



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

**Report of Activities for the period 1st
October 2006 – 30th September 2007**

**Budgeted Income and Expenditure Account
1st October 2007 – 31st December 2008**

**Occupational Health and Safety Authority, Malta
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<http://www.ohsa.org.mt>

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Preface

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17th November 2000 and brought fully into force 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 safeguarded by whosoever has such a duty.

The following is a report of the Authority's activities for the period October 2006 and September 2007, 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 2007 to 31st December 2008 (section 31 of the Act) - the OHS Authority was recently informed by the Director General, Public Internal Financial Control, that its financial year has been aligned to the end of December. Thus, whereas the Authority has closed its books on the 30th September 2007, the coming financial year will be of 15 months, ending on the 31st December 2008.

The audited accounts of the Authority for the period 1st October 2006 to 30th September 2007 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. The OHS Authority has successfully managed to operate within budget.

Vision of the OHSA

The development of a culture which goes beyond the workplace, which adopts a holistic view of health and that values risk prevention.

The Maltese workplace will be an environment where health and safety are not considered as afterthoughts but are integrated throughout all work systems and processes.

Appropriate preventative measures will be in place in all workplaces in Malta to minimise the possibility and severity of occupational incidents and illness. The ultimate goal is zero preventable incidents that can affect health and safety.

Employers and employees will be aware of the importance of preventative health and safety measures, and will have the knowledge, expertise and commitment to apply these measures to their workplace.

The OHSA will be a partner to organisations, working together to improve health and safety at every opportunity.

Within the context of the European Union, Malta will participate effectively in discussions regarding the continuous development of occupational health and safety levels.

Mission Statement

Working with others to ensure healthier and safer workplaces in Malta.

Mission analysis

The OHSA mission is succinct and direct: 'Working with others' means that the OHSA intends to involve and to collaborate with others (e.g. persons, employers, workers, constituted bodies, other countries) in order to gather feedback on policies, generate commitment and obtain consensus – the OHSA does not want to be seen strictly as a controlling body.

The only way by which health and safety in the workplace will improve is if the process is self-regulating i.e. the employers themselves recognise that it is in their best interests to provide their workforce with a healthy and safe environment.

Chairperson's statement

The Occupational Health and Safety Authority has over the past year been involved in OHS regulation enforcement, training programmes, provision of information and fulfilment of various international obligations which included reporting duties and the transposition of new legislative instruments.

The publication of the Community Strategy 2007-2012 as developed for Malta by the OHSA is of major importance for occupational health and safety since it builds on past achievements and necessitates further commitment of all stakeholders. The OHSA has actively participated in the development of the Community Strategy since it believes that it will improve overall ohs standards if adequately implemented.

The Commission has pledged that "work-related illness and accidents should be cut by a quarter across the EU under a new five-year strategy for health and safety at work." The construction sector poses the greatest challenge since 60% of all work-related fatalities in Malta occur in this industrial sector. In a construction site, a number of persons are legally responsible for the activity that goes on including the client, the project supervisor and the project co-ordinator, the contractor and the sub-contractor, as well as the workers. The goals laid down in the Community Strategy can only be achieved if the above-mentioned stakeholders work together and adopt a more concerted approach. In 2009 the Occupational Health and Safety Authority will be evaluated by the European Commission. The Authority will be under scrutiny and will face charges if not found to be performing according to the standards laid down. Financial considerations must not hinder the OHSA from achieving these standards. Capacity building is therefore imperative if this evaluation is to be surpassed successfully.

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. Jesmond Bonello was appointed instead of Mr. Azzopardi on the latter's demise.

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 (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.

It is usual to focus on the general costs involved in bringing about change, and to ensure higher standards of occupational health and safety. The costs of inaction resulting in accidents and diseases are frequently forgotten, although in reality they are substantial. Some of the costs incurred as a result of occupational accidents and diseases are potentially measurable, whilst others remain elusively unquantifiable. Some employers count total days lost from work due to injuries, and then calculate the resultant cost. Calculating loss due to occupational illness is more difficult. Various studies in the UK have estimated the annual cost of accidents and ill health at work to be in the region of between 2% and 3% of Britain's GDP. The overall cost to the British economy of all work place injuries and ill health is estimated by the Health and Safety Executive to be just under 5 billion pounds sterling. Similar studies across Europe have shown that accidents and ill health cost the national economies about 1.5 to 4% of the GDP – if this were to hold true for Malta, and there is no reason to doubt otherwise, the cost for Malta would amount to Lm42,000,000 (€97,833,682 - based on a conservative figure of 2% of the GDP for 2006). Thus, adequate levels of health and safety underpin the very essence of economic sustainability, while 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.

