

WORK ENVIRONMENT



Guide to the Regulations on the Protection Against Risks of Back Injury at Work Places



This document is a brief guide highlighting in a structured manner the provisions laid down in the Protection Against Risks of Back Injury at Work Places Regulations, S.L.424.17. This guidance has been issued by the Occupational Health and Safety Authority. Every effort has been made to ensure that the information in this document is correct and provided in good faith according to current best practice. The information provided in this guidance does not, and is not intended to, constitute legal advice. The information provided in this guidance is for general informational purpose only. It is also strongly recommended that one considers all relevant regulations related to this subject.

THE PROTECTION AGAINST RISKS OF BACK INJURY AT WORK PLACES REGULATIONS, S.L.424.17

Work activities involving manual handling of loads are specifically covered by the Protection Against Risks of Back Injury at Work Places Regulations, S.L.424.17 (hereinafter referred to as the 'Manual Handling Regulations'). The said Regulations transpose the provisions laid down in Council Directive 90/269/EEC on the Minimum Health and Safety Requirements for the Manual Handling of Loads where there is a Risk Particularly of Back Injury to Workers.

WHAT IS MANUAL HANDLING OF LOADS?

The Manual Handling Regulations define “manual handling of loads” as:

“Any transporting or supporting of a load, by one or more workers, including lifting, putting down, pushing, pulling, carrying or moving of a load by hand or by bodily force, whether applied directly to the load or indirectly, and which, by reason of its characteristics or because of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers.”

The term “load” is not limited to an inanimate object but can also include people and animals and any other object or thing.



WHAT ARE THE RISKS OF MANUAL HANDLING OF LOADS?

Work activities involving manual handling of loads may lead to various physical injuries. These could either be external, such as bruising and laceration to the hands or other parts of the body, and/or internal, such as hernias (ruptures) and muscle strains usually in the form of work-related musculoskeletal disorders (MSDs). According to the **2019 European Survey of Enterprises on New and Emerging Risks¹**, “lifting or moving people or heavy loads” was one of the most frequently identified risk factors in the EU-27.

MSDs is an umbrella term encompassing several impairments of bodily structures, such as, muscles, joints, and tendons, that are caused or aggravated primarily by work.

WHAT IS THE SCOPE OF THE MANUAL HANDLING REGULATIONS?

The scope of the Manual Handling Regulations is to establish minimum occupational health and safety requirements (OHS) for the manual handling of loads, in particular where there is a risk of back injury to workers. Notwithstanding the fact that the Manual Handling Regulations place an emphasis on the protection against risks of back injury, the aim of the Regulations is to prevent injuries to any part of the body caused by hazardous manual handling and not only to the back. The Manual Handling Regulations do this through the establishment of a clear hierarchy of measures which require employers to:

1. **Avoid** operations involving hazardous manual handling;
2. **Assess** the risk of injury where manual handling cannot be avoided;
3. **Reduce** the risk of injury through the implementation of preventive and protective measures which must be based on the “general principles of prevention” as laid down in **Article 6(2)** of the **Occupational Health and Safety Authority Act, Chapter 424 of the Laws of Malta** (hereinafter referred to as the ‘OHS Act’).

Article 6(2) states that the measures that need to be taken by an employer to prevent physical and psychological occupational ill-health, injury, or death, must be taken on the basis of the “general principles of prevention”. The general principles of prevention contain a list set out in descending order of preference that lay down the manner hazards must be managed by employers. Therefore, where the risks cannot be avoided, employers must identify the hazards

¹European Agency for Safety and Health at Work, ‘Third European Survey of Enterprises on New and Emerging Risks (ESENER 3)’ (2019).



associated with work and evaluate the risks which cannot be avoided. In a few words, employers must carry out or ensure that is carried out, a suitable, sufficient, and systematic **manual handling risk assessment**. It is extremely important to involve workers in the process of risk assessment. Besides being a legal duty, it also comes with various benefits. Workers have the knowledge and experience of how work is carried out and how it affects them, and hence, their input will lead to a better choice of solutions and systems.

As mentioned above, the first approach that employers must adopt in the prevention of risks of manual handling injuries is to **avoid** the need of manual handling of loads. Handling of loads must be avoided whenever a risk of injury, including injuries to the back exist. This must be done by taking the appropriate organisational measures, or by providing the appropriate means, in particular through the use of mechanical equipment. Organisational measures may include for instance, designing or automating a work activity to eliminate the need for manual handling.

WHAT IF MANUAL HANDLING CANNOT BE AVOIDED?

There may be occasions where manual handling of loads cannot be avoided despite the risks such operations may present. In this regard, the Manual Handling Regulations contain a **general provision** stating that where the need for manual handling of loads by workers cannot be avoided, employers must take the appropriate organisational measures, use the appropriate means, or provide workers with such means to **reduce** the risks involved in manual handling operations. In doing so, employers must give due regard to the contents of **Schedule I** of the Regulations.

