



AWTORITÀ GĦAS-SAĦĦA U S-SIGURTÀ FUQ IL-POST TAX-XOĠĦOL  
OCCUPATIONAL HEALTH & SAFETY AUTHORITY

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**Report of Activities for the period  
1<sup>st</sup> October 2005 – 30<sup>th</sup> September 2006**

**Occupational Health and Safety Authority, Malta**

**2006**

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## **Preface**

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17<sup>th</sup> November 2000. Part III of the Act, concerning the Establishment, the Functions and the Conduct of the Authority was brought into force on the 3<sup>rd</sup> May 2001. The Act was brought into force in its entirety on the 29<sup>th</sup> 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 safeguarded by whosoever has such a duty.

The following is a report of the Authority's activities for the period October 2005 and September 2006, which is being published in terms of section 37 of the Act. It includes the Authority's Budgeted Income and Expenditure Account for the period 1 October 2006 to 30 September 2007 which is being published in terms of section 31 of the Act.

The audited accounts of the Authority for the period 1<sup>st</sup> October 2005 to 30<sup>th</sup> September 2006 are being published separately.

The Authority strives to meet its goals by making full and efficient use of its resources, and in particular by meeting its own high standards of corporate governance. Currently, the sources of the Authority's financial resources are threefold – the annual grant made by the Ministry of Finance, the Authority's own revenues from services for which a fee is charged, and funds made available through foreign assistance. For the first time since it was established, the OHS Authority has succeeded in ending its financial year with a surplus which was used to offset its accumulated deficit.

## **Chairperson's statement**

Throughout the constant dialogue with representatives of the social partners there clearly emerges the agreement that Occupational Health and Safety is of paramount importance to one and all, the workers first and foremost, to employers and to the government.

Recognising its importance is the first step in achieving progress. However this requires the determination to implement and achieve such safety standards and must not be inhibited by financial considerations.

The OHSA has once again had a positive year considering its limited resources –the Authority's employees have been involved in the enforcement of OHS regulations, preparation of a large amount of information material, organisation of hours of training programmes for workers as well as fulfilment of EU obligations.

There is obviously much room for improvement and more work to be done. The construction sector, for example, poses a great challenge. Recruitment of more OHS officers would aid to achieve improvement in this area through stricter enforcement of safety regulations related to the construction industry. A campaign for employers is also necessary to make them understand the long term human and financial benefits of strict adherence to the law. Capacity building must become a priority on the government's agenda.

However, I feel that the biggest challenge we face remains the required change to the prevailing mentality with regards to how occupational health and safety are perceived; this can only be achieved by finding the right balance between stricter enforcement and maintaining the ongoing awareness building drive by the Authority.

This year an application for projects to be funded by utilisation of EU structural funds has been submitted to Government. The projects involve the awarding of grants to SMEs for the implementation of technical measures for the improvement of ohs standards, launching of an information and awareness campaign and strengthening the OHS capacity for the delivery of training. If judged favourably these three projects together will encourage the aforementioned change in mentality.

2007 will see the launch of a new Community Strategy for OHS 2007-2011. The OHSA has participated actively in the development of this strategy which will improve overall OHS standards if completely implemented.

2007 will mark the 5th year since OHSA started to function. It is time for us to be more ambitious in setting our targets for attainment of these standards. It will not only be of benefit to the workers but to the country's economy as well.

Roberta Messina

Chairperson

## **The Board of the OHS Authority**

The OHSA Act stipulates the criteria for the appointment of an OHSA Board, made up of nine members. The membership of the Board of the Authority was as follows:

### ***Chairperson***

Ms. Roberta Messina

### ***Deputy Chairperson***

The Director of Industrial and Employment Relations, *ex officio*.

### ***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. Antoine Azzopardi and Mr. Saviour Sammut, appointed to represent the interests of workers;

Mr. Joseph Delia and Ms. Rosanne Galea, appointed to represent the interests of employers.

### ***Secretary***

Mr. Giovanni Barbaro Sant

The OHSA Act 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).

Dr. Mark Gauci is the incumbent Chief Executive Officer of the OHSA.

## **Introduction**

The Occupational Health and Safety Authority commenced its operations with the coming-into-force of the OHS Authority Act, 2000 (Cap. 424) in January 2002; it is responsible to ensure the promotion and safeguard of the physical, psychological and social well being of all workers in all work places.

Since it was established the Authority has devoted a lot of time and resources to raise awareness and disseminate relevant, updated information. This was instrumental in bringing about a much desired change in the way by which OHS is collectively perceived, and in particular has helped to place OHS on the national agenda. Despite these achievements, many still pay no more than lip service to the need of having adequate levels of occupational health and safety. This is indeed regrettable, for adequate levels of health and safety underpin the very essence of economic sustainability; conversely, poor general levels of health and safety increase the burden on social security, affect productivity and require huge treatment and rehabilitation costs – all this apart from the unquantifiable human misery that is caused to workers and their families.

There has been an increase in the number of cases referred to the Authority concerning issues which do not fall within the applicability of the Act. These include reports filed by third parties concerning nuisances (noise and dust), environmental emissions, transport related activities, and sea-transport. Although the Authority still investigates these complaints to ensure compliance with the requirements of the OHS Authority Act, the Authority does not have any legal *vires* to provide a remedy to the complainant, and would have no alternative other than to refer the case to the responsible entity. To try and remedy this situation, the Authority publicly promotes its roles and functions through letters to newspapers and other informative articles; it has also proposed a number of memoranda of understanding to those entities to which the majority of such cases are referred – these memoranda of understanding remain to be accepted.

On a positive note, there has been a dramatic increase in information requests concerning occupational ill-health. The Authority has often commented in the past on the perceived lack of awareness regarding the associations between work and health, particularly the influence of work in the causation of disease or the aggravation of



pre-existing medical conditions. Despite this obvious awareness, especially amongst workers, the Authority cannot help but make a comment about the few officially notified cases of suspected occupational diseases (by medical practitioners in terms of the Social Security Act, and/or by employers in terms of various OHS regulations); such notifications are an important tool, when used effectively, in obtaining a reliable picture regarding the prevalence of occupational ill-health in Malta, which to date, remains very unclear.

## **Review of Activities**

In terms of the OHS Authority Act, 2000, the primary duties of the Occupational Health and Safety Authority, that is the promotion and safeguard of high levels of occupational health and safety for all workers at all workplaces have to be fulfilled within the parameters of the general national policy established by the Minister. However, the ever-increasing range of duties necessitate a prioritization of the tasks carried out, which have been determined by the Authority as follows:

- (i) awareness building, information, education and training;
- (ii) ensuring compliance with existing legislation;
- (iii) legislative reform;
- (iv) consolidation of resources; and
- (v) relationships with local entities and international institutions.

