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Chimec S.p.A.

**Organisation, management and control Model
pursuant to Legislative Decree 231/2001**

SPECIAL SECTION “I”

**OFFENCES OF MANSLAUGHTER AND ACTUAL BODILY HARM OR
GRIEVOUS BODILY HARM COMMITTED IN BREACH OF THE HEALTH
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1. – Offences contemplated in article 25-*septies* of the Decree and related penalties

Article 9 of Law 123/2007 has introduced in Legislative Decree 231/2001 article 25-*septies* on “*Manslaughter or actual or grievous bodily harm committed in breach of the applicable health & safety at work regulations*”.

The three types of offences are those contemplated in the Italian Criminal Code:

1) article 589 of the Criminal Code (manslaughter) consists in unintentionally causing the death of a person. The wording of the Decree, however, restricts the Entity’s liability to violation of the regulations for the prevention of occupational accidents/diseases;

2) article 590, paragraph 3, of the Criminal Code (actual or grievous bodily harm) consists in causing serious or very serious personal injuries, as a result of the violation by the Entity of the applicable regulations for the prevention of occupational accidents/diseases.

An injury is considered serious (article 583, first paragraph, of the Criminal Code):

“1) *if it results in a life-threatening condition for the injured person, or an illness or the incapacity to attend to ordinary activities for a period in excess of forty days;*

2) *if it permanently affects any of the sensory or bodily organs*”.

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The following injuries are considered very serious (article 583, second paragraph, of the Criminal Code):

“- *a certainly or probably incurable illness*

- *the loss of any of the senses;*

- *the loss of a limb, a mutilation that renders a limb useless, or the loss of the use of an organ or a permanent and serious difficulty of speech;*

- *the deformation or permanent disfigurement of the face*”.

Following the introduction of Legislative Decree 81/2008 (aka Consolidation Act on Safety, hereinafter the Consolidation Act), the regulations relating to the prevention of occupational accidents/diseases have been overhauled, in order to better safeguard workers, and rolled into a single measure, which has become the principle normative reference for the entity, which is required to comply with its provisions. In particular, article 30 of Legislative Decree 81/2008 sets out the characteristics that an organisation and management Model must have, pursuant to the Decree, in order to provide effective indications to entities for managing occupational accidents/diseases resulting from the above mentioned offences.

Therefore, this Special Section of the Model refers to the definitions, concepts and provisions of Legislative Decree 81/2008, as recently amended by Legislative Decree 106/2009,

and, in particular, to the roles and responsibilities – as provided in the said decree – associated with health and safety at work and the prevention of occupational accidents/diseases.

Regarding the penalties applicable to the Company, article 25-*septies* of the Decree provides for the application, in the case of manslaughter pursuant to article 589 of the Criminal Code, with the aggravating circumstances referred to in article 55, paragraph 2, of the Consolidation Act on Safety, of a fine of 1,000 quotas. If the entity is found guilty, the disqualification penalty contemplated in article 9, paragraph 2, of the Decree shall also apply, for between 3 months and 1 year.

Instead, in the case of a conviction under article 589 of the Criminal Code, in breach of the health and safety at work regulations, but without the aggravating circumstances mentioned above, the Company shall be liable to a fine of no less than 250 and no more than 500 quotas. In this case too, the disqualification penalty contemplated in article 9, paragraph 2, of the Decree shall also apply, for between 3 months and 1 year.

Regarding the offence of actual/grievous bodily harm contrary to article 590, third paragraph, of the Criminal Code, in breach of the health and safety at work regulations, a fine of no more than 250 quotas shall apply. In the case of a conviction, the disqualification penalty contemplated in article 9, paragraph 2, of the Decree shall also apply, for no more than 6 months.

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The disqualification measures contemplated in article 9, paragraph 2, of the Decree may consist in:

- disqualification from operation;
- the suspension or withdrawal of any authorisations, licences or concessions functional to the commission of the unlawful act;
- the prohibition to contact the Public Administration, except for the purpose of providing a public service;
- the exclusion of facilitations, loans, contributions or subsidies and the withdrawal of any already granted;
- the prohibition to advertise any goods or services.