Schedule I contains information on the characteristics of the load, the physical effort required, the characteristics of the work environment, and the requirements of the manual handling activity. Such information guides duty holders in the process of the identification of hazards and risk factors that have the potential to cause harm.

The Manual Handling Regulations further provide a specific duty on employers with regard to the **organisation of workstations**. Where manual handling operations cannot be avoided, employers must organise the workstation in such a way as to make handling as healthy and safe as possible. In doing so, employers must:

1. **Assess in advance** the health and safety conditions of the type of work involved. This process necessitates the need to examine the characteristics of the loads involved in the manual handling operations. **Schedule I** of the Regulations assists employers in such an examination;

2. **Take appropriate measures to avoid or reduce the risk** particularly of back injury to workers. In doing so, employers must take into consideration the characteristics of the working environment and the requirements of the activity. **Schedule I** of the Regulations assists employers in such a critical process. Again, the measures to avoid or reduce the risks caused by hazardous manual handling operations must be based on the “general principles of prevention” which require amongst others, to give **collective** protective measures priority over individual protective measures. For example, employers must first consider whether manual handling operations can be either automated or mechanised prior to adopting other less effective measures such as job rotation or the provision of personal protective equipment (PPE).

Prior to assigning work involving manual handling to workers, and during the process of risk assessment, employers must take into account:

- the nature of the activity,
- the worker’s capabilities with regard to health and safety, and
- the worker’s medical fitness to carry out the assigned tasks.

It is extremely important that employers take into consideration all relevant **individual factors** as indicated in the non-exhaustive list laid down in **Schedule II** of the Manual Handling Regulations. One such instance would be if the worker suffers from a health condition which makes him/her not physically suited to carry out the task involving manual handling. Another example concerning individual risk factors would be that of a worker not being trained in safe load handling techniques or a worker not wearing suitable clothing, footwear, or other personal effects. Such factors must be considered in detail when assigning tasks involving manual handling of loads and/or carrying out risk assessments.

WHAT IS THE MAXIMUM WEIGHT LIMIT ONE CAN LIFT AT WORK?

One of the most frequently asked questions about manual handling operations concerns the maximum weight a worker can lift at work. It must be pointed out that whilst there are various guidelines which set out the recommended safe maximum weight for lifting at work, the Manual Handling Regulations set no specific weight limits. This is because there are other factors that must be taken into account when assessing the safe maximum weight of the load such as:

- repetition,
- posture,
- health problems,
- the manner the load is lifted (how close to the body the weight is held, how high or how low the weight is lifted, etc.),
- distance from one place to another, and
- individual capacity.



Such factors will have an impact on the determination of the maximum weight limit and hence the need to carry out a detailed manual handling assessment.

Employers must also take into account other issues pertaining to the work environment that may have an impact on manual handling operations such as, but not limited to, the condition of the floors, temperature, space constraints, ventilation, and lighting. In this regard, employers must refer to the **Work Place (Minimum Health and Safety Requirements) Regulations, S.L.424.15** which lay down the minimum requirements for health and safety at the workplace and . The said regulations address such issues as ventilation, condition of floors, lighting and temperature amongst others.

It is extremely important not to consider the Manual Handling Regulations in isolation. The preventive and protective measures that must be adopted by employers to fulfil the duties imposed by the Manual Handling Regulations, may lead to the application of other OHS regulations. For instance, the provision of lifting equipment to avoid or reduce physical manual handling of loads will result in the application of the **Work Equipment (Minimum Safety and Health Requirements) Regulations, S.L.424.35**. These regulations impose a general duty on employers to take the necessary measures to ensure that the work equipment made available to workers is suitable for the work to be carried out or properly adopted for that purpose and may be used by workers without impairment to their safety or health.

Another regulation that will also apply concerns the **General Provisions for Health and Safety at Work Places Regulations, S.L.424.18** (hereinafter referred to as ‘General Provisions Regulations’), which imposes various important duties on employers such as, but not limited to, the provision of adequate OHS training to workers, in particular in the form of information and instructions specific to the workstation and to the task assigned. Hence, one can see the importance of not viewing the regulations on manual handling in isolation.

It is also extremely important to note that certain measures may create other risks and hence it is important to assess in detail any preventive and protective measures that will be adopted at the workplace.