### **1.0 Awareness building, information, education and training**

This is a priority and will remain so for the coming years. For this purpose, a project has been submitted under the European Social Fund 2007-2013 programming period to conduct an awareness and education campaign about occupational health and safety. This project will involve the production and distribution of information material in various media, including print (such as leaflets, booklets, billboards), audio-visual (such as radio and television information clips) and ICT related media (such as educational computer games, software). Focused information sessions will be held in industry and in schools to ensure that the information is being relayed in the most effective way. If accepted, the project will run throughout 2007 with the drafting

and production of the material together with the launch of some target-specific campaigns.

This campaign is deemed particularly important since as witnessed in previous years, a higher level of awareness necessitates information that is continually updated and adapted to the changing world of work. The Authority continues to provide information and to disseminate it as widely as possible. A wide range of press releases and feature articles have indeed been published in local media. A number of such information campaigns organized by the Authority have been linked with international initiatives, especially those organized by the European Agency for Safety and Health and the Senior Labour Inspectors Committee.

Moreover, more and more data is being produced about emerging risks - this implies that research needs to be carried out to ensure that these risks are identified in due time and prevention measures adopted. To this end, the OHSA is currently participating in the Risk Observatory of the European Agency for Safety and Health at Work as well as being a partner in a European project to identify such risks.

In terms of the law, training is an employer's responsibility, yet the Authority spends a lot of time and resources in ensuring that training is being given to whosoever requires it. Indeed, the Authority is a partner in a European project that involves interactive OHS training to non-managerial staff. The OHSA has also submitted a proposal for training to be developed under the Structural Funds 2007-2013 programming period.

### **1.0.1 Initiatives with School Children**

A change in mentality will have a more positive outcome if the concept of a high level of OHS becomes ingrained from an early age. The Authority has always recognized and emphasized this especially as highlighted lately in the Rome declaration on mainstreaming OHS in education.

The Authority has increased the number of information and awareness raising talks about occupational health and safety amongst pupils and students in various primary schools in Malta. The current official mascot of the campaign 'NAPO' (as created by a European consortium) has become very popular in schools with more requests registered during the course of this past year. Indeed, a total of 22 schools were visited between January and May, targeting nearly 2000 students. During these

visits, students are guided through a short film followed by a talk. The mascot NAPO then distributes an informative and educational activity booklet produced by the OHSa which the students are encouraged to work through.

The Authority also cooperates actively with the Health and Safety Unit of the Ministry of Education, Youth and Employment, with the scope of organizing joint activities targeting school children and last year participated with an information stand during the first Health and Safety Expo organized by the same Unit.

### **1.0.2 Media Initiatives**

Due to the limited financial resources available, media initiatives remain limited to those offered to the Authority free of charge - OHSa information video clips are regularly sent to all television channels with a request for these clips to be aired as community announcements – regrettably, most channels look upon the transmission of such announcements from an economic perspective, and do not transmit messages despite the OHSa request.

During 2005, OHS officers participated in several radio and television programmes, most of which were regular weekly spots while some were on an *ad hoc* basis. The Authority also published a series of articles in local newspapers, magazines and newsletters. The Authority has issued a number of press releases that dealt with specific areas of concern, including construction safety, noise at work, as well as covering the official opening of the OHSa premises and the delivery of court judgements relating to prosecutions carried out by the OHSa. 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.

### **1.0.3 Initiatives with Small Businesses**

Micro-enterprises and SMEs make up an absolute majority of Maltese enterprises. Indeed, 96% of all enterprises are micro-enterprises, whilst 67% of self-employed entities do not employ any employees. This makes them a very vulnerable sector in case of occupational accidents, given that the situation would necessitate self-employed to close down operations (on a temporary or permanent basis, depending on the degree of injury) whilst recovering from the occupational injury or disease. In the case of micro-enterprises, one injured employee would represent a very

high percentage of the workers in the entity, thus making the incident more financially crucial.

In the case of SMEs, this situation is also mirrored in other EU member states making this group a risk group of major importance with its particular scenarios

### **1.0.3.1 Healthy Workplace Initiative**

The European Agency for Safety and Health in June 2006 launched 'The Healthy Workplace Initiative' (HWI) to nurture a culture of prevention and provide both employers and employees with easy access to information about how to improve their business environment by becoming healthier and more productive.

The Healthy Workplace Initiative includes a practical risk assessment tool mainly targeting micro and small enterprises in various sectors including agriculture, construction and manufacturing. As part of this initiative, a seminar will be held for the target audience on 7 November 2006 where information packs will be distributed to the attendees. The campaign will be on-going throughout the following year.

### **1.0.3.2 Local Collaboration**

In June 2006, the OHSA collaborated with the Ministry for Competitiveness and Communications (MCMP) in its campaign about quality targeting small businesses and the self-employed.

### **1.0.3.3 Structural Funds: 2007-2013 Programming Period**

Even at an EU level, health and safety is recognised as constituting 'a practical aspect of the realisation of the social dimension of the internal market. The special circumstances of SMEs and micro-enterprises are enshrined even in the preamble of various EC directives, where it is necessary to ensure that such legislation would not incur 'administrative, financial and legal constraints in a way which would hold back the creation and development of SMEs.

With this in mind, and taking into consideration the local situation, the Authority has lodged an application for an SME grant to industry to offer a practical and much needed assistance to this category of undertakings (ie. self-employed and micro-enterprises) to enable upgrading of present physical environment, equipment, operations and infrastructure. This investment would raise their OHS standards, lead

to better quality in employment and make the sector more competitive and attractive to investment, with a possible increase in the fostering of entrepreneurship. Should this project be accepted, it will become operational as of 2007 for a period of three years.

#### **1.0.4 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 2005 was 'Stop that Noise', tackling the risks arising from occupational noise.

##### **1.0.4.1 Noise Tour**

As part of the European Week activities, the Authority organized a noise tour whereby noise measurements were taken at both workplaces and other sites. These included sites such as printing presses, manufacturing firms, busy road, school children during their break-time, cinema, fast food outlet, church bells and fireworks amongst others. Noise measurements were taken at different times to allow a mean value to be determined as well as to compare peak levels with low levels of noise at the different establishments. These measurements were then made public during a conference organized during European Week. An analysis of the situation is being compiled in a report.

##### **1.0.4.2 Conference**

A conference on the European Week theme was held which attracted more than 100 participants. During this conference, a foreign speaker was also invited to give a keynote speech on medical effects and exposure to noise. Other topics covered included which dealt with both the theoretical and practical implementation of the legislation, the calibration and use of noise level meters as well as noise reduction and control measures.

##### **1.0.4.3 OHS Good Practice Awards**

During October 2005, 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. Submissions were accepted in three main categories pertaining to SMEs, safe management systems and noise at work.