This economic argument should serve in good stead when deciding on national priority issues to be tackled and in particular, in soliciting funds for a better-resourced OHS Authority. To date however, such claims cannot be backed by suitable local research, which remains highly limited - the Authority hopes to remedy this situation as of next year, through its application for a project using EU structural funds.

The Authority has also worked extensively in the development of a strategy for the period 2007-2012 – during the last three years, the OHSA has participated actively in discussions in various European fora prior to the development of a Community strategy, which was launched earlier this year as *The Community Strategy 2007-2012 on health and safety at work: Improving quality and productivity at work*. Even at the European level therefore, the link between the quality of work and economic sustainability has been highlighted – according to the new Community Strategy, improving the health and safety of workers is key to the EU's Growth and Jobs agenda; bolstering productivity and quality at work, will also boost European growth and competitiveness.

This new Community strategy for 2007-2012 aims to achieve an overall 25% reduction of occupational accidents and diseases in the EU. It sets out a series of actions at European and national levels in the following main areas:

- **Improving and simplifying** existing legislation and enhancing its **implementation** in practice through non-binding instruments such as exchange of good practices, awareness-raising campaigns and better information and training
- Defining and implementing **national strategies** adjusted to the specific context of each Member State. These strategies should target the sectors and companies most affected and fix national targets for reducing occupational accidents and illness.
- **Mainstreaming** of health and safety at work in other national and European policy areas (education, public health, research) and finding new synergies
- Better **identifying and assessing** potential new risks through more research, exchange of knowledge and practical application of results.

On the local level, the OHSA has also elaborated its own national strategy: *Consolidating achievements and engaging further commitments*. This document is being widely circulated and will be officially launched during October 2007.

The key strategic objectives for this period build on what has been achieved to date, and are the following:

1. **Legislation & Enforcement:** The continuous development of an effective legislative framework, achieved through the meaningful consultation of all stake holders; the development of a consistent and transparent enforcement process model that ensures compliance with health and safety legislation; the support of duty holders, especially SMEs to help them achieve compliance; soliciting action and initiatives by all duty holders to decrease reliance on OHS services, while ensuring the adequacy of services provided by 'external competent persons'.
2. **Capacity building:** The development of the Authority's human resources through recruitment and training, and the availability of information and tools to assist OHS Officers and other employees of the Authority.
3. **Seeking partnerships to change the prevailing culture and attitudes towards ohs:** seeking partnerships with all stakeholders so as to develop a preventive culture that encourages holistic approaches towards healthy lifestyles; increasing the level of awareness regarding the benefits of adequate health and safety levels; disseminating information on the evaluation of risks and their control; promoting and carrying out training.
4. **Taking appropriate action against existing and emerging risks:** Fostering and promoting action against both traditional risks and emerging ones, based on appropriate research; improving the quality of service provided by occupational health service providers, and improving the effectiveness of health surveillance.
5. **Evaluating effectiveness of actions taken:** Actions will be assessed against KPIs determined or adopted by the Authority, whilst ensuring the efficiency of all services provided.

In line with the national policy for occupational health and safety, the OHS Authority devotes a lot of time and resources in raising awareness and disseminating relevant, updated information. This has helped to raise the profile of ohs in general, although many still pay no more than lip service to the need of having adequate levels of occupational health and safety. The

Authority has also noted that because of its perceived importance, ohs is increasingly being used as a bartering chip, and the OHS Authority is being called into action in situations where there only exists a nuisance, or where people expect a financial compensation for the nuisances being suffered. In this sense, media coverage leaves a lot to be desired, since there have been numerous instances where the media rushed to print or broadcast without first seeking unbiased information from the OHS Authority.

Thus, the number of cases referred to the Authority concerning issues which do not fall within the applicability of the Act remains high. 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.

