

# In Five Steps to court-proof global Facilities





## Managing Directors, Managers and Supervisors are liable for compliance with and control of the legal duties

If you as a Managing Director, Manager or Supervisor fail to implement legal requirements arising from laws, regulations or administrative burdens imposed in permits and licences and personally check their implementation, you will be liable for this organizational culpability.

### How do you demonstrate personally that you are not responsible for organizational culpability?

In very simplified terms, penal proceedings submitted to a court are a special form of a game of cards. The public prosecutor plays the first card by filing charges. What card do you play to prove you have operated a systematic legal management and are not responsible for organizational culpability?

### Easier than you might think

By providing you with the gutwin Legal Management System, we furnish you with the trump card in your hand. The gutwin Legal Management System helps you to prove that you have systematically identified, organized and controlled the decisive legal duties and to show how the legal changes are being implemented continually. The fact that you are actually translating the legal management system into practice helps you to reduce or eliminate your personal liability for organizational culpability.

We will be pleased to pay a visit to your company in order to explain you our gutwin Legal Management System and the personal liability of the persons responsible for the facility.

Yours, Dr. Thomas Gutwinski  
Managing Director  
Gutwinski Management GmbH (Ltd.)

### Do you already take all the steps necessary for reducing your liability?

In our experience, companies are already taking numerous legal steps for their facilities. In nearly all companies, however, the last steps towards systematic legal management, which actually reduce the Managing Directors', Managers' and Supervisors' personal liability for organizational culpability, are missing. Quite often we also state that Managing Directors, Managers and Supervisors are unaware of their personal duties and liability with regard to the facility.

### Our checklist helps you to check your personal risk of liability

We invite you to check your company against the checklist on the opposite page. This is an easy way to determine what steps you still have to take to reduce your personal liability for organizational culpability.

## Checklist for Managing Directors, Managers and Supervisors, which serves to determine your personal organizational culpability



- 1 Do you determine what laws, regulations and permits and licences your company actually has to comply with?**

The Penal Code already specifies that all employees are obliged by their jobs to familiarize themselves with the relevant rules. You can only comply with laws and regulations of the European Union and the Federal and Provincial Governments if you have reviewed whether they are applicable to your company. ▶▶▶  yes  no

*Has Step 1 already been fully implemented within your company?*
- 2 Do you determine what legal duties result from the relevant laws and regulations?**

The Managing Director is responsible for ensuring that all legal duties arising from the permits and licences granted to the company and the laws and regulations of the European Union and the Federal and Provincial Governments, which are relevant to the company, are determined. ▶▶▶  yes  no

*Has Step 2 already been fully implemented within your company?*
- 3 Do you define how to delegate and implement the legal duties compulsory by law and how to provide commensurate training?**

The Managing Director has the task to provide for an adequate structure within the company, training of the employees and work instructions in order to take any reasonable precautions that may be thinkable when it comes to fulfilling the legal duties. ▶▶▶  yes  no

*Has Step 3 already been fully implemented within your company?*
- 4 Do you monitor the implementation of the legal duties?**

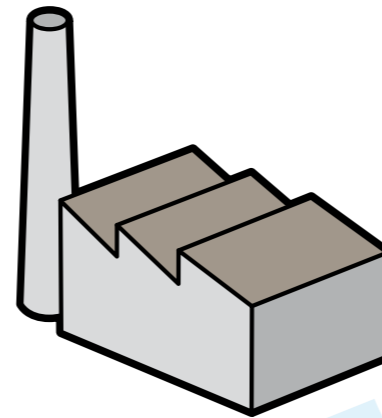
According to applicable judicature, one of the duties of the Managing Directors, Managers and Supervisors consists in personally reviewing compliance with the legal duties in their fields of responsibility at regular intervals. ▶▶▶  yes  no

*Has Step 4 already been fully implemented within your company?*
- 5 Do you make sure that legal changes are identified and implemented systematically?**

Laws and regulations are being ordained continually. Make sure that your company is systematically informed of the changes and that these changes are implemented. In the event of changes of facilities or new investments, you are requested to ensure that the obtention of legal permits and licences is reviewed, the administrative burdens imposed there are implemented and all facilities have the required permits and licences. ▶▶▶  yes  no

