



Report of Activities for the period
1st October 2003 – 30th September 2004

Occupational Health and Safety Authority, Malta

2004

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Preface

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17th November 2000. Part III of the Act, concerning the Establishment, the Functions and the Conduct of the Authority was brought into force on the 3rd May 2001. The Act was brought into force in its entirety on the 29th January 2002.

In terms of the Act, it is the responsibility of the Occupational Health and Safety Authority to ensure that the physical, psychological and social well being of all workers in all work places are promoted and to ensure that they are safeguarded. It is the duty of the Authority to see that the levels of occupational health and safety protection established by the Act and by regulations made under the Act are maintained.

The following is a report of the Authority's activities which is being published in terms of section 37 of the Act (a quantitative list of activities is shown as Annex 1).

The report also includes the Authority's estimates of its income and expenditure for the next financial year, which is being published in terms of section 31 of the Act (the Budgeted Income and Expenditure Account for the period 1 October 2004 to 30 September 2005 is being shown as Annex 3).

Chairperson's Message

Now that the demanding pre-accession EU compliance programme has been completed, the Occupational Health and Safety Authority (OHSA) has set itself on a course of thorough soul-searching with a view of identifying its role and strategy going forward. The timing of this exercise coincides with a much broader nation-wide re-think and re-definition of goals, perspectives, approaches, strategies, roles and priorities as Malta became part and parcel of an enlarged European Union on May 1st 2004.

It is not a question of an identity or role crisis. Far from it. It is a time to grow into the next phase, a time to mature, to evolve from formal transposition to rigorous implementation; from reaction to pro-action. Time to forge new alliances in the new European order we now proudly form part of. A time to set our own national agenda and to push it forward with all our might in this new reality we all now live in.

Occupational health and safety remains firmly on the **national** agenda not only in terms of awareness-raising – a role which the Authority continues to dauntlessly spearhead – but also in terms of enforcement, and particularly striking that delicate balance between encouraging compliance and reprimanding negligence and non-fulfillment of obligations via tough sanctions. Otherwise we all risk paying mere lip service to the cause. This, in turn, is bound to put in doubt not only the credibility of the Authority's bite but more importantly of our commitment as a nation to improve our occupational health and safety standards. This is the target that the OHSA has firmly set its mind to – not merely to preach about, but to act upon and succeed in, relentlessly.

Building and nurturing a culture in favour of health and safety at work is a process that spans over long years of perseverance, training, education and dedication amongst all concerned – workers, employers and government alike. This is understandable. However, we must equally understand that all of us should act as partners in this process. Yet, however robust our respective commitment may be in our endeavour to succeed, it risks losing its thrust unless we all put in the required investment, in financial terms, to make it happen and to make it *visibly* happen.

I am sure that we all share this endeavour. So let us make it happen sooner rather than later.

Dr Joanna Drake

Chairperson, OHSA

25 October 2004

The OHSA Board

The OHSA Act stipulates the criteria for the establishment and appointment of an OHSA Board, made up of nine members. The current Board of the Authority has been appointed as follows:

Chairperson

Dr. Joanna Drake

Deputy Chairperson

Mr. Frank Pullicino (*ex-ufficio* Director of Industrial and Employment Relations)

Members

Dr. Natasha Azzopardi Muscat, appointed by the Minister responsible for health;

Ing. Anthony Camilleri, appointed by the Minister responsible for economic affairs;

Dr. Francis M.E. La Ferla, appointed by the Minister for his competence in occupational health and safety;

Mr. Joseph Gerada and Mr. Saviour Sammut, appointed to represent the interests of workers;

Mr. Joseph Delia and Mr. Emanuel Aquilina, appointed to represent the interests of employers.

Secretary

Ms. Angele Kissaun, who was appointed *in lieu* of Dr. Neil Falzon, who submitted his resignation for personal reasons during 2004.

The OHSA Act also provides for the appointment of a Chief Executive Officer who is responsible for the executive conduct of the Authority, its administration and organization as well as the administrative control of its officers and employees. The CEO is appointed by the Minister responsible for occupational health and safety (at present, the Minister for Education, Youth and Employment) in consultation with the Authority. The post is tenable for a renewable period of three years.

Dr. Mark Gauci was appointed as Chief Executive Officer.

PRIORITY ACTIONS

The Authority has focused its activities on a number of key priority areas, which were:

- (i) continuing the process of legislative reform;
- (ii) consolidating the Authority's resources;
- (iii) awareness building, the dissemination of information to all stakeholders, and the promotion of training;
- (iv) ensuring compliance with existing legislation; and
- (v) building and fostering solid relationships with international institutions.

(i) Legislative Reform

The legislative framework for the promotion and protection of occupational health and safety is continuously evolving, and reflects emerging trends, risks and technological innovation. Incidentally, as part of the antecedent preparations for Malta's accession to the European Union, an exercise of harmonization of all occupational health and safety legislation with the European Union *acquis* had to be undertaken. The part of the *acquis* dealing with occupational health and safety is well-developed, and reflects a common aspiration to develop existing health and safety legislation to a standard operational level across the whole of Europe. By the time of accession, the OHS Authority had managed to ensure that all European Union Directives and regulations which required to be transposed into Maltese legislation were placed on the statute book. They complement regulations already published, either by introducing amendments, or else by dealing with a subject matter which was hitherto only addressed through the applicability of generic legal provisions. At present Malta is at par with its EU counterparts when it comes to the transposition of legislation.