HEALTH SURVEILLANCE

Health surveillance consists of a process aimed to detect early signs of work-related ill-health at an early stage among workers involved in manual handling of loads operations. Such process will also confirm whether the preventive and protective measures applied by employers are working or not. Furthermore, health surveillance will enable workers to raise concerns about their health and hence it is important to encourage workers to report any signs or symptoms pertaining to musculoskeletal disorders or injuries at an early stage. In this regard, the Manual Handling Regulations provide that employers must make the necessary arrangements regarding the health surveillance of workers as is appropriate to the health and safety risks involved during the manual handling operations. The regulations further provide that a worker must be allowed, if he/she so wishes, to undergo health surveillance at regular intervals.

VULNERABLE WORKERS

In terms of the **General Provisions for Health and Safety at Work Places Regulations, S.L.424.18**, employers have a specific duty to take all the necessary measures and precautions to protect “vulnerable workers” against the dangers that specifically affect them. Such provision is also reflected in the Manual Handling Regulations.

The term “vulnerable workers” covers a group of workers who face specific OHS risks. These include, but are not limited to, older workers, new and expectant mothers, young persons, workers with disabilities, and persons who are new to the job. Employers must take into account the particular requirements of such workers. For example, a worker may be suffering from back or other health problems which may be aggravated by the manual handling operations. Such problems may also affect his/her manual handling capacity.

(A) MATERNITY

Manual handling may also have implications for expectant mothers; for example, heavy or repeated lifting will increase the risk of MSDs during the last three months of pregnancy. It must be pointed out that new and expectant mothers are specifically protected by the [Protection of Maternity at Work Places Regulations, S.L.424.11](#). These regulations impose a specific duty on employers to carry out a specific risk assessment before assigning work to any pregnant or breastfeeding worker or to a mother.

The term “mother” means a worker who has recently given birth to a live or stillborn child, and who informs her employer of such an event by means of a certificate issued by a medical practitioner or by a midwife. In the case of a worker who gives birth to a live child, such worker will be considered as a “mother” for a period of six months from the birth of the child.

The regulations impose a duty on the female worker to inform her employer of her condition as soon as she becomes aware of it. The regulations are based on the principle that no pregnant worker, mother or breastfeeding worker must be required by the employer to perform any work which may endanger her health and safety, the safety or viability of her pregnancy or the health of her child. Hence, it is important that employers are familiar with the provisions laid down in the said regulations.

(B) WORKERS WITH A DISABILITY

Regarding workers with disabilities, employers must consider the effects such disabilities may have on the workers’ ability to carry out manual handling operations in a safe and healthy manner. Having said that, the fact that a worker has a disability does not mean that he/or she is not able to carry out jobs involving manual handling - health and safety must not be used as an excuse to avoid employing vulnerable people. Everyone has the right to work and OHSa strongly supports such a right. It is also extremely important that changes made in respect to vulnerable workers do not create a risk for other people at the workplace.

(C) YOUNG WORKERS

Young workers also need to be protected since they are at most risk of suffering injury in the workplace. They may also lack experience and often lack both physical and psychological maturity. Young workers are specifically protected by the **Protection of Young Persons at Work Places Regulations, S.L.424.10** which define a young person as a person under 18 years of age. The said regulations impose a specific duty on employers to carry out a specific risk assessment before engaging or offering work to any young person. If the risk assessment reveals a risk to a young person’s health or safety, the young person must be referred for an examination by a medical practitioner. This must be done at the employer’s expense. Hence, the employer must be aware of the provisions laid down in such regulations.

(D) NEW WORKERS

As in the case of young persons, workers who are new to the job may also lack the necessary experience or familiarity with the workplace. New workers may also be reluctant to raise



concerns pertaining to OHS. They may also lack the necessary training to carry out manual handling operations in the safest way possible. Hence it is important to assess the risks associated with new workers to determine the necessary preventive and protective measures to protect such workers which must also include provisions of training, information and supervision. Such measures play an important role in the management of OHS especially with regards to young workers and workers who are new to the job. In this regard, the OHS Act imposes a specific duty on employers to provide all workers with such information, instruction, training, and supervision as is required to ensure a healthy and safe workplace.

(E) OLDER WORKERS

With regards to older workers, one must keep in mind that certain age-related factors may affect an individual's ability to work safely. Older workers may also take longer to recover from any injury sustained. Whilst it is recognised that there may be certain risks associated with older workers, the benefits of having older workers are numerous. For instance, the rate of accidents at work associated with more than three days of absence are lower among older workers than among younger workers. Furthermore, older workers bring valuable experience to the workplace and may have invaluable assets that are not necessarily found in younger workers.

The OHS Act imposes a general duty on employers to ensure the health and safety at all times of all persons, regardless of age, who may be affected by the work being carried out for such employers. Whilst older workers may require the implementation of specific preventive and protective measures, such measures will benefit all at the workplace.