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

Awareness building and information are still deemed as cornerstones in the OHSA's operations. To this end, a project was submitted under the European Social Fund 2007-2013 programming period to conduct an awareness and education campaign about occupational health and safety. This project involves the production and distribution of information material in various media, including print, audio-visual and ICT related media as well as focused information sessions in industry and schools.

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 number of press releases and feature articles were published in local media while information campaigns were organized which were linked with international initiatives, especially those organized by the European Agency for Safety and Health in relation to European Week and the Healthy Workplace Initiative.

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 in the Rome declaration on mainstreaming OHS in education and in the new Community Strategy for Safety and Health at Work.

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 20 schools were visited between January and May, targeting nearly 1500 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.

In line with the 2006 European Week theme 'Safe Start' focusing on young workers and students about to embark on their first job or work placement, the Authority also organized a number of talks amongst Form 5 students in October which talks reached around 600 students. The students were guided through various health and safety subjects and their rights and obligations as prospective young workers were explained to them through practical examples.

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's requests.

During the year under review, 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, the safety of young persons at work, as well as the delivery of court judgments relating to prosecutions carried out by the OHS. 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 was held for the target audience on 7 November 2006 which was attended by nearly 100 persons. The seminar had a plenary session with general information as well as a number of workshops covering issues such as risk assessment, machinery and equipment safety as well as working safely with dangerous substances. Information packs with both the European as well as local information, were distributed to the attendees.

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 2006 was 'Safe Start', the risks which young persons might be more susceptible to due to their young age, lack of experience and to some extent immaturity on their part as well as abuse on the part of the employer.

1.0.4.1 Event for Young Persons

As part of the European Week activities, the Authority organized a music and informative event at Axis targeting young persons. Various local bands took part in this initiative, including Scream Daisy, Corkskrew, Indigo, Chris d'Alfonso as well as DJs Steve Caesar and Armani. The information about the risks facing young people was conveyed in a humorous way by the well known local group Zoo who adapted a script specifically for the OHSA with the European Week theme.

1.0.4.2 OHS Good Practice Awards

During December 2006, 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 young persons. Due to the demise of one of

the OHSAs board members, the ceremony was very low key and was held at the OHSAs premises.

1.0.4.3 Information Campaign

As part of the European Week activities, the OHSAs sent information packs to all secondary schools in Malta and Gozo, as well as to all youth organizations on the islands. These packs contained information about the theme of the Week, the risks facing young persons as well as specific leaflets targeting parents, employers, supervisors and the young persons themselves. Information packs were also distributed in all households and businesses in Malta and Gozo.

1.0.5 Publications

1.0.5.1 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 was issued during 2006. The Authority

continued its work in developing the second part of this Code, which deals primarily with technical issues. However, the European Commission has now started working on a European guidance document, and the Authority is waiting for developments in this area before finalizing and publishing its own document.

1.0.5.2 Other publications

The Authority also distributes widely a large number of publications produced by other entities. During the year, information material concerning manual handling of loads (produced by SLIC), risk assessment (produced by the European Agency) and other material produced in connection with the European Week is distributed free of charge. In the majority of instances, the Authority would have been involved in the translation of the material produced, and which in the first instance would have been translated by the Translation Services of the EU Commission. Since invariably the quality of the translation leaves much to be desired, a lot of time is involved in the vetting of the translated material prior to its publication.

1.0.6 Training Initiatives

In line with its business plan, the Authority retained its core training activities whilst embarking on new initiatives including occupational stress and well-being, and radiation protection. The aggregate number of training hours delivered increased by 14%, the number of participants was upped by 131% and 75 courses were delivered compared to last year's 33. – vide Annex 1. The beneficiaries of these training sessions ranged from construction and road-building companies, to textile manufacturing enterprises and potato growers. Throughout the period under consideration, regular collaboration with the St. John Ambulance and The Malta Red Cross Society resulted in the qualification of 103 first aiders who attended the OHSA's course entitled First Aid and Safety at Work course, whilst 160 employees participated in the 16 hour training programme for The Workers' Health & Safety Representative. In April 2007 two sessions of training were held in collaboration with the Agricultural Services and Rural Development section (within the Ministry of Rural Affairs and the Environment - MRAE) with potato growing farmers as part

of their EUREPGAP (good agricultural practices) certification in the safe use of chemicals. In May, the OHSA reached out to artists on health and safety in the studio by delivering an intensive 8 hour hands-on training workshop in collaboration with the Malta Council for Culture and the Arts (MCCA) and the Civil Protection Department (CPD). In July the OHSA delivered 4 sessions of training in collaboration with the Malta Association of Occupational Therapists.