There is now a well-developed legislative framework, which may be perceived by some to be too cumbersome or complex (a full list of legislation in force is shown in Annex 2).¹ The Authority has however been very careful in ensuring that the

¹ The list includes regulations which were saved as if issued under the OHS Authority Act when the Factories Ordinance, 1940, and the Act for the Promotion of Occupational Health and Safety, 1994, were repealed.

legislation is user-friendly, and does not place any unnecessary bureaucratic or legislative obligations, particularly to small and medium sized enterprises. This and Malta's particular economy are also at the forefront of Malta's positions during any discussions pertaining to future legislation which might be adopted at an EU level.

(ii) Consolidating the Authority's Resources

The Authority continued working on the development of professional competence for its technical staff, who all continued to receive training, and kept abreast of all legislative and technical developments in this field. The support members of staff also received appropriate training.

The OHSA recognizes the need to have technical people who are competent in a generalist way to act as OHS Officers, as well as others trained to a high degree of specialisation in specific areas (e.g. radiation protection, the implementation of the Seveso directives and the safety of chemical and biological agents). All the Authority's Officers are now capable of giving sound advice and to act as a point of reference whenever needed.

(a) Staff Development

During the year, the OHSA dedicated a total of 1100 man hours for the training and development of all its staff. These courses included a variety of IT-awareness and training courses (organised by the then Ministry of Social Policy) which were attended by the majority of the staff. Conferences and seminars held abroad and in Malta covering a wide spectrum of OHS areas and for the development of organisational skills were attended by several OHS officers. Some of the subject matter dealt with included organisational leadership, e-learning, safety of radioactive materials, IT infrastructures, health and safety issues of dangerous substances and construction health and safety. Other short training courses included a 'Train the trainer' course, a programme on the implementation of practical drills for emergency response teams, a course on 'Accident Investigation' and 'Product Liability'.

There were also several hands-on learning opportunities, which included a 3-day workshop overseas on the implementation of the Control of Major Accident Hazard Regulations (the Seveso Directives).

This training is in line with the Life-long Learning Strategy which the OHSA has put in place so that while continuing educating and training the public, its officers continue to develop further their knowledge and skills on various aspects in the domain of occupational health and safety and management.

(b) Recruitment and Internal Promotions

The funds made available throughout the year did not permit the Authority to continue with its recruitment process, which was only limited to replacing manpower losses.

The current total human resource capacity is that of 27 employees, 15 of whom are directly engaged in the Authority's core activities, 2 in the Office of the CEO, 2 in the Communications & P.R. Division, 3 in the Corporate Services Division, and 5 are clerically supporting its core activities (three of whom have been taken on loan from the Malta Dry Docks). To-date, the OHSA has only two detailed officers who have shown their interest in reverting to the public service.

(c) Industrial Relations

Through the combined efforts of the Authority, the two Ministries responsible for the Authority (first the Ministry for Social Policy, later the Ministry for Education, Youth and Employment), the Collective Bargaining Unit and on the other hand the Union Haddiema Maghqudin (UHM), the Authority finalised discussions on, and signed the first collective agreement for its employees. The Agreement covers a period of three years, commencing from 1 January 2004 until the end of December 2006. It includes general terms and conditions of employment such as hours of work, salaries, leave and a grievance procedure, amongst others, and complement the various administrative provisions of the OHS Authority Act 2000.

With the signing of the OHSA Collective Agreement in July 2004, a number of other strategic objectives could be achieved, or are now on the way to being finalised. These include the making of an offer of permanent employment with the OHSA to those employees who were detailed from the public service, and the formulation of an employee handbook incorporating a number of H.R. Policies and Standard Operating Procedures. In addition, the subsequent introduction of work plans will help management to manage by objectives which are clearly quantified and hence measurable. An incentive scheme has been proposed and is designed on clear criteria

and targets aimed towards the better motivation of staff towards continuous improvement and higher and better achievements.

(d) Moving to new premises.

During the period under review, the OHSA managed two tenders in relation to its new premises located at Pieta', one regarding the structural finishing of the premises (purchased in a shell form) and the second in relation to the refurbishment of its offices. Both tenders were awarded and works and services satisfactorily delivered on time. The new premises are accessible to people with special needs and include in-house training facilities.

The move into the new premises is forecasted for the end of November 2004.

(iii) Awareness building, information, education and training

The Authority continues to give a lot of importance to the provision and dissemination of information and education as well as the promotion of training.

In terms of the law, training is the ultimate responsibility of an employer, yet the Authority spends a lot of time and resources to ensure that training is being given to whosoever requires it. In doing so, it must be ensured that only competent persons give information, education, training, or provide technical advice or services.

(a) Initiatives with School Children

The Authority recognizes the need for awareness building to start at an early stage, so that the concepts of occupational health and safety become ingrained in the educational system, including but not limited to trade schools and the university. Thus awareness on health and safety would not be limited to workers and to employers. Towards this end, the Authority has already carried out information talks about occupational health and safety amongst pupils and students in various schools. There are also on-going discussions with the Ministry of Education to draw a concrete programme of information in schools targeting both students and teachers.

During the period in review, the Authority has taken on board a European-consortium initiative entitled '*Napo*' and launched a pilot-project in a number of private and public schools, with the consent of the pertinent authorities. To this end, the character

was brought to life in the form of a costume and will later on this year also feature in a booklet specifically targeting primary school children. *Napo* as a character has been visiting schools and a very positive and encouraging response has been elicited. The European Agency for Safety and Health at Work has recommended this initiative and is indeed taking the costume on loan for some of its activities at the European Commission and European Parliament.

(b) Media Initiatives

Due to the limited financial resources available, media initiatives were limited to those offered to the Authority free of charge. To this end, OHS information video clips were shown regularly on all television channels but one, which aired them as community announcements.