#### **1.0.4.4 European Week 2006**

In June 2006, the new European Week for this year was launched, this time focusing on young workers. The week will be held between 23 and 27 October as part of a pan-European campaign with the theme 'Safe Start'. The campaign will reach its peak with an event targeting young persons through an informative and fun performance as well as musical performances. The OHS Good Practice Awards were also launched in June with three main categories, namely SMEs, safety management systems and young persons.. Information packs including material produced by the Authority and the Agency will be distributed to all households and businesses in Malta and Gozo by the end of the year.

#### **1.0.5 Publications**

##### **1.0.5.1 Guidance on Occupational Noise**

As part of the European Week initiatives, and co-financed under the Focal Point Grant offered by the European Agency for Safety and Health at Work, the Authority issued a guidance document on occupational noise. The guidance document explains briefly the difference between noise and sound and identifies the persons who might be at risk from exposure to noise at work. The effects of noise on health are also explained briefly, including not only hearing impairment but also psychological effects such as stress and the effect on pregnant workers. The guidance document clearly outlines the legal framework, exposure levels of noises present at work, principles of noise reduction and control, various means of identifying noise hazards, consultation with employees, amongst others.

##### **1.0.5.2 Checklist for the Construction Industry**

The Authority also issued guidance in the form of a checklist that builders, clients, contractors, sub-contractors and architects amongst others will find beneficial. The aim of this checklist is to make it easier for those in the construction sector to check which health and safety measures they need to adopt.

Produced as part of a SLIC European construction campaign in the building sector and co-financed by the European Commission, this checklist is a graphic guideline about the main hazards found on construction sites. One can easily mark what measures have already been taken and thus easily check what steps s/he still needs to adopt to be on the right track. The guidance provides space for a person to fill in such practical information as the name and details of the contractor, the client and the subcontractor for easy reference. There are also depicted the most important safety signs together with various other measures for different types of work being carried out such as demolition, excavation, construction or installation of services.

### **1.0.5.3 Code of Practice for the Construction Industry**

The Commission for the Promotion of Occupational Health and Safety had issued the first code of practice for the construction industry in 1997, based entirely on an ILO Code of Practice. Since that time, a myriad of developments have taken place both in the legal system as well as in the construction trade that were not reflected in the first code of practice, necessitating the development of a new updated and comprehensive publication.

To this end, the Authority embarked on the production of a Code of Practice to serve as a practical guide on the technical, administrative and legal framework in the field of health and safety in construction. This is required to obtain improvement, especially in the working environment, to ensure a better level of protection of the health and safety of workers in this sector, and to obtain an improvement in people's attitudes and views towards occupational health and safety in the construction industry.

The Code of Practice is also aimed to be utilised in Court as a guide to determine whether or not negligence is an issue and to also aid stakeholders achieve compliance with their legal obligations in protecting workers' health and safety and third persons that can be affected by the work.

The first part of the Code of Practice, which deals with the administrative measures and the legal framework were issued for consultation, when social partners and stakeholders were invited to submit comments about the Code of Practice. The final version of this together with the second part of this document, which will deal with technical issues are envisaged to be issued in 2007.

#### **1.0.5.4 Guidance on Avian Flu**

The Authority has prepared a document in Maltese intended to provide guidance on the protective and preventive measures required to be taken against the avian flu virus. Whereas at present there is absolutely no cause for alarm, the Authority has received numerous requests for information throughout the year – the document prepared therefore addresses these concerns, and provides comprehensible information to whosoever requires it within an occupational health and safety perspective. The Authority has forwarded the document prepared to the ad-hoc Interministerial Committee to ensure that its content conforms with other national policies established either by the Committee or by other national entities.

There have also been discussions at a European Union level concerning the subject, including within the Advisory Committee for Safety and Health. At the suggestion of OHSA, made through the Government Group of the Advisory Committee, the European Commission agreed to request the European Agency for Safety and Health at Work, to give a higher profile to the subject of avian flu, which nowadays, apart from a dedicated link, includes a large amount of information on various aspects relating to the protection of workers who may come in contact with the virus.

#### **1.0.6 Training Initiatives**

While maintaining the aggregate number of training hours delivered, the Authority was unable to maintain a wide spectrum of target groups due to a number of operational and market factors, and was constrained to resort to more generic courses. This also resulted in a considerable decrease in the OHSA's main source of self-generating revenue. The reason for this decline in the OHSA's 'market share' may be attributed to a number of factors:

- a shrinkage in the pool of trainers brought about by OHSA employee turnover;
- unavailability of the OHSA's officers for training duties due to more focus on their core duties as OHS Officers (inspections and court attendance) as well as self development amongst others;
- more aggressive marketing campaigns being utilised by other training service providers.



The total number of people attending and participating in the training courses organised by the Authority amounts to around 600.

## 1.0.7 Websites

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

The Authority currently maintains two websites, its corporate website, officially launched this year (<http://www.ohsa.org.mt/>) and another one hosted by the European Agency for Safety and Health at Work (<http://mt.osha.eu.int>).

This year the OHSa has concentrated its IT resources to improve the quality in the dissemination of information through its website.

The screenshot shows the Occupational Health & Safety Authority website. The header includes the Authority's logo and name, a slogan in Maltese: "Nahdmu flimkien biex nizzguraw sahha u sigurta' fuq il-postijiet tax-xoghol gewwa Malta", and an "About Us" section. A navigation menu contains links for NOTIFICATIONS, PUBLICATIONS, COURSES, FAQs, KIDS CORNER, and CONTACT US. The main content area is dated September 13, 2006, and includes sections for "Request Assistance", "What's New" (listing awards and courses), "Competent Person Register" with a search bar, and "Subscribe for email updates" form. There are also featured articles like "Napo in: Safe Start" and "OHSa issues Guidance on Occupational Noise". The footer contains copyright information and links to privacy policy and disclaimer.

The website contains a wide variety of information and advice including all OHS regulations in English and Maltese. Publications, codes of practice, guidance documents, and all the Authority's press releases are also published regularly on-line

to facilitate access of information by the general public. The Register of Competent Persons, maintained by the OHSA by virtue of section 9 (1) of the OHS Authority Act, 2000, has been continuously updated - 2360 visitors have made use of this register through the website.

The number of hits from October 2005 to August 2006 was very encouraging since more than 622,000 hits (1,705 daily average) and nearly 70,000 visitors (6000 monthly average, or 187 visitors per day). All these figures have resulted in 12Gb of information being downloaded. This is a clear indication that this important and useful tool is being utilized well. Every effort is made to make the website as user friendly as possible, and to upload all relevant information as soon as possible.