Regarding the determination of the Entity's liability, besides the violation of the occupational accident/disease prevention regulations, it shall also necessary – pursuant to article 5 of the Decree – to prove that the offence was committed in the Company's interest or to its advantage. This condition is established only if the entity fails to implement the applicable and relevant accident/disease prevention measures, saving money by failing to make the necessary investments, or in terms of the costs and time required for performing the work processes.

2. – Definitions

Following is a glossary of the key words and definitions used in this Special Section:

Workplaces	The premises of the Company, or its Production Units, in which the work is carried out, and all other Company premises accessible to workers in relation to the performance of their work.
Employer	The officer representing the Company in the employment relationship with the workers or, in any case, the officer who is responsible for the organisation that employs the worker because he or she is invested with decision-making and spending powers.
Worker	Any person who works for the Company, regardless of the type of employment contract, with or without pay, and even only for training purposes, and the other persons considered equivalent to workers pursuant to article 2 letter a) of the Consolidation Act on Safety.
Manager	A person who, by reason of his/her professional qualifications, and within his/her hierarchical and functional powers, suited to his/her position, implements the instructions issued by the Employer, organises the work activities and supervises the performance thereof.
Health & Safety Compliance Officer	A person who, by reason of his/her professional qualifications, and within his/her hierarchical and functional powers, suited to his/her position, supervises the work activities and ensures compliance with the instructions received, making sure that the workers have properly performed their work and exercising functional powers of “initiative”.
Risk Prevention and	A set of persons, systems and means, internal

Protection Service	or external to the Company, responsible for the prevention of and protection of the Workers from any occupational risks.
Prevention and Protection Service Officer (RSPP)	An officer possessing the professional skills and requirements referred to in article 32 of the Consolidation Act, designated by the Employer, to whom he/she reports, to coordinate the prevention and protection service established to ensure health and safety at work.
Prevention and Protection Service Staff (ASPP)	Staff members possessing the professional skills and requirements referred to in article 32 of the Consolidation Act and serving in the risk prevention and protection service.
Workers' Health & Safety Representative (RLS)	A person elected or designated to represent the workers of the Company, with regard to all health & safety at work matters.
Risk Assessment Report (DVR)	A document that contains a global and documented assessment of all the health & safety risks for workers in the organisation, aimed at: identifying the appropriate prevention and protection measures and developing a programme of the measures for enhancing health & safety over time.
Interference Risk Assessment Report (DUVRI)	A document that contains an assessment of interference risks and the measures adopted to eliminate or minimise the risks arising from the interference between any works contracted out, at the Company's premises or in other areas to which it has access.
Company Medical Officer	A physician possessing the qualifications and training and professional requirements set out in article 38 of the Consolidation Act, who collaborates with the Employer, in accordance with article 29, paragraph 1, of the said Consolidation Act to assess the risks, and is

	appointed by the Employer as Medical Supervisor, in respect of all the other duties referred to in the Consolidation Act.
Serious Accident	An accident occurring in connection with the work activities carried out and entailing serious (with a prognosis of > 30 days) or very serious (impairment of a function) injuries to or even the death of the Worker.
Near Miss	An incident occurring in the Workplace and potentially capable of causing an Accident (e.g., a short circuit causing an incipient fire) or a serious occupational disease (the production of toxic fumes).
Health Supervision	A set of medical activities aimed at safeguarding the health & safety of the Workers, in relation to the Workplace, defining the professional risk factors and the procedures for the performance of the work activities.
Temporary or Mobile Site	Any place where building construction or civil engineering works are carried out and a list of which is shown in Annex X to the Consolidation Act, or, by way of example only, the construction, maintenance, repair, demolition, preservation, remediation, refurbishment, equipping, transformation, renovation or dismantling works, with regard to fixed, permanent or temporary structures and systems, including electricity lines and the structural parts of electricity systems. Building construction or civil engineering works, instead, include the excavation and assembly/disassembly of prefabricated elements used for the building construction or civil engineering activities.
Client	The party on behalf of which the Temporary or Mobile Site is set up, regardless of any fractioning of the related activities.

Works Manager	The person designated by the Client to perform the tasks and duties set out in the Consolidation Act, in relation to the Temporary or Mobile Sites.
Works Coordinator	The health & safety coordinator during the execution of the works, designated by the Client or the Works Manager to perform the tasks in article 91 of the Consolidation Act.
Design Coordinator	The health & safety coordinator during the design of the works, designated by the Client or the Works Manager to perform the tasks in article 92 of the Consolidation Act.