Moreover, during the last year, OHS officers participated in 52 radio and television programmes, most of which were regular weekly spots while some were on an *ad hoc* basis. The Authority also embarked on a joint initiative with the management of Channel 22 as a result of which, an OHS officer featured on a weekly 30-minute slot targeting students, particularly school leavers. This working relationship with Channel 22 also resulted in an OHS seminar and public speech being transmitted on the said channel.

The Authority also published a series of *ad hoc* articles in local newspapers, magazines and newsletters. The Authority has issued several press releases that deal with specific areas of concern, including falls from a height, construction safety, the need for a concerted action on OHS, health and safety signs and the establishment of a European OHS Practitioners network, amongst others. There were also various letters to the editors which were sent out by the Authority. On both occasions, these have been of both a pro-active as well as a reactive nature.

(c) Participation in Fairs

The Authority has during the last year actively participated in two main fairs organized by the Malta Trade Fairs Corporation. The first one was the Property, Construction & Home Improvement Fair and the Safety and Security Fair during which the Authority set up an information and exhibition stand with the theme 'Building in Safety'. This was manned by OHS officers hailing from the Construction

Section who answered queries from the public as well as distributed material on health and safety in the sector.

Regrettably, the Authority's participation at the Malta International Trade Fair, 2004 was curtailed because of industrial action. This occurred while negotiations on the collective agreement were still underway.

(d) European Week

The Authority has actively participated in the European Weeks for Safety and Health. The scope of these Weeks is to focus on a particular theme, chosen by the European Agency for Safety and Health at Work in consultation with its administrative board and national focal points, and to disseminate information. The theme chosen for the year 2003 was 'Dangerous Substances – Handle with Care!'.

As part of the activities, the Authority organized two technical seminars which attracted around 300 participants. An 8-page newspaper insert on the theme was also produced in collaboration with The Malta Independent on Sunday.

During October 2003, the Authority also organized its annual ceremony for Good Practice Awards in occupational health and safety. The activity has as its objective the raising of awareness, but is also intended to commend those entities and persons who make a valid contribution in the area. The Chairman of the Administrative Board of the European Agency delivered the keynote address at the Seminar on Dangerous Substances and presented the awards.

In April 2004, the new European Week for this year was launched, this time focusing on the specific sector high-risk sector of construction. The week will be held between 18-22 October as part of a pan-European campaign with the theme 'Building in Safety'. Personalised information packs including material produced by the Authority and the Agency were sent to all persons and entities which are directly and indirectly involved in the construction industry. As outlined above, the Authority also participated in themed fairs with specific exhibitions. Moreover during a joint press conference with the Malta Trade Fairs Corporations on the International Day for Health and Safety at Work (28 April), the Authority also launched a seminar entitled 'Building in Safety' which was held in May and attracted over 250 participants.

In June 2004, the Director of the European Agency, Mr. Hans-Horst Konkolewsky, paid a visit to Malta and held various talks with key stakeholders. During his visit he

also inaugurated an exhibition on construction safety at the Exchange Buildings in Valletta and held a public talk for which around 160 persons attended.

(e) Training Initiatives

The Authority launched a Workers' Health and Safety Representatives Course in September 2003, which has attracted some 200 participants by the end of September 2004. This is felt to be particularly encouraging since the Workers Health and Safety Representatives, appointed or chosen by the employees in all workplaces in Malta will greatly assist the Authority in its endeavours, and will go a long way towards reducing, in the years to come, the persistently high demands for the Authority's services. The appointment of such persons is also perceived as a means that would facilitate and at the same time guarantee workers' participation in all decisions affecting occupational health and safety.

The Authority also meets all requests for training, originating from diverse quarters, including the constituted bodies, sectoral organizations, and individual companies. For this purpose, the Authority has prepared a number of training packages that can be tailored to suit the requirements of the persons receiving the training.

The Authority has also identified a number of high risk areas which necessitate greater attention and action. These include the construction sector, by reason of its high incident rate, installations covered by the Control of Major Accident Hazard Regulations, 2003, and workplaces where dangerous radioactive sources are in use.

With regard to the building and construction industry, the Authority has launched two initiatives in collaboration with the Building Industry Consultative Council. The first one, entitled the Safety Bus, involved OHS Officers going round construction sites and filming dangerous work practices and activities. The Officers would then show the film to the workers and discussing with them ways by which the work could have been carried out safely.

The second initiative involved a training programme, launched on a voluntary basis, consisting of nine hours of lecturing to workmen, skilled persons and other stakeholders on basic occupational health and safety awareness.

The total number of people attending and participating in the training courses organised by the Authority amounts to just under 2000.

(f) Websites

The Authority recognises that public access to health and safety information improves public understanding and strengthens public confidence in the health and safety system. To this end, the Authority publishes a myriad of information on the Internet on a regular basis.

The Authority currently maintains two websites. The Ministry for Education hosts one (<http://www.education.gov.mt/>) and the other one is hosted by the European Agency for Safety and Health at Work (<http://mt.osha.eu.int>).

These websites contain up to date information and advice on health and safety issues including the latest legislation. Publications, technical documentation, papers and press releases are also published on-line to facilitate access of information to the general public. The number of hits per month is very encouraging and is an indication that this service is being well utilized by the Authority's clients.

The time required for new information to be published on these websites is sometimes longer than one would wish – however the reason is well beyond the direct control of the Authority.

The Authority nevertheless will embark on an update of this service to ameliorate the information and resources available.