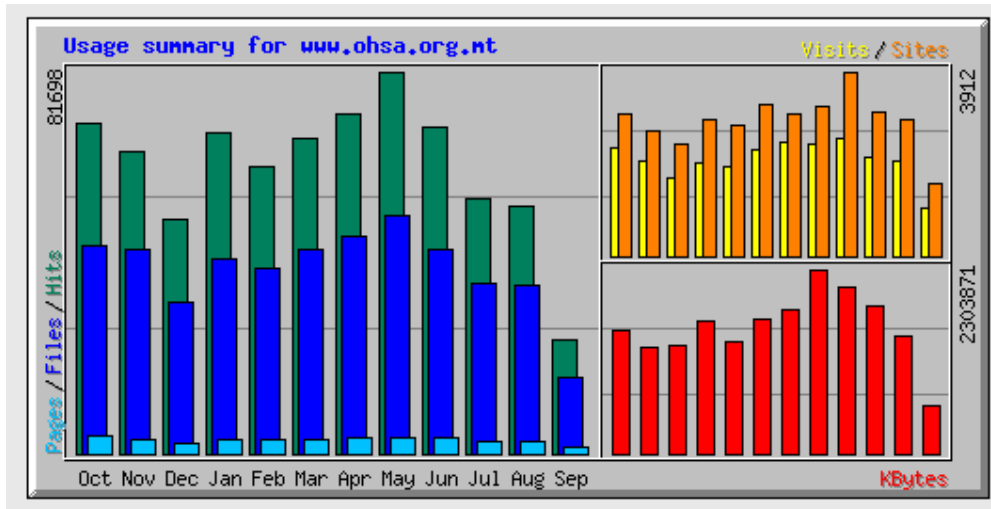
The total number of people participating in the training courses organised by the Authority exceeded 1280. At the same time the Authority realises that it must continuously strive to keep a balance in carrying out its full range of core functions – there are now serious doubts as to whether this momentum in delivering training can be sustained if the human resource capacity within the OHSA is not improved.

1.0.7 Websites

The number of subscribers to the OHSA website has risen to nearly 1000, or nearly 50% more than last year. These subscribers have received 32 updates to the website – a mechanism which is used to inform interested people about all new developments, including amendments to existing legislation, courses scheduled, new initiatives undertaken by the OHSA and published press releases.

During the year, the Authority has also published on-line all application and notification forms and is now in line with the government policy on accessibility to information.

This website is becoming more popular, and is used by more people looking to find information about ohs in Malta - the number of hits between October 2006 and September 2007 increased by over 160, 000 over last year, to bring the total number of hits to an all-time high of 738,000 (an average of 2,123 hits per day). There have also been a number of 26,000 visitors (equivalent to 71 visitors per day) and a total of 18Gb of downloads throughout the year (compared with 12Gb in the preceding year). These are all clear indications that this important e-tool is being utilized extensively.



2.0 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, so

the Authority periodically carries out inspection campaigns focusing on specific issues.

2.0.1 Inspection campaigns

2.0.1.1 Safety of construction sites and scaffolding systems

During July 2007 the OHSA carried out a number of inspections at construction sites throughout Malta, to look particularly at the health and safety of scaffolding systems. In total 91 places of work were visited over six days, and included both small and large construction sites.

From these inspections a number of interesting conclusions may be drawn including the general lack of basic issues such as the provision of first aid material, safety signs and site hoarding. The findings of all these inspections are being presented as follows:

	Adequate	Poor
Use of personal protective equipment	66%	34%
Housekeeping	72%	28%
Provision of first aid material	70%	30%
Safe access to / from site	74%	26%
Provision of Health and / or Safety Signs	35%	65%
Protection of third parties during works	63%	37%
Management of falls from heights	47%	53%

These figures, although bringing to light general improvements in construction site safety when compared to the overall picture obtained following a similar study carried out two years ago, still show some disconcerting facts, such as the inadequate protection in place against risks of falls from heights.