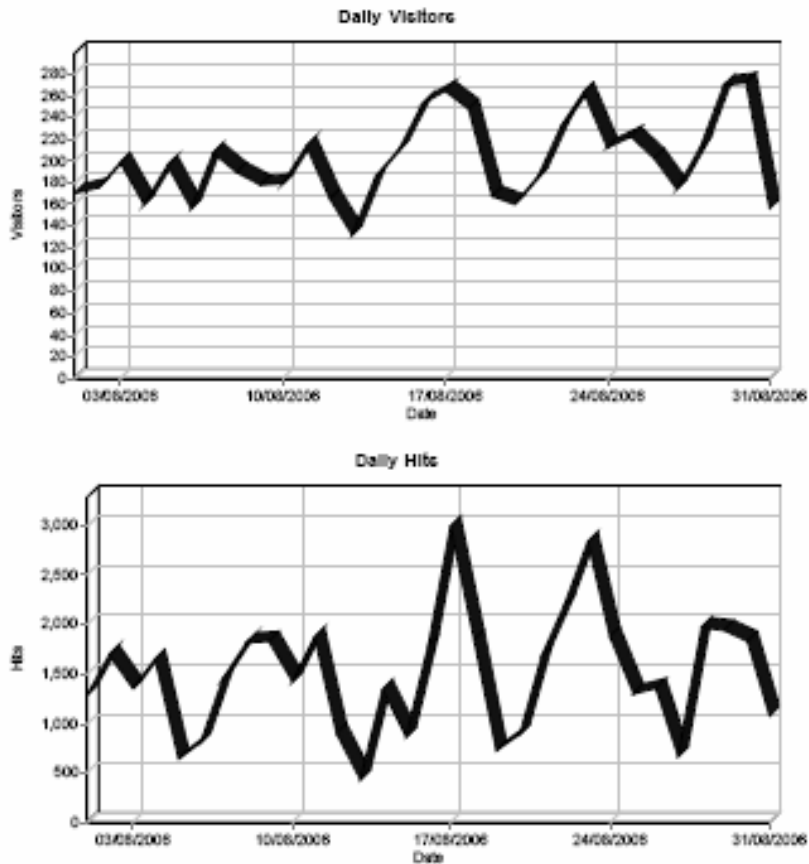
A direct link to this year's theme (Safe Start) has been introduced where users can access and download any material which is related to the present campaign, including a NAPO video of 10 minutes related to this year's campaign – the video can be viewed online or downloaded for free.

The subscription system has been implemented efficiently to inform subscribers of all developments and new initiatives being taken by the Authority. Over 500 subscribers are registered with the OHSA (compared with 200 subscribers last year). Many of these include health and safety officers and workers' health and safety representative at the place of work.

Following are average activity statistics of daily visitors and daily hits.

## Activity Statistics

Daily



### 1.1 Ensuring compliance with existing legislation

The Authority considers enforcement as one of its key core functions – the purpose of enforcement is to ensure that duty holders effectively control risks at their place of work. This can be achieved if duty holders take action commensurate with the degree of risk. When no such action is taken, it is the duty of the enforcing authority to take legal action or any other action permitted by law.

The term ‘enforcement’ has a wide interpretation, but is often taken to include all interactions between the enforcing authority and the duty holders, which may

include employers, employees, the self-employed, appointed competent persons, workers' health and safety representatives and others. The term should not be taken to mean exclusively punitive action, as for example through prosecution, but can also mean the provision of advice or information, or the issue of a warning or an order by an OHS Officer.

It remains the Authority's current policy to focus on those work activities that give rise to the greatest risk – this effectively means that the Authority cannot satisfy all demands made for enforcement action to be taken. The Authority has also stepped up its actions related to the last step within the hierarchy of available enforcement actions, namely the commencement of judicial proceedings.

At the same time, it is also realised that the Officers of the Authority, limited in number as they are, cannot be everywhere all the time. The OHSA therefore gives a lot of importance to Occupational Health and Safety Management Systems, which aim towards self-regulation and which, if they function as they should, do not rely on interventions by the OHSA other than to provide advice and guidance. A number of guidelines have been published both internationally as well as locally, that give ample details on such management systems. Although acknowledging the validity of such published documents, good direction in this regard may also be found in existing local OHS legislations particularly Act XXVII of 2000 and the General Provisions for Health and Safety at Work Places Regulations, 2003 (LN 36 of 2003).

Among the key components of an effective OHS management system the following are being mentioned:

- (a) the development by the employer of a coherent overall prevention OHS policy;
- (b) The effective planning, organisation, control, monitoring and review of the preventive and protective measures at company level by the employer;
- (c) the appointment by the employer of competent persons to assist the enterprise in undertaking the measures that are required to be taken in the interest of occupational health and safety;
- (d) The commissioning by the employer of a suitable, sufficient and systematic risk assessment to identify, assess and draw up a package of control measures to address the identified risks;

- (e) Adequate consultation and participation of workers, including the appointment by workers of their Health and Safety Representative who will be involved in OHS measures being taken and
- (f) The provision of suitable and sufficient training, information, instruction and supervision to employees to ensure occupational health and safety.

Throughout the last year, the Authority has focused on two of these key elements which are being discussed in greater detail below.

### **1.1.(i) Workers' participation and consultation on matters concerning ohs**

Now that the relevant EU Directives regulating the appointment by workers of their Health and Safety Representatives and their effective consultation by the employer have been transposed into local legislative text for more than three years, one can draw some useful arguments on this issue.

It is still a common occurrence for the OHSA to come across instances where workers have not appointed their representatives and also common, for employers to appoint such representatives without due consultation as stipulated by law.

The OHSA wishes to point out the requirements under Act XXVII of 2000 and LN 36 of 2003 that the role of such Representatives is distinct from that of the 'Safety Officer' appointed by the employer, as well as from the Union Shop stewards. Their role is to ensure effective consultation between workers and their employer as well as exchange of information on all aspects of OHS including emergency arrangements (e.g. in the event of serious and imminent danger) and on the measures being taken by the employer to ensure OHS.

### **1.1.(ii) Risk assessment**

With the publication of this annual report the OHSA wishes to bring to the attention of the readers the rather lack of awareness among many employers of their duty to conduct a risk assessment as stipulated by law, particularly reg. 10 of LN 36 / 2003. As the law stands today all employers as well as all self-employed persons are duty bound to conduct a suitable, sufficient and systematic risk assessment, and furthermore, where there are employed five or more workers, a written (or an electronically retrievable) copy needs to be kept. In addition, where employers do not

have internal expertise, they shall designate one or more persons having the necessary aptitude, capabilities, competence and training to assist them to ensure occupational health and safety.

### 1.1.(iii) Inspection campaigns

Due to the fact that under current OHS legislation there is no legal obligation upon an employer to submit to the OHSA the names of the appointed Workers' Health and Safety Representatives and / or a copy of the risk assessment conducted, the OHSA is not in a position to gauge the state of play in this regard. However, from two inspection campaigns carried out by the Authority during the months of May / June and September 2006, some interesting and important conclusions may still be drawn. In effect, only around 30% of those workplaces visited are compliant with one of two fundamental legal obligations.

