, disclose, correct, and prevent violations of relevant laws.

- (c) Self-regulation will be most effective where entities recognise that their future viability depends not only on their relationship with their current customers and shareholders, but also on the wider community and the environment.
- (d) The following are principles of self-regulation that the Competent Authority has taken into account when developing the EHSMS Regulatory Framework:
 - (i) consultation between economic sectors, government and the community to ensure that specific problems and social policy objectives can be identified and addressed;
 - (ii) wide economic sector coverage to ensure that the improvement in EHS performance standards flow to the community;
 - (iii) community awareness of schemes to ensure that the public know their rights, roles and responsibilities;
 - (iv) economic sector awareness campaigns and education about the system to ensure economic sector participants understand their obligations;
 - (v) the creation of an effective administrative mechanisms to identify issues including systemic issues, collect data, monitor the scheme, enhance credibility and ensure compliance costs are at an effective minimum level;
 - (vi) the use of a range of sanctions can be used by economic sectors in order to achieve compliance depending on the nature of the specific problem and consequences of non-compliance; and
 - (vii) monitoring, reviewing and annual reporting to assist in the transparency and accountability of the system.

2.2 What are the Advantages of the Principle of Self-Regulation

- (a) Advantages over statutory/direct regulation include:
 - (i) the knowledge and expertise of all parties utilized more effectively;
 - (ii) it is more flexible and adaptable, therefore less costly for both business and consumers than direct government involvement;
 - (iii) there is a lower regulatory burden on business;
 - (iv) it allows economic sectors the flexibility to provide greater choice for consumers and to be more responsive to changing consumer expectations;
 - (v) it promotes good practice and targets specific problems within industries;
 - (vi) it impose lower compliance costs on business, and offer quick, low cost dispute resolution procedures;
 - (vii) more commitment, pride and loyalty within a profession or economic sectors;
 - (viii) lower costs to the Emirate; and
 - (ix) the market can work more efficiently.
- (e) Advantages over no regulation include:

- (i) overcome market or conduct failures and prevent harms to the workforce, consumer, the community and the environment;
- (ii) improving corporate governance and reporting; and
- (iii) good practice in self-regulation can significantly improve EHS outcomes for workers, the community and the environment at the lowest cost to businesses.

2.3 How can Nominated Entities Develop and Implement the Principle of Self-Regulation?

- (a) The importance of staff participation in EHS awareness and promotion is also encouraged and this is likely to assist with compliance.
- (b) One of the most important elements in the model of self-regulation is that there is a statutory duty on every employer to consult with employees or their representatives at the workplace on measures for promoting environment, safety and health at work, and to provide for the participation of employees in the development of such measures.
- (c) Self-regulation is therefore more likely to be effective if it involves workers and management, at workplace level, working together to achieve, and improve upon, the EHS standards prescribed by the government;
- (d) The principal vehicle for employee representation was to be the health and safety representative, who is to be consulted by employers. Employees are also to be represented on health and safety committees.
- (e) Similarly, liaison with local communities is encouraged, providing a readily available channel for discussion in order that the community can express any concerns and the economic sector can explain its actions and commitment to safeguarding local amenity.
- (f) Nominated Entities are also encouraged to report their EHS performance to relevant stakeholders including community. The most common technique for reporting on EHS performance is by the production of an annual EHS report or sustainability report.

2.4 How can the Principle of Self-Regulation be encouraged to Adopted by other Entities?

- (a) Public and private nominated entities have an important leadership role in the EHSMS initiative. These nominated entities have an obligation to support the implementation of EHSMS by:
 - (i) promoting to relevant stakeholders their involvement and compliance to the system;
 - (ii) promoting EHS performance improvements and successes; and
 - (iii) requiring all contractors and suppliers (that are assessed to pose significant EHS hazards and risks) to develop, implement and maintain an EHSMS of their own.

- (b) Entities that have not as yet been nominated by the relevant authorities are also encouraged to develop, implement and maintain an EHSMS compliant to the system;
- (c) Small and medium sized entities that are yet to be nominated are encouraged to use other mechanism then a fully compliant EHSMS to manage and improve EHS performance.
- (d) The targeted economic Sector EHSMS and Guidelines will stipulate the mechanisms that are most suitable to the requirements of each specific targeted economic sector.