A slightly better situation exists in the case of scaffolding systems, the use of which is on the increase, and appears to be replacing usage of suspended platforms ('pontijiet') - this by itself is a positive trend, since the suspended platform ('il-pont'), is an inherently unsafe structure, and requires specific precautionary and preventive measures.

	Adequate	Poor
Scaffolding secured	81%	19%
Base plates installed	66%	34%
Protection from power lines	60%	40%
Safe access to / from scaffold	61%	39%
Guard rails mounted	67%	33%
Toe boards installed	37%	63%
Flooring provided	56%	44%

In conclusion however, the OHSA feels that in today's day and age, there should be no excuse for poor management of OHS at places of work. Although many cite high costs as a stumbling block for the introduction of higher levels of protection, it is very clear that even low-cost measures are not being adequately undertaken by the respective duty holders. Following these inspections and basing its conclusions on the findings observed, legal action has already been initiated in 5 of these cases, while in another 25, the necessary paperwork is being prepared for eventual prosecution.

2.0.1.2 Hotels inspection exercise

The OHSA also started its preparations for another inspection campaign involving hotels, so as to ascertain their level of compliance with ohs legislation in force. Prior to the actual start of this campaign, the OHSA sent a letter to all three, four and five star hotels, informing them of the exercise that was to be carried out and reminding them of their need to:

- a) carry out a risk assessment as stipulated in local OHS legislation;
- b) appoint a Workers Health and Safety Representative as required by the principal Act and Legal Notice 36 of 2003; and
- c) make adequate arrangements for emergency prevention, preparedness and response as required by Legal Notice 11 of 2002 and Legal Notice 44 of 2002.

This letter also served to inform these employers that they will be inspected by OHS Officers in the coming months to ascertain their level of compliance. These inspections will take place later this year and will continue during 2008.

2.0.2 Radiation Protection

All regulatory aspects of the Euratom Treaty fall under the remit of an inter-governmental body called the Radiation Protection Board, (RPB). (The Euratom Treaty of the European Union provides the regulatory framework for all EU states with regard to ionizing radiation protection and nuclear issues). The work of the RPB is therefore not limited to occupational radiation issues but also covers a vast range of other issues including medical radiation exposure control, protection of the environment from radiation sources and Maltese obligations under the Nuclear Non-Proliferation Treaty.

The RPB is chaired by the OHSA and has members from OHSA, the Environment Protection Directorate (within MEPA), the Public Health Department and the 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 derived from the Euratom Treaty as well as Malta's commitments to the International Atomic Energy Agency (IAEA). The most recent regulation, issued in July 2007, was the Treaty on the Non-Proliferation of Nuclear Weapons (Euratom Safeguards and Additional Protocol) Regulations.

The national inventory of users of all sources of ionizing radiation is maintained by the RPB and currently stands at 152.

The inspections performed during this year were focused mainly on ensuring any new/modified facility facilities (including Mater Dei Hospital where numerous inspections have been performed) were in line with occupational/medical radiation protection regulations.

The Radiation Protection Section within the OHSA coordinates the activities of the RPB and frequently liaises with the other RPB members. There was the need for one formal RPB meeting during the period October 2006 to September 2007.

Malta received the report from the European Commission with respect to environmental monitoring verification mission that they performed in April 2006. The report was generally positive but pointed out several items that needed to be addressed. These items are covered in the National Environment Radioactivity Surveillance Plan. The Responsibilities assigned to Public Health under the National Environment Radioactivity Surveillance plan have been implemented whilst MEPA has implemented some of their responsibilities and has plans to implement their remaining obligations under the Plan.

The RPB is continuing to promote the use by employers of Qualified Experts in terms of LN44/2003 and to assist in the training of Qualified experts the OHSA ran a 20 hour course in March 2007. (The role of these Qualified Experts is to give radiation protection advice to employers.) The OHSA maintains a list of the Qualified Experts who have chosen to put their name on the public list on the OHSA website.

In 2007 the RPB completed the prescribed rules as required by LN472 of 2004. These prescribed rules are currently with Public Health for approval, before they go out for consultation with the various stakeholders.