*Has Step 5 already been fully implemented within your company?*

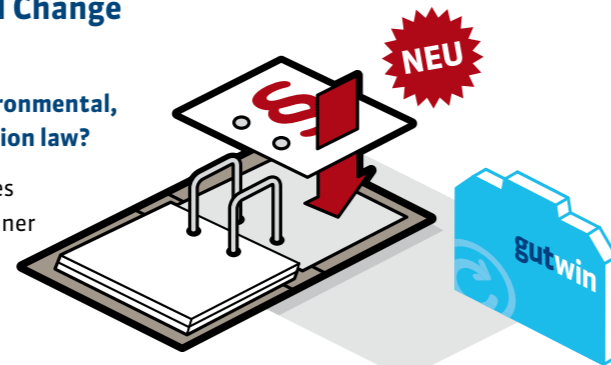
This is how you can reduce your liability for the plant in five steps



**5** **gutwin**  
Implementing Legal Change Management

What has changed in environmental, energy and labour protection law?

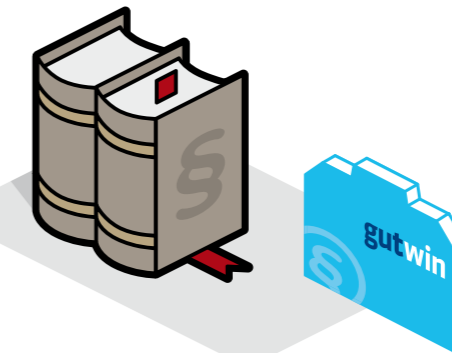
We will explain legal changes systematically and in a manner



**1** **gutwin**  
Legal Register

What laws, regulations and administrative decisions are applicable to my company?

Together with you, we identify laws and regulations that are relevant to your company.



**4** **gutwin**  
Reviewing Legal Duties

Are the legal duties actually implemented by the responsible persons?

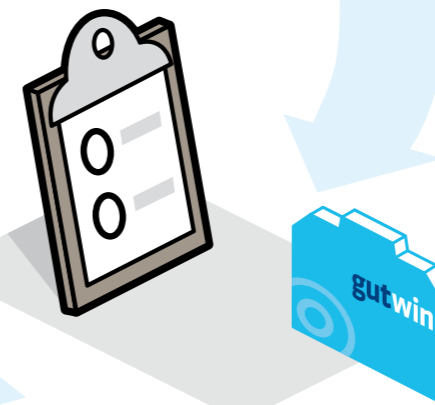
By using the gutwin software, you can easily and efficiently fulfil your inspection duties.



**2** **gutwin**  
Legal Duties

What legal duties does my company have to fulfil in detail?

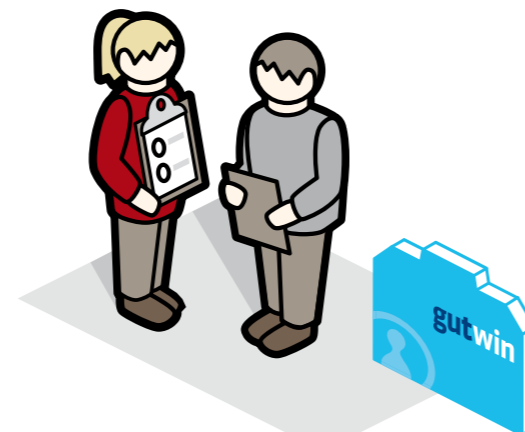
We provide you with legal duties that arise from laws and regulations and need to be complied with by your company. Information provided will have been processed as to be understandable to non-lawyers.



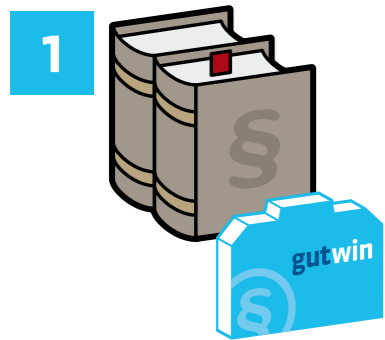
**3** **gutwin**  
Delegating and Implementing Legal Duties

Who is responsible for ensuring compliance with the legal duties at what facilities?

The gutwin Legal Management Software reliably helps you to find out who has to do what and when and where in legal terms and when the tasks need to be done.