3. – Risk Areas

The protection of health & safety at work shall be assured for all the premises where the members of the Company are based and work, as well as the contractors' employees and the self-employees.

The definition of worker according to the Consolidation Act is irrespective of the type of employment contract entered into with the Company and includes any person operating within the Company's organisation, with or without remuneration, even only for vocational or other training purposes.

The risk of violating the health & safety at work regulations is greater in the areas of the work premises that feature the presence of machines or electrical or mechanical equipment, where inflammable chemical or toxic/polluting materials or agents are used, works at height are carried out (staircases, roofs, scaffolding, excavations, etc.), heavy loads are occasionally handled and moved, as well as premises featuring rough or uneven terrain or surfaces (uneven flooring, obstacles, height differences, slopes, corners, poor lighting, etc.).

Risk situations may also occur under certain contingent and temporary circumstances, or continue in relation to specific operational processes.

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Therefore, in order to map the risks in the workplace, as required by the law, the Company – in order to comply with the formalities under the Model, pursuant to article 30 of Legislative Decree 81/08 – shall take into account the assessments set out in the Risk Assessment Report (DVR), plus any other conditions of risk in the sites and the areas concerned by the activities contracted out, as indicated in the Interference Risk Assessment Report (D.U.V.R.I.).

Therefore, reference shall be made to the updated versions of the said documents.

4. – Recipients of the Special Section “I”

This Special Section refers to the conduct of the members of the Company and other staff members with health & safety duties, such as the Employer, Prevention and Protection Service Staff, Managers, Officers, Workers’ Safety Representatives, Client and Work Manager/Coordinator and Design Coordinator, as well as the Workers. It also applies to all external Collaborators, the Company Medical Officer and the various external workers, including the suppliers of goods and services. All the above are collectively referred to as the “Recipients”.

5. – The Company’s health & safety at work policy

Health & safety at work and the protection of the environment are core elements of the Company’s overall corporate strategy, resulting in specific activities, such as:

- the creation of ad hoc health, safety and environmental protection roles and positions;
- the adoption of a set of consistent and structured rules of conduct, as well as internal technical regulations aimed at ensuring the prevention of occupational accidents and diseases in the performance of the Company’s many and varied activities.

All the local measures implemented by the Company, to ensure full compliance with the applicable Italian laws, have therefore further supported and strengthened the health & safety at work policies.

6. – Overview of the key roles and responsibilities

6.1. – Employer

Following is an overview of the principal duties of the Employer:

- together with the Prevention and Protection Service Officer (RSPP) and the Company Medical Officer, to assess the risks to which Workers are exposed in the workplace and prepare the relevant DVR (a task that cannot be delegated to others, pursuant to article 17 of Legislative Decree 81/08);
- to designate the Prevention and Protection Service Officer (RSPP) (a task that cannot be delegated, pursuant to article 17 of Legislative Decree 81/08);
- to appoint the Company Medical Officer for the relevant Production Unit;
- to define the corporate health & safety at work policies and guidelines;
- to delegate a “Client” for the safety functions and responsibilities, with respect to Temporary and Mobile Sites (Title IV of the Consolidation Act).

6.2. – Prevention and Protection Service Officer (RSPP)

- Identifies the risk factors, assesses the risks and identifies the health & safety at work measures, in accordance with the applicable regulations and based on a specific knowledge of the Company’s organisation, and also identifies and examines the prevention and protection measures and control systems;
- Develops prevention and protection measures, within his or her remit, based on the risk assessment, and the control systems in relation to the measures;
- Develops the health & safety procedures for the various corporate activities;
- Disseminates information on the health & safety risks to the Workers, in connection with their tasks and duties;
- Proposes the Worker information and training programmes;
- Manages any accidents and prepares the accident register and report for the SB;
- Sends the monthly Evidence Datasheet regarding relations with the authorities and local Entities invested with supervisory duties, pursuant to article 13 of the Consolidation Act, to the SB, as provided in the section on “Information Flows to the SB”.