3. General Requirements

- (a) The Sector Regulatory Authorities from each of the targeted economic sectors are to nominated entities which shall comply with the requirements of the Emirate EHSMS.
- (b) To participate in self-regulation and achieve compliance the nominated entity shall demonstrate that it has established an effective EHSMS that is:
 - (i) compliant with all Federal and Local laws;
 - (ii) compliant with Abu Dhabi EHSMS requirements;
 - (iii) compliant with the specific sector EHSMS and Guidelines; and
 - (iv) achieving the entity's EHS policy defined by the top management.

3.1 Abu Dhabi EHSMS Minimum Requirements

- (a) To achieve compliance to the system and gain approval for the nominated entities EHSMS from the relevant authority the nominated entity shall comply with the EHSMS Codes of Practices and associated Standards, which includes the following minimum requirements:
 - (1) Have an Integrated EHS policy which is:
 - (i) Approved by top management; and
 - (ii) Effectively communicated to all employees and stakeholders; and
 - (iii) Ensures adequate EHS resources.
 - (2) Established an EHS Management System (Manual) which at minimum includes:
 - (i) Ensure Adequate EHS Resources;
 - (ii) EHS review of all activities, products and services;
 - (iii) Clearly defined and communicated EHS Roles, Responsibilities and Accountabilities of all relevant parties within the entity (including Contractors);
 - (iv) Established EHS Targets and Objectives;
 - (v) Developed a procedure that ensures compliance to legal and regulatory frameworks relevant to the entity (Including

- International, Federal, Emirate and Municipality, Internal Entity Requirements, etc);
- (vi) Developed and Conducted Hazard and Risk Management Program, which includes:
 - (1) Identifying all EHS Hazards in the workplace;
 - (2) Assess the risks of these hazards;
 - (3) Formulated a hazard management program to reduce the risk to an acceptable and ALARP level;
 - (4) Review the program on a regular basis; and
 - (5) Manages the process of change within the entity.
 - (vii) Developed a Management of Contractors Procedure;
 - (viii) Developed an Emergency Management Program to respond to major incidents that may result in serious injuries and / or significant adverse impacts on the environment;
 - (ix) Operational Procedures (SOP's, CoP's, Permit to Work Systems etc);
 - (x) Developed an EHS Document Control Procedure (Including Recording Keeping activities);
 - (xi) Developed an EHS Training and Competency Procedure (including assessment of EHS training needs);
 - (xii) Developed a Hazard / Near Miss Reporting and Investigation Procedure;
 - (xiii) Developed an EHS Incident Reporting and Investigation Procedure;
 - (xiv) Developed an EHS Communication Procedure (including workforce consultation activities);
 - (xv) Conduct EHS Awareness and Training to all relevant stakeholders;
 - (xvi) Developed an EHS Performance Monitoring Plan / Procedure (Including monitoring of the relevant Emirate EHS standards and the minimum requirements as listed in the Reporting Mechanism);
 - (xvii) Developed a Non-Conformance and Corrective Action Procedure;
 - (xviii) Developed a Reporting Procedure which includes, reporting hierarchies, timetables and responsibilities for reporting:
 - (1) EHS performance to the SRA as required;
 - (2) EHS Incidents to the SRA as required;
 - (3) Annual Audit Results to the SRA;
 - (4) Internal EHS reporting requirements; and
 - (5) All other legal and regulatory reporting requirements.
 - (xix) Developed an Auditing Procedure, which includes the requirements for both internal and external (annual third party independent) audits;
 - (xx) Developed a Workplace Inspection Procedure; and

- (xxi) Developed an EHSMS Management Review Procedure
(To ensure regular intervals on a continuing basis, by top management).
- (b) To demonstrate continued compliance with the Emirate EHSMS, nominated entities shall also:
 - (i) Meet timelines for development and implementation of their EHSMS;
 - (ii) Meet all EHS reporting requirements (Quarterly, Annual and EHS Incidents);
 - (iii) Undergo annual external third party EHSMS compliance audit (including submitting audit results to relevant authority);
 - (iv) Ensure regular EHSMS reviews as part of a continuous improvement program; and
 - (v) Comply with the relevant Sector/s EHSMS Guidelines.

3.2 Enforcement

- (a) Enforcement of EHS requirements by the relevant Authorities will only be undertaken for the purposes of
 - (i) better protecting health and safety of workers and the community;
 - (ii) better protecting the environment and its beneficial uses;
 - (iii) ensuring that no commercial advantage is obtained by any person who fails to comply with environment, health and safety requirements; and
 - (iv) influencing the attitude and behaviour of persons whose actions may have adverse environment, health and safety impacts, or who develop, invest in, purchase or use goods and services which may have adverse environment, health and safety impacts.

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