(iv) Ensuring compliance with existing legislation

Since its inception, the Authority has strived to ameliorate the working environment of all workers in the Maltese Islands. Some benefits have been reaped, as shown in a recent survey published by the European Foundation for the Improvement of Living and Working Conditions². According to this survey, the overall level of occupational health and safety is lower in the new Member States and candidate countries (NMSC), but Malta fares very well in comparison, even with regards to the “old” Member states. For instance, 41% of workers in the new Member States and candidate countries and 23% in the EU-15 suffer from fatigue, as compared to only 20% of workers in Malta. Moreover, while the average number of weekly working hours in

² European Foundation for the Improvement of Living and Working Conditions, *Working conditions in the acceding and candidate countries*. Luxembourg: Office for Official Publications of the European Communities, 2003.

the new member states and candidate countries is of 44.4, in Malta this amounts to 40.4, a little over the 38.3 hours in the EU-15. Furthermore, 38% of workers in the new Member States and candidate countries work more than 45 hours per week compared to only 21% in the EU-15. In Malta this is 24% . When it comes to unsocial working hours (such as night work or shift work), these are more prevalent in the new Member States and candidate countries (21%) and in the EU-15 (19%) than in Malta (17%).³

Having said this, the Authority is increasingly finding itself having to face a situation where it has been placed on center stage by the media, politicians and by others having sectoral interest as a result of increased awareness on the need to have better levels of occupational health and safety. This has not however been accompanied by an increased awareness of obligations or of what needs to be done resulting in increased demands on the OHSA. This has somewhat compromised the capacity of the Authority to fulfill its obligations. There is also a perception that the OHSA is the immediate formula by which to obtain immediate results, with little appreciation of the work, effort and resources required to bring about change. Whereas most people seem to understand that health and safety levels need to be improved, few know how to go about it or the respective responsibilities at law. There is also a dearth of people who can be considered as experts in OHS, and who could be of service to the Authority itself, employers, workers' organizations, the law courts and others who might have an interest.

The increased demands on the Authority's services have rendered the Authority into a reactive organization in so far as ensuring compliance. Visits by OHS Officers often follow reports of serious incidents, or requests for investigation of severe risks to health and safety, and have to be seen within the context of the other legal responsibilities that the Authority is expected to fulfill. Unfortunately, this also means that the Authority cannot plan any structured workplace visit campaigns.

The Authority has however worked towards being an effective and efficient organisation that makes use of the most cost-effective operational means by which to fulfill its obligations, implement its strategies and meet its objectives. Towards this end, the Authority has identified a number of grey areas that involve other

government entity that still do not get the required attention. The Authority's role is delineated by very clear legal parameters which have enabled it to introduce specific systems in place. The same cannot be said about some other entities that have similar legal responsibilities for occupational health and safety, but which have not developed their enforcement structures. This automatically results in some areas not being regulated effectively to the detriment of the citizen who would not have any means of redress. Due to the lack of resources, the Authority cannot go beyond the strict legal parameters of its role. Nevertheless, it has encouraged other entities to take OHS on board and has in fact formulated a number of Memoranda of Understanding which have been proposed to the entities concerned.

Within the framework of maximising the efficiency and effectiveness of its resources, the Authority has also to identify actions which bring about compliance in the most cost-effective manner possible. So far, the Authority has relied exclusively on judicial proceedings to bring about forced compliance. This requires a lot of time and effort, and therefore it is ample time that the Authority starts to impose administrative fines on those persons who persistently contravene the regulations. These administrative fines will facilitate the backlog of court cases and also cut down on red tape and bureaucracy. The Authority is at present drafting standard operating procedures to ensure that the process is a transparent one. The introduction of these fines does not necessitate the enactment on any new supporting legislation since the Act itself gives the Authority the necessary mandate. The process will be a gradual one, with the list of contraventions increasing over time.

(a) Radiation Protection

The Radiation Protection Board, RPB, was appointed in September 2003 by the Prime Minister under regulation 10 of the Nuclear Safety and Radiation Protection Regulations 2003, and held its first meeting in October 2003. It meets approximately once a month. The RPB is chaired by the OHSA and has members from OHSA, Environment Protection Directorate, Public Health and Civil Protection Department. Each member agency of the RPB has a joint duty to ensure the overall functions of the Board are carried out as efficiently as possible.

The RPB has been involved in ensuring the transposition of European Union commitments in the field of Radiation Protection and has worked on providing

guidance documents. Through the work of the RPB, users of ionizing radiation in the government and private sectors in Malta are beginning to be subject to more thorough inspections than before.

The detailed national inventory of all sources of ionizing radiation has been completed. This national inventory will assist the RPB to effectively regulate the use of ionizing radiation in Malta. There is a total number of 150 different users in Malta including clinical, industrial, dental and veterinary applications.

The RPB is maintaining the strong relationship with the International Atomic Energy Agency, IAEA. The IAEA has sponsored training activities and attendance at conferences for members of the RPB, as well as provided assistance to the RPB to provide training for different categories of users here in Malta.

The RPB has employed on a definite contract, a radiation protection technical advisor and his work has been invaluable in providing advice on the preparation of documentation and on providing advice on the solutions of technical nature when they have arisen.

The Radiation Protection Board met 10 times during the period October 2003 to September 2004.

(b) Machinery, Equipment, Plant and Installations

The Machinery, Equipment, Plant and Installations (MEPI) Section within the Occupational Health and Safety Authority deals with matters related to the above mentioned subjects and the Control of Major Accident Hazards (COMAH), Regulations.