**The five Modules in Detail – safely being on the right side with gutwin**



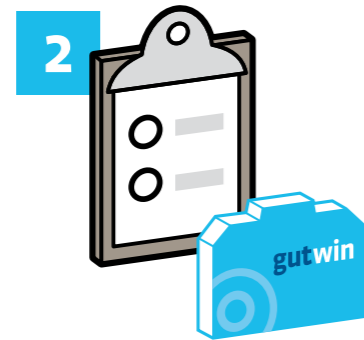
**gutwin Legal Register**

**What laws and regulations are applicable to your company?**

Together with you, we determine what laws and regulations of the European Union and of the Federal and Provincial Governments, which are relevant to the environment, energy and labour protection, are applicable to your company.

**Your advantage:**  
You will have a complete and up-to-date legal Register, and all the laws and regulations will be shown.

- ▶▶▶  We have that
- This is still missing



**gutwin Operator Duties**

**What legal duties does your company have to fulfil in detail?**

Legal duties to be fulfilled by your company because of the relevant environmental, energy and labour protection laws of the Federal Government and the European Union will be processed and made available in a way that is understandable to non-lawyers.

For each legal duty, you can document whether this legal duty is fulfilled or not fulfilled and why.

**Your advantage:**  
The legal duties to be fulfilled will have been determined in a non-equivocal manner.

- ▶▶▶  We have that
- This is still missing



**gutwin Delegating and Implementing Legal Duties**

**Who is responsible for ensuring compliance with the legal duties at what facilities/processes?**

The gutwin Legal Management Software makes it easy for you to assign legal duties arising from

- permits and licences;
- laws and regulations; and
- other internal tasks, the responsible persons and facilities/processes concerned.

The responsible persons will be reminded of execution via e-mail. You can easily document inspection and test results and track nonconformities.

**Your advantage:**  
Legal duties are clearly assigned to the responsible persons for purposes of implementation.

- ▶▶▶  We have that
- This is still missing



**gutwin Checking Legal Duties**

**Are the legal duties implemented by the Managing Directors and superiors?**

The duties of the Managing Directors/ superiors do not only include that of establishing a network of supervisory organs that is sufficiently dense and organized but also that of personally monitoring progress.

**Your advantage:**  
The superiors' liability will be reduced.

- ▶▶▶  We have that
- This is still missing



**gutwin Implementing Legal Change Management**

**What has changed in environmental, energy and labour protection law?**

Permanently new environmental, energy and labour protection provisions are being ordained, or existing ones are being amended. Quite often they are difficult to read and difficult to understand. We explain contents of the changes of environmental, energy and labour protection law of the Federal Government and the EU Regulations so that they can be understood by non-lawyers. Then we will automatically make them available in the gutwin software.

**Your advantage:**  
Information will always be up-to-date, and you will be provided with systematic and simple task management of the legal changes. You will systematically be informed of ongoing legal changes and will thus always be updated.

- ▶▶▶  We have that
- This is still missing

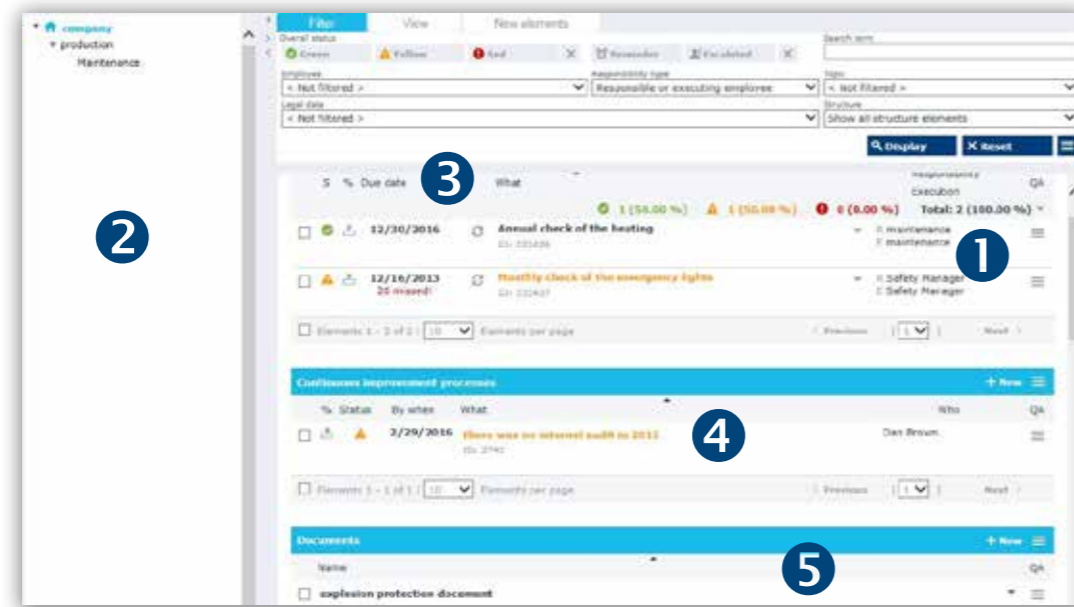
*Result:*  
*The Managing Directors' and other Managers' organizational culpability will be reduced.*