	Written Risk Assessment			Appointment of WHS Representative		
	Yes	No	% Yes	Yes	No	% Yes
May / June	53	122	30%	50	82	38%
September	53	86	38%	39	57	40%
<b>Total</b>	106	208	<b>34%</b>	89	139	<b>39%</b>

Significantly, out of 197 places of work where there was the dual obligation to carry out a risk assessment and to ensure the appointment of a Workers' Health and Safety Representatives, in only 51 (representing 26% of these workplaces) where both legal obligations being met.

#### 1.1.1 Radiation Protection

All aspects of regulatory control of ionizing radiation fall under the remit of an inter-governmental body called the Radiation Protection Board, RPB. The work of the RPB is not limited to occupational radiation issues but also covers a vast range of other issues including, but not limited to: medical radiation exposure control;

protection of the environment from radiation sources and monitoring the environment for radiation/radioactivity.

The RPB is chaired by the OHSA and has members from OHSA, Environment Protection Directorate, Public Health Department 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 nuclear issues as well as Malta's commitments to the International Atomic Energy Agency (IAEA). The most recent regulation, issued in January 2006, was the Control and Security of High-Activity Radioactive and Orphan Sources Regulations.

The national inventory of users of all sources of ionizing radiation is maintained by the RPB and now currently has 150 different users in Malta.

The Radiation Protection Board met three times during the period October 2005 to September 2006.

In 2006 a major component of work has centered around issues relating to monitoring the environment for radiation. The RPB coordinated the EU verification mission which took place in 25-27 April 2006, Malta is still waiting for the mission report. Following an IAEA expert mission in May 2006 the RPB formulated and approved an initial National Environment Radioactivity Surveillance Plan for MALTA which assigns responsibilities for its implementation to Public Health and Environmental Protection Directorate.

The RPB has also set up procedures for approving Qualified Experts in terms of LN44/2003. The role of these Qualified Experts is to give radiation protection advice to employers. Some of these Qualified Experts have chosen to place their name on the public list held on the OHSA website.

The RPB continues to work on guidance documents on the Maltese medical exposure regulations.

### **1.1.2 Machinery, Equipment, Plant and Installations**

The MEPI section deals with all OHS issues related to engineering such as lifting equipment and all types of machines. Lifts, boilers and other types of lifting

equipment are required by legislation to be certified by a competent person at definite intervals. Copies of these certificates are received by this section and entered into a database. This way a record is kept of all certificates and it can be assured that the equipment is regularly certified as required by the relative regulations. Officers from this section have initiated a comprehensive exercise to update the information in the database relative to all lifts and also a new filing system. To date 30% of all files have been replaced by the new filing system and 85% of all lifts in the database have been brought up to date and compliant with the regulations. During this period the MEPI section received 3327 reports and certificates. These were processed by the section's officers and it was seen that the necessary actions were taken to rectify any serious faults. The certificates received were distributed as follows: 2249 lifts, 79 boilers, 222 fork-lift trucks, 289 cranes and 488 for other equipment.

Officers also carry out regular and surprise inspections at work places. A total of 407 inspections were carried out during this period. A number of accident investigations, mostly related to cranes and lifts, were also undertaken and numerous complaints were investigated. Where necessary the work was stopped and stop notices were issued where work was not being carried out safely or equipment was not covered by the required certification.

With the aid of a Senior Scientific Officer, this section prepared a draft guidance document on the safe use of cranes. Officers were also involved in the preparation of the new draft regulations on the protection of workers from the risks arising from exposure to noise. A power point presentation on noise reduction and control techniques and another on the use of sound measuring equipment were prepared by the MEPI section and presented in a seminar during the health and safety week in October 2005.

This section is also responsible for the implementation of the Control of Major Accidents Hazards (COMAH) Regulations. Being the lead authority in the Competent Authority (CA) for these regulations, this section organised a series of inspections in each of the COMAH sites, ten in all, during the period from January to July 2006.

Following each inspection a comprehensive report was drawn up and a letter was sent to the operators giving various comments and recommendations. A foreign consultant was engaged to evaluate two of the safety reports submitted by the operators. This included a visit to each site and meetings and communication with the



consultant. The result of the evaluation was communicated to the operators. Work also started on the preparation of the external emergency plans by the CA with all the entities which would be involved in an emergency situation in case of a major accident. This process also involves the preparation and distribution of information to the public which might be affected in the event of a major accident. The three-yearly report, covering the period 2003-2005, on the questionnaire regarding the implementation of the Seveso II directive by all the member states was compiled by the OHSA in consultation with the CPD and MEPA.

### **1.1.3 Statistical Trends**

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 which fall within the responsibilities of different government entities.

Nevertheless, the 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, and more importantly, whenever the association between ill-health and work is missed. 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 maintained 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 persistent 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.

<b>Year</b>	<b>Gainfully occupied</b>	<b>Injuries at work</b>	<b>Injuries per 100,000 workers</b>	<b>Fatalities (6)</b>
2003	136,234 (1)	4746 (3)	3483	12
2004	137,402 (1)	4111 (3)	2975	12
2005	138,166 (1)	3978 (4)	2879	6
2006	138,325 (2)	2062 (5)		7

References:

- (1) ETC / NSO
- (2) ETC / NSO – April 2006
- (3) DSS / NSO – revised figures
- (4) DSS / NSO – partly revised figures
- (5) DSS / NSO – January – June 2006 only
- (6) OHSA

A matter of concern is the apparent increase in the utilisation of foreign workers, especially in the construction industry. This industrial sector is, under normal circumstances, considered high risk, and the use of workers who are poorly informed, inadequately trained and with whom communication is in any case problematic, greatly increases the associated problems. It has been shown that almost one fourth of all fatal accidents registered in Malta and investigated by the OHSA over the past five years involved foreigners in the construction industry.

The Authority has tried to address this situation by discussing the possibility of holding joint inspections with those national entities under whose ambit falls illegal employment; to date, these discussions have not had the desired result.

#### **1.1.4 Prosecutions conducted by OHSA**

Prosecutions by the Authority are conducted mainly before the Court of Criminal Judicature. During the past year, the Authority appointed and prosecuted in a total of 109 criminal cases, as follows:

	COURTS OF MALTA	COURTS OF GOZO
Sub-judice cases (2005)	30	6
New cases appointed	73	0
<b>Total cases appointed</b>	<b>103</b>	<b>6</b>
Found guilty	46	0
Acquitted	30	0
<b>Total cases decided</b>	<b>76</b>	<b>0</b>
<b>Cases still to be appointed</b>	<b>73</b>	<b>6</b>
<b>Appeals lodged</b>	<b>5</b>	<b>0</b>
Decided (sentence confirmed)	4 (4)	0

In the case of the companies for which a successful prosecution was obtained, the following convictions applied:

- a) a total sum of Lm16,300 in fines;
- b) three suspended imprisonment sentences;
- c) four probationary periods.

## 1.2 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. Since Malta's accession to the European Union, the Authority has continued the exercise of harmonization of all new occupational health and safety legislation, while at the same time reviewing existing legislation to ensure that there are no regulatory gaps, and to identify any conflicting or burdensome legislation, with the scope of simplifying it. This approach complemented the Better Regulation drive of the European Union, as translated into last year's Budget Speech.