INFORMATION AND TRAINING

The provision of information and training plays an important role in the prevention of manual handling injuries. As mentioned above, the OHS Act imposes a generic duty on employers to provide all workers with such information, instruction, training, and supervision to ensure a healthy and safe workplace. Such generic duty is further expounded through detailed obligations imposed by the General Provisions Regulations which impose a specific duty on employers to ensure that each worker receives adequate training on health and safety, in particular in the form of information and instructions specific to the workstation and to the task assigned.

The Manual Handling Regulations also imposes various duties on employers regarding information and training. According to the said regulations, workers must be informed of all OHS measures taken in pursuance of the Manual Handling Regulations. Employers must also ensure

that workers are provided with general indications and, where possible, precise information on the weight of the load and the centre of gravity of the heaviest side when a package is eccentrically loaded.

Employers must also provide workers with proper training and information on how to handle loads correctly. They must also receive training and information on the risks they might face particularly if manual handling tasks are not performed correctly. In doing so, employers must take into account **Schedules I and II** of the Manual Handling Regulations. As mentioned above, the Manual Handling Regulations must not be read in isolation. In fact, the said regulations make a specific reference regarding the duties imposed on employers to provide further training and information under the General Provisions Regulations. These regulations list the instances when training must be provided to workers.

The General Provisions Regulations also make it clear that employers must provide workers with comprehensible and relevant information on the risks to health and safety which have been identified by the risk assessment. Employers must also provide workers with the necessary information on the preventive and protective measures required with respect to all the risks identified by the risk assessment.

Information and training alone will not ensure safe manual handling. Hence there is the need to adopt other complementary measures to further reduce the risks of hazardous manual handling.

CONSULTATION AND PARTICIPATION OF WORKERS

Consultation and workers' participation play an important role in the management of OHS. In this regard, the Manual Handling Regulations state that consultation and participation of workers must take place in accordance with the General Provisions Regulations. As mentioned above, the Manual Handling Regulations require employers to assess the hazards and risks posed by manual handling and to take the necessary preventive and protective measures to ensure a safer and healthier workplace.

In order to be effective, such critical process necessitates the participation of workers. Workers may provide valuable information on the manner manual handling operations are carried out and how such operations may affect their health. Hence it is important to involve workers in the

process of risk assessment and in the choice and implementation of the necessary preventive and protective measures.

With regards to consultation, the General Provisions Regulations impose a duty on employers to consult workers in advance and in good time on matters pertaining to OHS. Proper consultation will not only result in better decisions about health and safety, but it will also enhance greater co-operation and trust between employers and workers.

FURTHER INFORMATION

For further information one may contact OHSa on:

Occupational Health and Safety Authority

Address: 17, Triq Edgar Ferro, Pietà PTA 1533, Malta

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Download the free mobile App **BSafe@Work**



ANNEX

The following are the two non-exhaustive Schedules found in the Manual Handling Regulations which are meant to assist and guide employers through the provision of risk assessment and the application of preventive and protective measures.

SCHEDULE I

1. The Characteristics of the Load

Manual handling of a load may present a risk particularly of back injury if it is:

- Too heavy or too large;
- Unwieldy or difficult to grasp;
- Unstable or has contents likely to shift;
- Positioned in a manner requiring it to be held or manipulated at a distance from the trunk, or with a bending or twisting of the trunk;
- Likely, because of its contours and, or consistency, to result in injury to workers, particularly in the event of a collision.

2. The Physical Effort Required

A physical effort may present a risk particularly of back injury if it is:

- Too strenuous;
- Only achieved by a twisting movement of the trunk;
- Likely to result in a sudden movement of the load;
- Made with the body in an unstable posture.

3. The Characteristics of the Work Environment

The characteristics of the work environment may increase a risk particularly of back injury if:

- There is not enough room, in particular vertically, to carry out the activity;



- The floor is uneven, thus presenting tripping hazards, or is slippery in relation to the worker's footwear;
- The place of work or the working environment prevents the handling of loads at a safe height or with good posture by the worker;
- There are variations in the level of the floor or the working surface, requiring the load to be manipulated on different levels;
- The floor or foot rest is unstable;
- The temperature, humidity or ventilation is unsuitable.

4. The Requirements of Manual Handling Activity

The activity may present a risk particularly of back injury if it entails one or more of the following requirements:

- Over-frequent or over-prolonged physical effort involving in particular the spine;
- An insufficient bodily rest or recovery period;
- Excessive lifting, lowering or carrying distances;
- A rate of work imposed by a process which cannot be altered by the worker.

SCHEDULE II

Schedule II of the Regulations

The worker may be at risk if he/she:

- Is physically unsuited to carry out the task in question;
- Is wearing unsuitable clothing, footwear or other personal effects;
- Does not have adequate or appropriate knowledge or training.

Note: With a view to multi-factor analysis, reference may be made simultaneously to the various factors listed in Schedules I and II.