## The advantages yielded by gutwin at a glance

Your employees ① will, at a glance, see for each process and facility ②

- for what legal duties the employee is responsible ③,
- what improvement measures the employee has to implement as responsible person = CIP (Continual Improvement Process) ④,
- what instructions and management system documents ⑤ the employee has to keep.

- Responsible persons ①
- Facilities/processes ②
- Tasks ③
- Continual improvement process ④
- Management system documents ⑤



### gutwin reminds your employees via e-mail

as far as the legal duties are concerned before the deadline and - if the deadline has been exceeded - even afterwards.

### gutwin makes it easy for you to meet the legal requirements of

- ISO 14001, EMAS ▪ ISO 50001 ▪ OHSAS 18001.

**The proof:** Companies applying the gutwin Legal Management System optimally pass certification and re-certification.

### Additional advantages yielded by the gutwin Legal Management System

- Inspections made by the public authorities are made easier. Thus you will obtain permits and licences for changes and extensions of the facility more easily.
- At a "due diligence" inspection of the facility, you can, in case of a merger or sale, demonstrate legal compliance
- At negotiations with insurance companies, you can evidence the legal compliance of the facility.

### By using gutwin, you avail of the most modern .NET web technology, which is fit for the future

- You will open the gutwin software by means of the Internet Explorer. Thanks to this, the gutwin software can be opened immediately on all workplaces of the company without additional installation.
- The SQL database enables top performance without license fees.
- The SSL encryption and .NET environment furnish data security.
- Via the import/export interface of the gutwin software, data that has already been entered in Excel Lists, Access Databases or other systems can be taken over.

## The gutwin Legal Management System has stood the test in practice for more than 24 years

gutwin was developed in a close dialogue with our customers, leading Certification Bodies and representatives of public authorities. For more than 24 years, numerous companies have used this system to implement legal management and reduce organizational culpability.

- Gutwinski Management's experience in consulting more than 350 companies in establishing the environmental, safety and/or integrated management system as well as Dr. Thomas Gutwinski's long-standing legal experience have been fed into the development of the legal management system.
- Since 1991, Dr. Gutwinski has managed the consulting and training company Gutwinski Management.
- Nine lawyers are available to you all day long in order to answer your legal questions about the facility.

## Global use of gutwin Legal Management System

**Just use gutwin to manage implementation of the legal duties related to Environmental and Occupational Health & Safety laws on all the locations of your company group**

- gutwin provides you with the legal duties related to Environmental and Occupational Health & Safety laws for 170 countries of the world. Thus the web-based gutwin software gives you an overview of implementation of the legal duties as well as of implementation of the corporate requirements on all locations of the company group. Thanks to the interface with our partner, we also provide you with the legal changes in Environmental and Occupational Health & Safety for all your locations.



Competent  
Target focused  
Experienced in  
practice  
globally available

gutwinski  
Management

offers  
long-standing  
experience in  
facility law

## We will also be pleased to inform you of the other gutwin Modules



### gutwin Workplace Assessment

Systematically identify and assess the risks and hazards connected with your activity and document the result and the required actions.

**It's as easy as this:**

You use a selection menu to identify the possible risks and hazards and strains and stresses as well as their cause and effects. You will assess the risk potential emanating from the risks and hazards and strains and stresses and define protective measures and codes of conduct for risk prevention.

For the required improvement measures, you define deadlines and the responsible persons. The latter will be reminded of implementation of the tasks via e-mail.

**The benefits:**

You will furnish the workplace assessment required by law with ease and for your benefit.



### gutwin Hazardous Materials Management

Make the list of the hazardous materials, assess the hazardous substances and materials and obtain Operating Instructions after you have pushed a button.