This section receives reports and certificates on lifts, hoists, cranes, forklift trucks, boilers and presses. These are recorded and the employers are notified of any irregularities that require rectification. In case of serious deficiencies, the Authority prohibits the further use of the unsafe equipment, which would only be revoked upon satisfactory completion of the repairs or modifications outlined in the report.

A comprehensive database has been built of all lifts, hoists, forklift trucks and boilers, the installation of which is known to the Authority. This is an invaluable tool in keeping track of all the reports and to ensure that they are sent regularly as required

by legislation. During the period from October 2003 to September 2004, this section processed a total of 2710 reports and carried out 591 inspections.

The MEPI Section also prepared guidelines for the certification of cranes and forklift trucks and an information leaflet on hoists and lifts. The COMAH Regulations were published in 2003. These are aimed at ensuring that the highest possible safety standards are adopted and maintained in establishments which store large quantities of dangerous substances so that major accidents, which would have a devastating effect on both man and the environment, are prevented. The training courses on these regulations organised by the Authority for the operators and other entities concerned were concluded and the MEPI Section prepared the notification forms. A Memorandum of Understanding between the three entities forming the Competent Authority, The OHSa, MEPA and CPD has been drafted. The recent amendments to the relative EU Directive (Seveso) were published in December 2003. These have been adapted to the COMAH Regulations, translated into Maltese and will be published in due course.

The section was also involved in the supervision and coordination of the refurbishment and furniture contracts for the new premises in Pietà.

(c) Trends in Accident Statistics

Statistics about work related accidents, including injuries, fatalities and ill-health remain an important tool to assess the current state of occupational health and safety especially the effectiveness of current measures. Locally, these statistics are obtained from various Government entities including the Occupational Health and Safety Authority, the National Statistics Office as well as the Department of Social Security. Notification of work related incidents is a requirement under various regulations and these are administered by different government entities.

Nevertheless, the exact incidence of occupational incidents, especially cases of ill-health remains somewhat blurred. It is a known fact that a considerable amount of injuries and cases of ill health remain unreported for various reasons, including a lack of awareness of legal obligations. This occurrence of unreported cases is a common factor prevalent in many countries. On the other hand, the Authority is aware of the fact that a number of accidents that are not work-related are also reported as such since these are linked to possible benefits under the Social Security Act.

Keeping these factors in mind, the Authority has increased its drive towards promotion and awareness on various areas with regards to health and safety, including a better understanding of the various responsibilities of the different duty holders. On the other hand, better media coverage has on occasions instigated the public's perception to assume that the Authority is not achieving its goals and that in effect occupational accidents are on the increase. A look at the number of accidents throughout the years however shows a significant and marked general downward trend in the number of annually reported accidents at work which result in an injury.

Nevertheless, the Authority feels that in the area of occupational diseases and ill health there is still wide un-reporting of cases. The main reason for this is thought to be the lack of appreciation of the association between work and the resulting ill health together with the vague legal framework on work related diseases.

In the case of occupational fatalities, although every lost life is indeed a human tragedy, the National Office of Statistics publication 'Benchmarking Malta in Europe' has proved that the number of workplace fatalities relative to the number of workers in Malta is very low when compared to the 25 EU member states.

Year	Gainfully occupied	Injuries at work	Injuries per 100,000 workers	Fatalities⁵
2003	138,063 ¹	4,746 ³	3,437	12
2004	136,650 ²	3,072 ⁴ (4096 extrapolated for a whole year)	n/a (2997 using extrapolated injury figures)	11 ⁶

1 Source: NSO, revised figures for 2003.

2 Source: NSO, Figures for April 2004.

3 Source: NSO.

4 Source: Department of Social Security (for the period January to September 2004).

5 Source: OHSA.

6 For the period January to September 2004.

(d) Fatal Accidents at work

During the period under review there were twelve fatal accidents at the place of work, one of which resulted in two fatalities.

<u>Month</u>	<u>Work Activity</u>	<u>Age/s of victim/s</u>	<u>Locality of Accident</u>
Nov 03	Construction	30	Qawra
Dec 03	Construction	49	Mgarr (M)
Jan 04	Construction	61	Balzan
May 04	Construction	47	St Julians
May 04	Construction	52	Xaghjra
May 04	Construction	61, 24	St Paul's Bay
Jun 04	Construction	17	Tigne'
Jul 04	Diving	40	Freeport
Jul 04	Construction	57	Qawra
Jul 04	Agriculture (Farming)	47	Ghajn Tuffieha
Jul 04	Waste Management	27	Maghtab
Sep 04	Construction	25	Qrendi

Our accident investigations show that in many cases, employers were failing to carry out risk assessments and many of these accidents could have been prevented by appropriate good practice. The Authority will continue to maintain the pressure to ensure that employers meet their legal obligations, and for a general amelioration of the workplace health and safety. This might entail taking legal action against the entities involved.

(e) Prosecutions conducted by OHSA

Prosecutions by the Authority are conducted mainly before the Court of Criminal Judicature whereby there are at present 14 *sub-judice* cases. During the course of the past year, two persons have been found guilty and convicted for breach of OHSA regulations. Whilst a person was awarded a three month suspended sentence, another person was fined a pecuniary amount.

Over the same period of time, another 10 new cases have been presented before the courts, bringing the total of cases which remain *sub-judice* to 24. Moreover, three new cases were presented before the Court of Criminal Inquiry following fatal accidents at work places. These too are still *sub-judice*.

(v) Relations with International Institutions

The field of occupational health and safety has a more concrete scope when seen in a wider perspective. Various initiatives and advances take place at an international level and the Authority is ensuring that through its active participation and membership of

various entities, the issues and concerns of Malta are voiced. Moreover, good practice and expertise that might be relevant to the island are also taken on board.