As a matter of fact, the OHSA has identified a number of provisions in various regulations (not published under the OHS Authority Act) which may create unnecessary bureaucratic burdens and, or create problems for the persons who are the subject of these regulations and, or employers. These regulations, which were issued without the prior consultation of the Authority, assign to it a role which goes against the spirit of all OHS legislation. To date, the Authority is not aware that these provisions have been deleted.

### **1.3 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.

#### **1.3.1 Staff Development**

During the year, the OHSA dedicated a total of 832 man hours for the training and development of 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.

### **1.3.2 Recruitment**

The funds made available throughout the year did not permit the Authority to continue with its recruitment process, and the Authority's current manpower levels are far short of the perceived requirements.

At the moment, the total human resource complement is of 21 employees, 13 of whom are directly engaged in the Authority's core activities. This number includes two employees who are on loan from Industrial Projects and Services Ltd (IPSL) and two workers on a 260 hour job experience as part of the Employment and Training Corporation's JES scheme. During the year, one public service employee, detailed to work with the Authority had his detailing revoked, whilst another officer took up better-paid employment with the private sector. One of these Officers has already been replaced, while steps are in hand to replace the other one.

### **1.3.3 Internal industrial relations**

The OHSA's first Collective Agreement covering a three year period is in its third and final year of implementation and runs up to the end of 2006. Meetings have been held by Management with the Collective Bargaining Unit (CBU) within the Ministry of Finance with a view to submit proposals to the union representing the majority of employees.

The healthy industrial relations within the Authority have helped ensure a number of strategic objectives to be reached, while others are now close to being achieved. An employee handbook incorporating a number of H.R. policies and Standard Operational Procedures within the framework of the Collective Agreement is being drafted. This same framework has made it possible to implement work plans based on SMART (Specific Measurable Achievable Realistic Time) objectives whilst

motivating staff towards continuous improvement and higher and better achievements.

#### **1.3.4 Inauguration of new premises.**

The offices of the Authority at 17, Edgar Ferro Street, Pietà were officially inaugurated in July 2006 by the Hon Prime Minister Dr Lawrence Gonzi in the presence of the Minister for Education, Youth and Employment Dr Louis Galea. The premises were co-financed by the European Commission and encompass various facilities that are utilized as training rooms, and offices for the Radiation Protection Board, the Focal Point of the European Agency for Safety and Health at Work as well as offices for OHS staff. During the same ceremony an art installation by the artist James Trapani depicting the practical aspect of various professions, trades and crafts was unveiled by the Hon Prime Minister. The official ceremony was attended by members of parliament, dignitaries, government officials, social partner representatives as well as other distinguished guests.

#### **1.3.5 Gender Equality.**

Apart from actively implementing a policy of gender equality, the Authority's focal point, participated in conferences organized by the National Commission for the Promotion of Gender Equality (NCPE).

#### **1.3.6 Procurement of Equipment**

Apart from equipment obtained under the Transitional Facility which is mentioned further on in this report, the Authority also acquired various items of monitoring equipment provided by the International Atomic Energy Agency.

#### **1.3.7 Management Information System**

Plans for the launch of this system are at an advanced state – the system is intended to streamline office back-up for the executive operations so that OHS Officers can have a regularly updated picture of the workplaces visited. The system requires the incorporation of a computer server and tailor-made software designed for the specific needs of the OHS. The awarding of a public contract was stalled for a considerable period of time because an appeal was lodged against the evaluation committee's decision. The OHS Evaluation Committee as well as the aggrieved party appeared before the Appeals' Board at the Contracts Division, and having

substantiated the submitted evaluation report, the OHSA was subsequently given the green light to go ahead with contracting.

#### **1.4 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.

This year in particular, the OHS Authority has participated very actively on the ongoing discussions prior to the preparation and launch of the European Union Community Strategy for Occupational Safety and Health, 2007-2012. This new strategy will replace that for the period 2002 – 2006, entitled “Adapting to change in work and society: a new community strategy on health and safety at work 2002 - 2006”. The main aim of that strategy was to implement activities in line with strategic EU-objectives, as determined in the Lisbon Strategy, focused on the prevention of adverse effects on the health and life of the workforce due to social and economic changes as well as to technological progress.

Following the launch earlier this year of a renewed Lisbon Strategy, the Commission is pushing the idea that the efforts of the EU are to be concentrated on an increased and durable growth - a new strategy on OHS has to provide a clear contribution to the renewed Lisbon Strategy. In particular, it should provide a contribution to the creation of more and better jobs. To date, several key points are being proposed in the development of the new strategy:

1. Better regulation,
2. Better implementation of existing law: enforcement and compliance,
3. Targeting, transparency and monitoring,
4. Mainstreaming of OHS,
5. Research for OSH development.

During the ensuing discussions, the OHS Authority has insisted that the strategy must take into consideration several factors which so far have not been adequately expressed, probably because they were not even reflected in the old one.

In particular, the strategy must allow flexibility in the way it is implemented across the Member States. This is vitally important in view of the extremities in size, resources and capabilities (cf the size of Malta with that of Germany).

Furthermore the starting point for the implementation of the strategy will be different - whereas those Member States which have been Members for a longer time have already arrived at a particular point in the development of ohs in their respective countries, the other States which joined in 2004 may still not have reached the same standards. The strategy should therefore allow for each Member State to develop its own priorities within its general application.

The Authority has also insisted that the strategy itself should not become a tool for the creation of unnecessary bureaucratic instruments to be used for the evaluation of the Member States.

#### **1.4.1 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.

The OHSA recognizes the benefits that can accrue from making full use of membership of this group, and participates actively in all meetings. The two Maltese representatives on SLIC have now been appointed as members of a team of experts tasked with evaluating the inspectorates of Italy and Greece. These evaluations will be held later on during the year.

The Authority has participated in a Working Party for the Organisation of an Inspection and Communication Campaign related to the manual handling of loads.

The goals of this campaign are threefold: (i) to ensure better compliance throughout the EU with the Directive 90/269/EEC on the manual handling of loads, (ii) to improve inspection and communication methods of the national labour



inspectorates by learning from existing methods and (iii) to ensure greater harmonization in the enforcement of manual handling of loads throughout the EU.

An OHS Officer will be trained in techniques for the safe handling of loads and who will therefore be in a position to train other OHS Officers.

#### **1.4.2 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. This Working Party had advised the Advisory Committee that whereas it agrees that there are a number of possible initiatives that can be taken at Community level to improve the levels of occupational health and safety within the hospital sector; it also agrees that all occupational health and safety risks within the health care sector are already adequately covered by the Framework directive and other health and safety at work directives. In the light of this, the Advisory Committee informed the Commission that there is no need at this moment in time for any specific Community directives or regulations, but that priority should be given at present to

the production, at Community level, of a guide to prevention and good practice for hospital workers, focusing on the most significant risks in the sector, especially (a) musculo-skeletal disorders; (b) biological agents; (c) chemical agents; and (d) psychosocial disorders.