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6.3. – Manager

- Implements the Employer's instructions relating to health & safety at work matters and organises the work activities at the unit he or she is in charge of;
- Supervises compliance with the safety provisions and procedures at the relevant unit;
- Forwards the instructions to the Officers, making sure of the possibility that they may be fulfilled, depending on the adequacy of the transmission procedures and the skills of the Health & Safety Compliance Officer;
- Guides and coordinates the activities of the Officers acting within his or her unit;
- Promptly reports to the Employer any shortcomings or failures relating to the work means and equipment and the personal protective equipment (PPE), as well as any other hazardous circumstances that may set on during the work and reported to him or her by the subordinate Officers;
- Reports to the HR Manager – also informing the RSPP – any disciplinary breaches liable to disciplinary proceedings against Workers who have adopted a conduct contrary to ensuring health & safety in the workplace.

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6.4. – Health & Safety Compliance Officer

- Is responsible for ensuring compliance with the health & safety at work obligations, with regard to his or her unit;
- Supervises and oversees compliance by the Workers of their legal obligations and Company provisions relating to health & safety at work and the use of the collective and personal protective equipment made available to them;
- If the defaulting conduct persists, he or she informs his or her line manager and reports any breaches to the Manager;
- Makes sure that only Workers who have received adequate information access the areas where they may be exposed to a serious and specific risk;
- Requires compliance with the measures for controlling risk situations in emergencies and instructs the Workers to immediately abandon the workplace, or any areas at risk, in an emergency;
- Timeously informs the Workers exposed to a serious and immediate risk of the existence of the risk and the present and future protection measures undertaken;
- Shall not request Workers to resume their work activities in a situation affected by

ongoing serious and immediate hazards;

- Promptly reports to the Manager both shortcomings in the works means/equipment and PPE, and any other hazard conditions in the workplace emerging from the information received.

6.5. – Company Medical Officer

- Collaborates in the risk assessment process with the Employer and RSPP;
- With the support of the RSPP, schedules and performs the Health & Safety Supervisory activities on the basis of health protocols defined in accordance with specific risks and taking into account state-of-the-art scientific guidelines;

- Creates, updates and keeps, under his or her own responsibility, and with the support of the RSPP, medical and risk records for each Worker subject to health supervision, and gives the Worker a copy of the records at termination of employment;

- Informs each Worker interested in the results of the health supervision process and issues a copy of the relevant documents;

- Notifies in writing, at the periodical meetings, the anonymous collective results of the health supervision process carried out and provides indications on the meaning of the results for the purpose of implementing the measures for protecting the Workers' health and physical/psychological well-being;

- Visits and reports on the work environments, at least once a year, based on a dedicated programme prepared according to the characteristics of the Production Units and any innovations and reconfigurations carried out there;

- Collaborates with the RSPP in the functional organisation of the first aid and infirmary services.

6.6. – Client

- In the temporary or mobile sites featuring the simultaneous or separate presence of a number of contractors, the Client shall designate a Works Manager to perform his or her tasks and duties;

- The Client – or Works Manager – at the awarding of the design contract also appoints the relevant Design Coordinator;

- In the sites featuring the simultaneous or separate presence of a number of contractors, the Client – or Works Manager – before awarding the relevant works, designates a

Works Coordinator;

- The Client or Works Managers examines the technical and professional qualifications of the contractors, of the companies executing the works and of any self-employees, in relation to the functions or works to be awarded (under a works contract) and informs the said companies, contractors or self-employees about the environmental context and specific circumstances and conditions under which they shall be required to work, any present risks and the implemented prevention and emergency measures;

- The Client verifies and make sure that the applicable health & safety at work regulations are abided by and complied with and, in particular: performs the interference risk assessments, prepares the relevant documents (e.g., the Interference Risk Assessment Report, the Safety & Coordination Plan, the Safety File), quantifies the health & safety costs and provides for the Worker training and information activities;

- The Client – or Works Manager – requests the companies/contractors executing the relevant works to provide a declaration of their annual average workforce, broken down by qualifications and specifying the details of the Workers, as notified to the public pension agency (INPS), the occupational accident and disease prevention agency (INAIL) and the so-called “casse edili” trade organisations, as well as a declaration relating to the collective agreement entered into with the comparatively most representative trade union organisations applied to their employees;