(a) Senior Labour Inspectors Committee

The Committee of Senior Labour Inspectors (SLIC) is a forum for discussion between the European Commission and the representatives of the Member States' national authorities who are, amongst other things, responsible for monitoring the enforcement of secondary Community law and who are consequently in direct contact with the businesses affected by it. The Committee provides the Commission with a channel for receiving information about any problems relating to the enforcement of secondary Community law. It is also a forum for the national authorities to compare experience of the structure, methods and instruments of labour inspection.

Malta has now become a full member of SLIC with representatives from the Authority participating in all meetings. Prior to its membership in the European Union, the Authority was assessed by four SLIC representatives hailing from three different countries. The Authority passed with flying colours in this peer review exercise that analysed the inspection, administrative and legal systems in the area of occupational health and safety in Malta. The major problem identified was that related to effective social partner participation, where a wider scope for social partnership through active participation between employers and trade unions in the area of OHS was deemed fundamental and still lacking.

Maltese representatives have now been appointed on such peer review exercises targeting two of the 'old' EU member states.

(b) Advisory Committee for Safety and Health at Work

The Advisory Committee for Safety and Health at Work has been established by means of a Council Decision with the task of assisting the Commission in the preparation, implementation and evaluation of activities in the fields of safety and health at work. Specifically, the Committee shall conduct, on the basis of the information available to it, exchanges of views and experience regarding existing or planned regulations, help to devise a common approach to problems in the fields of safety and health at work, and to identify Community priorities as well as the measures necessary for implementing them. More importantly, the Advisory

Committee has the important task of drawing the Commission's attention to areas in which there is an apparent need for new knowledge and for suitable training and research measures, and to express opinions on the annual programme and the rotating four-year programme of the European Agency for Safety and Health at Work. In fulfilling its functions, the Committee cooperates with the other Committees which are competent for health and safety at work. This Committee is tripartite and the Authority has participated actively not only in the plenary sessions of the Committee, but also in the Governments' Interest Group meetings.

The Authority has also actively participated in the Advisory Committee's Working Party on occupational health and safety in the hospital sector, with the Chief Executive Officer of the Authority being elected as the official *Rapporteur* of the Working Party. The aim of this group is to discuss and take action on issues of major concern to workers in the hospital sector - who amount to about 10% of the EU's total workforce, are exposed to numerous risks, some of which only are covered by current EU legislation. This phenomenon has heightened the need for more specific action at EU level in a bid to improve the protection of the health and safety of hospital personnel.

The Working Party agreed that although new legislation at EU level was not essential at present, there was a lacuna of information when it comes to recommendations and guides of good practice in the sector. They also stressed the need for more dissemination of information and the exchange of experience in this area.

(c) European Agency for Safety and Health at Work

The Agency is a tripartite European Union organisation and brings together representatives from three key decision-making groups in each of the EU's Member States – governments, employers and workers' organisations. The Administrative Board sets the Agency's goals and strategy, including the identification of priority OSH issues where further information or activity is required, it appoints the Director, adopts the Work Programme, the Annual Report and the Agency's budget, and authorises the Director to administrate the budget. Malta has 3 full members on the Agency's Administrative Board.

The Agency's principal safety and health information network is made up of a 'Focal Point' in each EU Member State, in the four EFTA countries and in the Candidate

countries. This network is an integral part of the Agency's organisation and focal points are nominated by each government as the Agency's official representative in that country and are normally the competent national authority for safety and health at work. In the case of Malta, the Authority is the Focal Point of the Agency and a national information network was also set up locally to ensure that the views of all stakeholders are represented during Focal Point meetings. Members of this network include government department and entities, trade unions, employers associations and various NGOs.

The Agency also has a number of expert groups where national experts are nominated on specific subjects according to their competence. Such groups include internet, education and agriculture amongst others.

The Authority endeavours to always take a very active part in all initiatives launched by the European Agency.

(d) Commission Social Questions Working Party

The Authority has also made a very valid contribution in the Social Affairs Working Party of the Council of the European Union by highlighting an issue which would have caused a considerable unnecessary financial burden on the stakeholders, apart from being impractical to implement. Upon the Authority's representatives' suggestion, this specific paragraph "in so far as exposure of the skin is concerned, clothing may be considered personal protective equipment as far as it meets the protection objectives" has been deleted from the draft directive.

The Working Party was discussing the draft directive on the minimum health and safety requirements regarding the exposure of workers to the risks arising from optical radiation. This directive will be issued within the meaning of the general framework directive.

It was deemed necessary to introduce new measures protecting workers from the risks associated with optical radiation, owing to its effects on the health and safety of workers, in particular any damage that might result to the eyes and to the skin. The aim of this directive is to introduce legally-binding measures to ensure the health and safety of each worker on an individual basis and to create a minimum level of protection for all EU workers to also avoid possible distortions of competition.

(e) International Labour Organisation

The Authority is also an International Safety and Health Information Centre (CIS) of the International Labour Organisation (ILO). CIS was established in 1959 with the aim of collecting all relevant information about occupational safety and health being published around the world, whatever the format and the language. It also collects and disseminates information on the prevention of occupational accidents and diseases. It is assisted in its work by more than 120 national institutions around the world (its National and Collaborating Centres) dealing with occupational health and safety matters in their own countries, of which the Authority is one.

(f) International Atomic Energy Agency

The RPB is maintaining the strong relationship with the International Atomic Energy Agency, IAEA, as it has been extremely useful in setting up the radiation protection infrastructures here in Malta .