The Working Party is now working on the development of the technical specifications for the production of a Guide at Community level to the management of the four risk groups mentioned previously.

### **1.4.3 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, including the Focal Point Grant to organize events related to the theme of each European Week.

### **1.4.3.1 European Risk Observatory**

The Occupational Health and Safety is a partner in a European project which involves the collection and analysis of statistical and survey data aiming at the establishment of a European Risk Observatory for the European Agency for Health and Safety at Work. This project will enable the European Agency and its stakeholders to assess a given OHS situation (e.g. describe a sector, exposure to a given risk) as well as identify trends and groups of workers particularly at risk, based on existing data (quantitative information) including at a national level. The entity coordinating this project is the Prevent Institute for Occupational Safety and Health in Brussels.

This project will give as complete a picture as possible of certain sectors while identifying emerging and upcoming issues (sometimes only observed or addressed in one EU Member State). Ultimately, this project will allow the identification of information gaps, the setting of priorities on future measures to be taken while shortening the time between identification of an issue and design of prevention measures to cope. The main target groups are policy-makers at EU and national level, including the European Commission and other EU Institutions, social partners, public authorities, member states authorities and their national networks including social partners (at national and European level) and the Administrative Board of the Agency. The secondary target group is OHS researchers, experts and practitioners.

The topics being researched include young workers, musculoskeletal disorders, lifting and postures, stress, agriculture, skin problems and vibrations. This project is scheduled to be completed by the end of October 2006.

### **1.4.4 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.

### **1.4.5 International Atomic Energy Agency**

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.

The RPB is maintaining the strong relationship with the International Atomic Energy Agency, IAEA which has been built up over the past few years. The IAEA was extremely useful in assisting Malta setting up the RPB and its continued support remains invaluable.

The RPB is working to ensure that Malta is complying with IAEA's standards and codes entitled "International Basic Safety Standards for the Protection against Ionizing Radiation and for the Safety of Radiation Sources" and "Code of Conduct on the Safety and Security of Radioactive Sources".

### **1.4.6 Seveso II Committee of Competent Authorities**

The CCA for the Seveso II Directive transposed as the COMAH Regulations in Maltese legislation, met twice during this period, in October in the UK and in January in Austria. The Maltese competent authority was represented in both meetings by the OHSA delegate. During these meetings, contacts with authorities from other member states were further strengthened.

The meeting in October 2005 held in Buxton focused on incidents in chemical warehouses and on emergency plans. The Commission requested an update from each member state on the status of the external emergency plans with respect to the upper tier sites. The importance of the evaluation of the safety reports was also stressed during this meeting. As a result of the report prepared by the OHSA delegate following this meeting, the contact points for the COMAH regulations were nominated by MEPA and CPD, a foreign consultant was engaged to start evaluating the safety reports and a programme of inspections was set up.

The January meeting in Vienna dealt with chemical substance classification issues, and the emphasis was on the Globally Harmonised System (GHS) classification of dangerous substances which will probably affect the Seveso II directive. It was decided that a technical committee be set up to prepare a report on

the effect of the GHS on the Seveso II Directive. The problem of security issues at upper tier sites classified as critical infrastructures was also discussed. The delegates were reminded that the three year report on the implementation on the Seveso II Directive had to be presented by the end of September 2006.

#### **1.4.7 Leonardo da Vinci Project on e-Learning**

The Authority is also participating in a European partnership which aims to enhance work floor safety through the development of a user-friendly e-Learning training course, enabling users to prepare at their own pace for an exam in order to obtain the Basic VCA Safety Training (B-VCA) Certificate that is mandatory in some European countries.

This training certificate targets mainly school-leavers, jobseekers as well as temporary workers, however will be a very good basic introduction to the main principles of occupational health and safety. Particular attention is given to less qualified persons, to sector-specific characteristics (e.g. construction) and to national differences (country-specific language, standards or applications).

This basic VCA e-learning training programme will thus provide a response to existing shortcomings by being readily and directly accessible with user-friendly interactive modules. The modules covered include accidents, risks, legislation, fire safety, confined spaces, working at heights, dangerous substances, PPE, machinery and electricity, amongst others.

The pilot project is expected to be tested by the first quarter of 2007 and will be completed by the third quarter of the same year. The coordinating entity is Preventie en Interim which is based in Brussels.

### **1.5 Participation in local boards and committees**

The Authority is also represented in a number of local boards and entities, most of which are statutory entities. These include:

**Bulk storage of LPG Committee** - Chaired by the Malta Resources Authority and is tasked with the preparation of legislation and guidelines on the installation of bulk LPG containers, and the proper use, testing and certification thereof.

**Civil Protection Scientific Committee** - Chaired by the Civil Protection Department, with representatives from various other entities. The Committee gives advice to the CPD on different matters and emergencies that may arise from time to time.

**Integrated Pollution Prevention and Control Committee** - The IPPC (Integrated Pollution Prevention and Control) Committee is established by virtue of LN 234 / 2002 of the Environment Act. It is chaired by MEPA – Pollution Prevention Control Unit. The committee oversees the definitive establishment of IPPC installations, the inspection of installations and ensures that the necessary guidance in the legislation is followed. The ultimate aim of the IPPC is to minimise pollution from various point sources. All installations falling under the relevant legal notice will be required to obtain an authorisation (permit) from MEPA

As Integrated Pollution Prevention is a multi-disciplinary task a Committee to deal with the regulatory aspect of the Regulations was set up.

**Biosafety Co-ordinating Committee** - The Biosafety Co-ordinating Committee is a committee the aim of which is to achieve an integrated approach on Biosafety, the contained use of genetically modified micro organisms, the deliberate release into the environment of genetically modified organisms and the placing on the market of genetically modified organisms, in order to achieve a high level of protection of human health and the environment taken as a whole. The main function of the BCC is to give statutory advice to the board of MEPA on the risks to human health and the environment from the release and marketing of GMOs.

The OHSA has worked with various entities to develop a draft National Biosafety Framework for Malta, aimed at giving an overview of what has been done and what is in place in Malta (with regards to legislation, administrative systems in place) and to indicate what still needs to be done in order to complete this NBF. The OHSA does not carry out any inspections related to biosafety, but should resources are made available, the Authority will be in a position to carry out inspections related to contained use of GMOs together with MEPA. There have already been preliminary discussions on setting up a memorandum of understanding between these two entities in order to define roles and responsibilities if joint inspections are to be carried out.

