

Are your audit ducks in a row?

Shepstone & Wylie **Environmental law team**

Company management cannot overlook the importance of ensuring that its environmental, health and safety management meets regulatory standards and global best practice, including OHSAS 18001 and ISO 14001 certification.

As part of the ISO standards, industries are required to conduct compliance audits. With so many companies required to be compliant (which includes compliance with all the relevant legislation and regulations), it is surprising how many are either noncompliant or battling with compliance obligations.

All lawful businesses need to operate within the framework of applicable law and have a legal duty to comply with all legislation applicable

to their operations. Consequences and penalties for noncompliance include those prescribed in legislation, the issuing of directives, admission of guilt fines, confiscation orders, stoppage orders and personal criminal liability. These can impact negatively on the financial position of your operation, affect your company's reputation and lead to job losses.

Not only have the number of laws pertaining to environmental, health and safety increased, but have brought an increase in complexity in terms of requirements and increased enforcement for noncompliance.

An environmental, health and safety legal compliance audit team should help you improve management systems for single facilities and operations spanning multiple locations and jurisdictions.

An audit programme should include an adequate and well-trained audit team; top management support; well defined scope of work; pre-audit checklists; explicit audit programme objectives; site inspection; documentation review; interviews with relevant personnel; audit reports setting out key noncompliance findings and providing recommendations to ensure legal compliance and schedules for completion; commitment from management to follow up on audit findings.

The choice of auditors should be informed by the type of audit required. A legal compliance audit must be conducted by auditors who are qualified in providing legal services, not just any lawyers, but environmental, health and safety specialists, in order to get the greatest value out of your audit.