The International atomic Energy Agency (IAEA) is a UN agency mandated to promote the beneficial use of ionizing radiation around the world. The IAEA acts as the world's center of nuclear cooperation and works for the safe, secure and peaceful use of nuclear technologies.

In order to promote the beneficial uses of ionizing radiations the IAEA has developed standards that all member countries are required to adhere to. The RPB is working to ensure that Malta is complying with one of the most important IAEA's standards entitled "International Basic Safety Standards for the Protection against Ionizing Radiation and for the Safety of Radiation Sources".

The IAEA monitors compliance with its standards by its member countries by a system of inspections.

The IAEA can provide assistance to member countries which are applying their standards through its technical assistance programme. The IAEA has supported the RPB through a regional technical project designed to enhance the capabilities of radiation regulatory authorities by sponsoring training activities and attendance at conferences for members of the RPB, in and by giving assistance to the RPB in providing training for different categories of users here in Malta.

(g) Committee of Competent Authorities of the SEVESO Directives

This Committee brings together all those designated Competent Authorities within the Member States responsible for the implementation of the Seveso Directives, together with representatives of the European Commission. It is tasked with ensuring the full and effective implementation of these directives. The OHSa was represented during both general meetings held throughout the year, and sought to make meaningful contacts and problems relating to the implementation of the directives were discussed. As a result of the contacts established, the OHSa received an offer of assistance in the evaluation of reports required to be submitted by the directive. Another important contact was made with representatives of the Major Accident Hazard Bureau which resulted in an invitation for two OHSa officers to receive training in Seveso reporting requirements, namely Major Accident Reporting System (MARS) and the Seveso Plants Information Retrieval System (SPIRS).

Assistance provided to the Authority

During 2005, the Authority will be benefiting from monetary assistance in respect of two projects, one relating to a Transition Facility (funds provided by the European Commission) and the other relating to funds made available by the European Agency for Safety and Health.

The Transition Facility 2004 has three major components, as follows:

- (i) Institution Building - providing training to OHS Officers, fostering of social dialogue and the formulation of syllabi for OHS-related courses;
- (ii) Development of a Management Information System, to assist the OHSa in managing its business better and to support in the delivery of its services; and
- (iii) Investment – the provision of monitoring equipment to reinforce the Authority’s capacity to effect interventions where there is a likely risk from chemicals, physical agents or radiation sources.

The total amount that will be made available for this project will be of Lm171,000, of which Lm26,000 refer to Malta’s co-financing component and Lm145,000 refer to EU funds.

The European Agency for Safety and Health at Work made available Community funding in the form of grants to Focal Points to co-fund (up to a maximum of 50 per

cent of the total cost) information actions on the provision of occupational health and safety information online and the generation of a wide range of European Week campaign activities. The Authority has available Lm 8,000 towards this co-funding project.

The funds will be used for two main purposes. The first one is website management to ensure that all Member States actively participate in Europe's online OHS information network and to maximise the leverage effect of Community funding and to ensure that relevant, practical and up-to-date online information on occupational safety and health issues is available to Europe's citizens as part of the Agency's website network.

Funds are also allocated for the European Week campaign in a bid to ensure that all Member States are involved in the Week and to maximise the leverage effect of Community funding, to generate as many quality EW activities as possible and therefore to promote awareness of the hazards and risks of construction work and to promote preventive measures in construction work across Europe.

The Future

The Occupational Health and Safety Authority will continue its efforts to improve the general levels of occupational health and safety by making full and efficient use of its resources. In an ideal world, the Authority should have adequate resources at its disposal. Since this is not an ideal world, and since the Authority's aspirational goals are very ambitious, the Authority will have to prioritize its actions and to seek and foster partnerships with other interested parties and stakeholders.

The ultimate goal would be self-regulation by all duty-holders, and this can only be achieved in time, and after there has been a change in the prevailing work culture and the mentality by which occupational health and safety are looked upon in Malta.

Throughout its operations, a number of problems have been identified. These mostly concern the synergy that should be in place between those entities with which the Authority shares a responsibility for various aspects of occupational health and safety. Whereas the Authority has worked hard at developing its capacity to implement the legislation, other entities, through their own lack of resources, have failed to take on board a number of legal obligations pertaining to their area of activity. The Authority has sought to address the problem by proposing a number of Memoranda of

Understanding – regrettably to date, these have not been accepted, so that issues which by law have not been assigned to the Authority’s portfolio of legal competences, remain unaddressed by the entities concerned. This is indeed regrettable since the Authority has provided technical assistance to a number of entities, usually by bringing over foreign experts or by facilitating technical exchanges, at great cost to the Authority.

The Authority will therefore continue working hard to ensure such synergies between all national entities having an interest in the matter.

Another problem concerns an anachronistic attitude by certain professional quarters. OHS Officers still report very antagonistic stances by professional persons when the law is implemented, which they see as a threat to their professional integrity and independence. The Authority will therefore work to develop its ties with all professional bodies, so that the role of the Authority is better understood and appreciated.

Annex 1: Activities carried out by the Authority

October 2003 – end September 2004

	Annual Total
Workplace visits†	2298
Chemicals licenses vetted *	1416
Equipment certificates vetted‡	2650
Radioactive Material import licences vetted	82
Construction Blitz inspections	280
Staff development man hours	1106
Hours of training delivered	1118
Number of participants at OHSa training	1900
Press releases / Letters to editors	32

†The Authority received 584 requests for workplace visits, of which 408 (70%) were investigated.

* For the period covering September 2003 – April 2004. As a result of EU accession and in line with the drive towards harmonisation and simplification of importation procedures (in place since April 2004), importers were no longer required to seek OHSa approval prior to importing chemical products. Before this decision was implemented, a total of **1416 import licences** for chemical products were vetted by the OHSa between October 2003 and April 2004.