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- The Client – or Works Manager – forwards to the competent authority, before the start of the relevant works or the filing of the relevant works commencement report, a copy of the preliminary notification, of the certificate attesting to the regular payment of all social security contributions by the company and the self-employees, as the case may be;

- The Client - or Works Manager – if appointed, ensures the implementation of the health & safety management and coordination obligations by the employer of the contractor;

- The Client - or Works Manager – ensures compliance with the relevant obligations by the Design and the Works Coordinators;

- The Client - or Works Manager – notifies to the RSPP the list of workers of the contractors/subcontractors who must be authorised to access the premises where the temporary site is located, so that he or she may issue the relevant badges, with the assistance of the Industrial Security staff. The list shall be accompanied by a copy of all the documents enabling the Client – or the Works Manager – to authorise access to the site.

6.7. – Workers

Each Worker shall be required to take care of his or her health and safety, and those of the other persons present in the workplace and which may be affected by any actions or omissions, with respect thereto, consistently with his or her training and education and the means supplied by the Employer and, in particular, must:

- Contribute, with the Employer, the Managers and the Health & Safety Compliance Officers, to ensure the fulfilment of the relevant health & safety at work obligations;
- Comply with the provisions and instructions received from the Employer, Managers and Health & Safety Compliance Officers, for collective and personal protection purposes;
- Correctly use the work equipment, any hazardous substances/preparations, means of transport and safety devices;
- Appropriately use the protection equipment made available to him or her;
- Immediately report to the Manager or the Health & Safety Compliance Officer any shortcomings or failures to the above mentioned safety means and devices, and any hazard conditions he or she becomes aware of, taking the necessary measures, in an emergency and with regard to his or her competences and possibilities – and without prejudice to the obligation not to remove or alter, without authorisation, the safety or reporting or control devices – for eliminating or minimising any situations of serious or imminent danger, notifying the RLS to this effect;
- Not perform any operations or activities for which he or she is not authorised or which could jeopardise his or her own safety or that of the other Workers;
- Participate in the training programmes organised by the company and to which he or she has been invited;
- Undergo the health controls provided in the Consolidation Act or required by the Company Medical Officer;
- Always display a badge with his or her photograph and personal details and the name of his or her employer.

7. – General rules of conduct and implementation of the decision-making process in the risk areas

All the members of the Company and any third parties, subject to ad hoc contract clauses introduced by the competent corporate functions, in any contracts concluded by them, shall not adopt any behaviour that:

- contrasts with the principles set out in this Model;
- does not comply with the applicable regulations and, in particular, the provisions of Legislative Decree 81/2008 applying to the Recipients;
- could cause – or, in any case, fail to prevent – situations of risk for health & safety at work.

In particular, the members of the Company shall:

- adequately acquaint themselves with the tasks, responsibilities and nature of the risks related to the performance of their roles, by taking part in the internal or external training programmes or, if necessary, through autonomous initiatives;
- operate in accordance with the Company's internal rules and the applicable regulations relating to the prevention of occupational accidents and diseases and the health & safety at work hazards, reporting, if necessary, to the Health & Safety Compliance Officers, the Managers, the Prevention and Protection Service Officers, the Company Medical Officers or, ultimately, the SB, any circumstances or conduct susceptible to worsening or not adequately tackling the risks for Workers;
- to dedicate the necessary time and care required for health & safety matters and, in particular, training activities, even though other concomitant corporate tasks are also urgent.

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The set of procedures has been adopted by the Company to ensure the safety of all its activities and operations. In particular, compliance of the following principles and formalities shall be ensured:

- identifying and disclosing the parties obliged to check compliance – by all the staff members employed by the Company – of the procedures set out in the DVR Report, or adopted by the Company, and relating to health and safety at work matters for each operational area at risk;
- appointing the Company Medical Officer;