**Pesticides Control Board** - The Pesticides Control Board is established by virtue of the Pesticide Control Act, Chapter 430. The Pesticides Control Board has the

responsibility for advising the Director of Plant Health on any matter relating to the registration, restriction, importation, manufacture, sale or use of pesticides including those employed in integrated control management; it also reports to the Director of Plant Health on any matter relating to the regulating, enforcing and monitoring of all legislation relating to pesticides or on any matter regarding pesticides; provides advice on measures to be taken on any matter arising from the application of any regulations made under this the Pesticide Control Act.

**Radiation Protection Board** – The Radiation Protection Board was set up by the Prime Minister by virtue of the Nuclear Safety and Radiation Protection Regulations 2003. The Radiation Protection Board has the responsibility for all aspects of the regulatory control of ionizing radiation and advising on nuclear issues. The Radiation Protection Board is chaired by the OHSA and has members from OHSA, Public Health, Environment Protection Directorate and Civil Protection Department.

**COMAH Competent Authority (CCA)** - This is made up of the OHSA, MEPA and the CPD and oversees the implementation of the Control of Major Accidents Regulations, L.N. 37/2003. The OHSA is the lead Authority and coordinates the functions of the CCA.

## **1.6 Other assistance provided to the Authority**

During 2005, the Authority has started to benefit from monetary assistance in respect of three projects, one relating to a Transition Facility (funds provided by the European Commission), one pertaining to construction safety, and the other relating to funds made available by the European Agency for Safety and Health.

### **1.6.1 Transition facility**

Through out 2005 and 2006 the Occupational Health and Safety Authority successfully implemented and completed a twinning light project with its Austrian counterparts. Through this training project which was funded under the EU Transition Facility 2004 Programme, OHS officers acquired both information and hands-on experience. During its 10 month implementation period, Austrian experts visited local work-sites with OHS Officers in order to acquire both a clearer picture of the various situations at work places and work practices in the Maltese islands, whilst assessing the performances of OHS Officers during inspections. As part of this

project two OHS Officers also had the opportunity of a study visit to Austria to receive first hand experience of inspections in another member state in various sectors such as the construction and quarrying sectors. The project included opportunities to evaluate the day to day management and administration of the Austrian inspectorate.

Training was acquired by all OHS Officers in media and communication, distance learning and in ‘train the trainer’ techniques. Apart from the many workshops for OHS officers, a well-attended seminar on hazards and risks, which was targeted to the hospitality sector, was also conducted. One of the initiatives under this project included a workshop for all the Authority’s employees and the Members of the Board, facilitated by the Project Leader – this activity helped to generate a better understanding of the executive operations of the Authority, and brought to light a number of areas which require further discussion.

The project also provided funds for the acquisition of various items of monitoring equipment and a number of personal digital assistants (PDAs) which will later be utilised to support the management information system (MIS). The monitoring equipment is currently being used by OHS Officers, while discussions with the designer of the MIS are at an advanced stage, as to allow the launch of such a system by the beginning of 2007.

### **1.6.2 Construction Safety**

The Commission of the European Communities supports projects in the area of health and safety where the objectives pursued contribute significantly to its priorities. The general aims pursued are mainly based on the expert report produced by the Senior Labour Inspectors Committee (SLIC). For the period in review, the projects had to be related to construction safety and a specific budgetary line was designated to the 10 new EU member states (including Malta). Malta requested approximately € 17,000 to undertake various initiatives, including a construction blitz, seminars, drawing up training modules and a publication. These were completed successfully and the funds transferred to the Authority in full.

### **1.6.3 European Agency for Safety and Health at Work**

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 80 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 concerns the organization of information campaigns and the publication of material. 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 maximize 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.

## **1.7 End Note**

The recurrent grant made available to the Authority remains more or less the same year after year, despite an increase in the Authority's responsibilities, particularly related to the implementation of newly enacted legislation, and increases in operational expenses. This has led to a situation where the Authority cannot efficiently or effectively keep up with the full breadth of its responsibilities, let alone take on board additional tasks.

It is important to highlight that when established, the Authority envisaged that it would require sixty full-time employees; since then, it has been operating with around twenty.

Despite the apparent improvements in the general levels of occupational health and safety, a lot more needs to be achieved. In particular, the OHSA needs to increase its efforts towards those sectors of economic activity which are by their very own nature, difficult to reach, including SMEs, the self-employed and the small contractors in the construction industry. Improvements in these sectors can only be achieved through a greater presence by OHS Officers.

## Annex 1: Activities carried out by the Authority

October 2005 – end September 2006

	<b>Annual Total</b>
<b>Workplace visits</b>	<b>1407</b>
<b>Equipment certificates vetted ‡</b>	<b>3327</b>
<b>Radioactive Material import licences vetted</b>	<b>142</b>
<b>Staff development man hours</b>	<b>581</b>
<b>Hours of training delivered *</b>	<b>645</b>
<b>* excludes all public seminars organized by the OHSA</b>	
<b>Number of participants at OHSA training</b>	<b>559</b>
<b>Number of courses organised</b>	<b>33</b>
<b>Press releases / feature articles</b>	<b>22</b>

‡ Including 2249 lift certificates, 79 boiler certificates, 222 forklift truck certificates, 289 crane certificates and 488 certificates in respect of other items of equipment.

## Annex 2: List of OHS legislation in force

<b>Legislation</b>	<b>Reference</b>
Act XXVII of 2000, Occupational Health and Safety Authority Act	Cap. 424
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Noise) Regulations, 2006	L.N. 158 of 2006
Control and Security of High-Activity Radioactive and Orphan Sources	L.N. 13 of 2006
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Vibration) Regulations, 2005	L.N. 371 of 2005
Control of Major Accident Hazards (Amendment) Regulations, 2005	L.N. 6 of 2005
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

### Annex 3: Budgeted Income and Expenditure Account

1<sup>st</sup> October 2006 – 30<sup>th</sup> September 2007

	Lm	Lm
<b>Budgeted Income</b>		<b>283,000</b>
<b>Personal Emoluments</b>		
Staff Salaries	167,765	
Honoraria to OHSa members	12,000	
NI Contributions	13,319	
Overtime/ Allowances	12,296	<b>-205,380</b>
	<hr/>	
<b>Operational Expenses</b>		
Utilities	14,500	
Material & Supplies	1,900	
Repair & Upkeep	7,500	
Rent	100	
International Memberships	500	
Officer Services	2,000	
Transport	25,500	
Travel	8,000	
Information Services	500	
Contractual Services	5,000	
Professional Services	10,000	
Training	300	
Hospitality	500	
Incidental Expenses	500	<b>-76,800</b>
	<hr/>	<hr/>

<b>Total Operational Expenses</b>		<b>282,180</b>
<b>Contributions and Initiatives</b>		
Appeals Board	850	<b>850</b>
	<hr/>	<hr/>
<b>Total Recurrent Expenditure</b>		<b>283,030</b>
		<hr/>
<b>Deficit before depreciation</b>		<b>-30</b>
		<hr/> <hr/>

The Financial Statements of the Authority for the period ending 30 September 2006 are being included in a separate report.