‡ Including 1511 lift certificates and 89 boiler certificates.

Annex 2: List of OHS legislation

Legislation	Reference
Act XXVII of 2000, Occupational Health and Safety Authority Act	Cap. 424
Protection of Young Persons at Work Places (Amendment) Regulations	L.N. 283 of 2004
Work Equipment (Minimum Safety and Health Requirements) Regulations	L.N. 282 of 2004
Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations	L.N. 281 of 2004
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks arising from exposure to Noise) Regulations	L.N. 185 of 2004
Work Place (Minimum Requirements for Work) (Confined Spaces and Spaces having Explosive Atmospheres) Regulations	L.N. 41 of 2004
Protection of Workers in the Mineral Extracting Industries through Drilling and of Workers in Surface and Underground Mineral-extracting Industries Regulations	L.N. 379 of 2003
Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations	LN 228 of 2003
Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work, Regulations	L.N. 227 of 2003
Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations	LN 123 of 2003
Regulations on the Protection of Workers from the Risks related to Exposure to Carcinogens or Mutagens at Work	LN 122 of 2003
Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations	LN 121 of 2003
Regulations establishing a First List of Indicative Occupational Exposure Limit Values on the Protection of the Health and Safety of Workers From the Risks related to Chemical Agents at Work	LN 120 of 2003
Nuclear Safety and Radiation Protection Regulations (issued under Cap. 365).	LN 44 of 2003
Control of Major Accident Hazard Regulations	LN 37 of 2003

General Provisions for Health and Safety at Work Places Regulations	LN 36 of 2003
Protection against Risks of Back Injury at Work Places Regulations	LN 35 of 2003
Factories (Night Work by Women) (Repeal) Regulations	LN 34 of 2003
Workplace (Provision of Health and, or Safety Signs) Regulations	LN 45 of 2002
Work Place (Minimum Health and Safety Requirements) Regulations, 2002	LN 44 of 2002
Minimum Health and Safety Requirements for Work with Display Screen Equipment Regulations	LN 43 of 2002
Work Place (First Aid) Regulations	LN 11 of 2002
Occupational Health and Safety Appeals Board (Procedural) Regulations	LN 10 of 2002
Protection of Young Persons at Work Places Regulations	LN 91 of 2000
Protection of Maternity at Work Places Regulations	LN 92 of 2000
Factories (Health, Safety and Welfare) Regulations	LN 52 of 1986
Power Presses Regulations	LN 25 of 1984
Steam and Hot Water Boilers Regulations	LN 34 of 1976
Building (Safety) Regulations	LN 96 of 1968
Factories (Hoists and Lifts) Regulations	LN 47 of 1964
Factories (Superintendence and Control of Plant) Regulations	GN 340 of 1954
Dock Safety Regulations	GN 497 of 1953
Factories (Woodworking Machinery) Regulations	GN 787 of 1949

In addition, there are also a number of published technical documents, providing documents guidance so that various specific hazards and risks can be better controlled.

Technical Documentation
Recommended procedure for dealing with mail suspected of being infected with Anthrax.
Guidance on SARS for workers.
An integrated Policy for the Security of Persons inside Financial institutions.
Managing stress at Work.
Code of practice for the Building and Construction Industry.
Minimum Health and Safety Requirements for the Handling of Asbestos-containing Material (ACM).
Minimum Health and Safety Requirements for handling cyanide-containing compounds.

Annex 3: Budgeted Income and Expenditure Account

Budgeted Income and Expenditure Account Budget for the year 1 October 2004 to 30 September 2005

	Actual 2003 - 2004 Lm	Actual Lm	Budget Lm	Budget 2004 - 2005 Lm
Personal Emoluments				
Staff Salaries	176,969		183,049	
Honoraria to OHSA members	13,680		13,680	
Social Security Contributions	10,252		15,650	
Allowances	13,569		20,669	
Overtime/On Call	3,789		5,000	
Total personal emoluments		218,259		238,048
Operational Expenses				
Utilities	16,674		12,000	
Material & Supplies	3,123		2,000	
Repair & Upkeep	1,853		1,000	
Rent	9,453		2,500	
International Memberships	715		500	
Office Services	3,400		1,500	
Transport	21,119		21,000	
Travel	13,250		2,000	
Information Services	5,095		500	
Contractual Services	3,834		6,500	
Professional Services	12,963		10,000	
Training	679		500	
Hospitality	1,234		500	
Incidental Expenses	0		500	
Total Operational Expenses		93,392		61,000

	Actual 2003 - 2004 Lm	Actual Lm	Budget 2004 - 2005 Lm	Budget Lm
Programmes and Initiatives				
Transition Facility 2004 (Malta funds)			26,000	
Transition Facility 2004 (EU funds)			145,000	
European Agency for Safety and Health (OHSa co-financing)			8000	
* Total Programmes and Initiatives				179,000
Contributions and Initiatives				
Appeals Board		0		850
Total Recurrent Expenditure		311,651		478,898
Confirmed Income				
Government Recurrent Grants		275,500		275,000
EU-related Funds		27,179		179,000
Budgeted Income				
Lectures, training and conferences	10,100		10,000	
Administrative fines	0	10,100	5,000	15,000
Total Budgeted Income		312,779		469,000
Surplus Deficit for the year		1,128		(9,898)
Total deficit until the end of the year				(8,770)

* Excluding VAT and duty

The Financial Statements of the Authority for the period ending 30 September 2004 are being included in a separate report.