- identifying and assessing the health & safety at work risks for the Workers by the Employer (also with the assistance of the Prevention and Protection Service – SPP), in consideration of the Company’s organisation, the nature of its operations, the location of the work premises and areas, the HR organisation, the specific substances, machines, equipment and systems used in the activities and related protection cycles. The risk assessment process is formalised with the preparation of the Risk Assessment Report (DVR);
 - complying with the Risk Assessment Report;
 - monitoring the efficiency and functionality of the risk management system, for health & safety at work purposes, also based on any accidents;
 - periodical random controls on the health & safety procedures provided for in the DVR and other relevant corporate instructions;
 - preparing a penalty system for any persons responsible for mere irregularities;
 - adopting an organisational system for fire prevention and the evacuation of Workers, providing for:
 - the performance and recording of periodical evacuation drills;
 - the preparation and updating of the DVR, with regard to fire risks in the workplace, care of the Employer (also with the support of the SPP);
 - the periodical performance, in the workplace, of chemical, physical and biological tests;
 - the identification of the tasks of all the Company members, in respect of the management of first aid and occupational accidents;
 - the introduction and implementation of the “no smoking” provisions throughout the workplace, also providing for the relevant controls and penalties;
 - in connection with the contract awarding activities, providing for a health & safety attachment to the contract, including the verification of compliance with all the applicable laws, regulations and internal procedures relating to health & safety at work.

8. – Information

The Company, consistently with the applicable legal provisions and the Model, shall adequately inform the employees, including any newly-hired employees, temporary workers and interns, about the risks present in the workplace, the prevention measures put into place and the effects, including disciplinary effects, of the failure to comply with these measures. The relevant information shall also contain an illustration of the organisation put into place for prevention purposes.

The first aid, emergency, evacuation, fire prevention procedures must be widely disseminated and signalled in the workplace.

The information may be directed to all the employees or only those operating in a specific sector or with specific duties, as the case may be. Records shall be kept of all information activities.

The law requires that periodically (at least once a year) a meeting shall be held of all the health & safety staff members at the Company and the RLS (Workers' Health & Safety Representatives), for illustrating the state of the Company's programmes for improving the health & safety at work prevention and protection system.

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The information shall also be directed at third parties working in the Company premises, consistently with the site and contract management procedures.

9. – Training

Consistently with the applicable legal provisions and the Organisational Model, training activities and programmes shall be scheduled also with the assistance of e-learning and other IT systems.

The Company shall adequately train all workers, depending on the type of risk to which they are exposed or to their tasks. The fire, rescue and emergency drills shall be part of the training programme.

The training courses shall be adequately recorded, also by registering the participants, and formal learning assessment tools provided for (e.g., questionnaires).

Newly-hired workers, or workers moved from one position to another, shall be allowed to perform their new duties, in the face of any potential risks, only after having attended dedicated training programmes to ensure their health and safety.

10. – Duties of the Supervisory Body

Consistently with its institutional tasks, the SB – as set out in the General Section of the Model – shall perform supervisory duties with regard to the application and effectiveness of the Model, in relation to all health & safety at work matters.

11. – Information flows to the SB

The Prevention and Protection Service Officer shall:

- **immediately** report in a dedicated Evidence Sheet:
 - any serious accident or serious “near miss” incident and forward the accident report and a copy of any other document by the competent Authorities, in connection therewith;
 - any internal inspections for ensuring compliance with the occupational accident and disease prevention rules, from which observations arise, forwarding the relevant report;
- report, on a **quarterly basis**:
 - any inspections performed by the supervisory authorities, pursuant to article 13 of the Consolidation Act (e.g. the Local Health Authorities), from which observations arise, forwarding the relevant report;
 - the data relating to any minor incidents and accidents;
- report, on a **half-yearly basis**:
 - the data relating to any Health, Safety and Environmental audits;
- report, on an **annual basis**:
 - the list of formalities required by the RSPP, in accordance with the obligations set out in the Consolidation Act, including those referred to in article 30.
- **promptly** transmit:
 - a copy of (or extract from) the DVR, highlighting the major risks and implemented/scheduled improvement measures;

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The Employer shall:

- **promptly** report:
 - any new risk assessments and the related procedures;
 - the appointment of a new RSPP;
 - any other significant organisational or procedural event, with regard to health & safety at work.

On receiving a report – from any of the Recipients of the Model, whether it be the Employer or the Prevention and Protection Service Manager – regarding any significant breaches of the Model relating to health & safety at work, the SB shall make sure that the sender has also previously or concomitantly informed the Employer and the Prevention and Protection Service Officer. If the sender has not provided, the SB shall step in and inform the Employer and Prevention and Protection Service Officer itself.