**It's as easy as this:**

Assess the risks emanating from the hazardous substances and materials used! This module enables you to draw up personal protective equipment for the employees concerned, actions for minimizing risk as well as work instructions and instruction documents in terms of all hazardous substances and materials.

**The benefits:**

Easily manage the hazardous substances and materials from the application to usage in the database in compliance with the legal requirements.



### gutwin Machinery and Equipment Management

Manage your machinery and equipment and organize their repetitive inspection and testing or show your employees what operating materials are used for a facility.

**It's as easy as this:**

Document the place of installation of operating materials as well as emergency, ambulance and first-aid equipment, which are subject to the duty of inspection and testing.

Assess operating materials and use the resulting Operating Instructions, which will be generated automatically, for internal safety instructions.

**The benefits:**

Manage all operating materials as well as emergency, ambulance and first-aid equipment, which are subject to the duty of inspection and testing - acquire plans and Operating Instructions as well as tasks related to repetitive inspection and testing for each operating material.



### gutwin Document Management

Release and manage management system documents for each workplace or process.

**It's as easy as this:**

Generate and document the release of documents and inform and remind the persons reviewing and approving the documents of the required release. Define employees concerned by these documents and inform them of a new applicable document in gutwin by means of automatic e-mails.

**The benefits:**

Documents will be released and managed systematically and provided directly to the workplace or process after a button has been pushed.



### gutwin Audit Management

Generate your audit reports after pushing a button.

**It's as easy as this:**

The gutwin Audit Module will provide you with the audit questions prepared for the respective process just as much as with the relevant management documents of the process in a manner that is easy to grasp. As for the documents, you can open them by clicking on the mouse. You can easily lay down compliance, notes and improvement measures identified at the audit for each audit question and process. Once you have pushed a button, the audit report will be generated based on this data automatically.

**The benefits:**

From planning via the audit report to the evaluations and statistics, you will create everything centrally in one software.



### gutwin Accident Management

Fulfil your recording duty for all accidents, first-aid services and near-misses by writing a first-aid kit logbook and/or accident report to be sent to the accident insurance company.

**It's as easy as this:**

You can use the gutwin Accident Management Module to systematically acquire and assess your accident and near-misses. You will establish actions for avoiding accidents in future and update your workplace assessment. You can send the notice of accident that will be generated in an automated manner to the German Legal Accident Insurance Company and evaluate the accidents and near-misses by making comprehensive accident statistics. The gutwin software helps you to ensure that documentation of the accidents at work will be archived for seven years, i.e. for the period required by law.

**The benefits:**

Show your employees how long the company has already been working without accidents and make evaluations of the frequency of accidents on certain workplaces/facilities.



## Our customers

At the moment **gutwin** software is used on more than 500 locations mainly in Austria and Germany. If necessary, we will be pleased to establish contacts with users. 100 % of our customers recommend the gutwin software!

“Basically I make the experience in terms of implementation and utilization of a software that some wishes and options for use will usually remain unfulfilled and cannot be implemented. At Gutwinski, this is encouragingly different. Up to now, I have had no wish that has remained open and have been inspired by additional options several times - this is what makes Gutwinski Management stand out.”

**Markus Kolbeck, commercial management**  
*Betz-Chrom GmbH & Co.KG*

“I have had a closer look at the legal management solutions for environmental and Occupational Health & Safety that are offered on the market. In my view, the gutwin Legal Management Software is the legal management solution on the market that is by far the best and most practicable one. I particularly like that fact that gutwin transforms the dull legal requirements into tasks that summarize the obligations in one sentence in a way that they can be easily understood by non-lawyers.”

**Herbert Köpnick**  
*Off-duty Senior Legal Secretary of the Bavarian Federal Ministry for the Environment and Consumer Protection, founder of the 'Environmental Pact Bavaria'*

“Customer focused, practice oriented, understandable even to non-lawyers and still everything at a very high level relating to the contents.”

**Gisbert Hajowsky**  
*Head of the Compliance, Quality and Risk Management Department of "Abfallwirtschaftsbetriebe Köln" (Waste Management Company Cologne)*

“Having implemented the gutwin Legal Management System, we now have a rapid and excellent overview of the legal compliance of our facilities as well as a structured management of administrative decisions. Internal responsibilities have been clearly defined just as well, and thanks to the legal management service, we will always be fully updated and thus fit for audits.”

**Florian Hondele**  
*MAN Truck & Bus AG*

**Do you wish further  
information or a free  
consulting interview?**

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