In November 2006 the IAEA performed an inspection in connection with Malta's obligations under the IAEA bilateral Safeguards under the Non-Proliferation Treaty. The IAEA report on this inspection indicates that Malta was adhering to its obligations.

As part of Malta's obligations to the European Union the RPB has prepared for Malta's entry into the Convention on Nuclear Safety.

2.0.3 Machinery, Equipment, Plant and Installations

During this period the MEPI Section continued to update the information on lifting equipment, boilers and other machinery in its database – during last year, over 90% of all entries in the database were checked on site. Equipment which is no longer in use or has been dismantled was deleted from the database. Special attention was given to lifts installed in workplaces to ensure that they are regularly inspected as required by legislation and legal action was taken against several employers who were not adhering to the regulations. The section's database now contains information about 5295 lifts, boilers, cranes, hoists, presses, forklift trucks and other equipment. A total of 3041 inspection reports were received: 1874 lifts, 368 cranes, 73 boilers, 156 forklift trucks, and 570 for other equipment.

Officers from this section carry out regular and surprise inspections and accident investigations where lifting machinery is involved. 301 inspections were undertaken during this period; 76 complaints were also received, all of which were investigated.

Two officials from the MEPI Section took part in the Market Surveillance Department's Twinning light project on machinery, personal protective equipment and noise. This was organized by experts from Austria and consisted of local workshops and inspections and a training visit to Vienna.

Following various complaints concerning foul smells related to storage and transfer of fuels in the harbour area, a series of inspections were organised together with the Public Health, Civil Protection Department and Malta Environment and Planning Authority in all fuel and oil storage facilities in the area.

One officer from this section was chosen to undergo specialised training in manual handling organised by the European Agency. This was intended to train the trainer in handling techniques and risk assessment so that he would then be able to train other officers within the Authority.

The Control of Major Accident Hazards (COMAH) Regulations concern establishments where large quantities of dangerous substances are stored. As the lead Authority, the OHSA organised a number of inspections at COMAH sites as required by legislation. Special attention was given to the preparation of the emergency plans for these sites and a full onsite fire fighting exercise was carried out in one establishment. A foreign consultant was engaged to evaluate two safety reports. The twinning project initiated by the Authority in September 2007 with Germany, includes extensive training related to the COMAH regulations. The senior manager within this section was appointed focal point for the Convention of the Transboundary Effects of Industrial Accidents.

2.0.4 Other developments - building and construction

The OHSA has reviewed the draft Environmental Management Construction Site Regulations prepared by the Management Efficiency Unit, and has collaborated extensively in making and discussing several proposals – this by virtue of the fact that the stated primary objective of these regulations is the control of environmental risks through appropriate construction management practices, and the reduction of a risk to injury to the public. The regulations therefore are intrinsically linked to the objectives of the relevant ohs regulations dealing with construction.

In principle, the OHS Authority agrees that there needs to be a better defined legal framework for the control of environmental risks, yet the regulations as proposed will maintain the current fragmented approach towards building and construction. The OHSA is therefore strongly in favour of promoting a more concerted legislative framework, either through consolidated legislation or by including adequate linkages and cross-references in the different sets of regulations – to mention one example, the Authority is promoting the idea that no planning permits are issued unless other statutory requirements, including those concerning occupational health and safety, are satisfied.

The Authority would also like to express its preoccupation at the fact that other important considerations still fall outside the scope of criminal

legislation, such as the separation distance between developments during excavation works. This in fact is only covered by the civil code (Cap.16 – art. 439/440) - a potentially dangerous situation, since the closer one gets to existing buildings, the greater the risks through vibrations and ensuing instability, especially in the absence of adequate propping and supporting measures – this is evidenced by the large number of accidents that occur when such a distance is not respected.

2.0.5 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 responsibilities of the different duty holders. Last year in particular, there has been a further drive instigated by the Authority and by the unions encouraging workers to notify cases of work-related injuries. This may explain the relative increase obtained last year in claims for injury benefits made in terms of the Social Security Act, rather than

an actual increase in injuries at work. At the same time, better media coverage has on occasions fuelled the public's perception that 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.

Figure 1: Injury rates

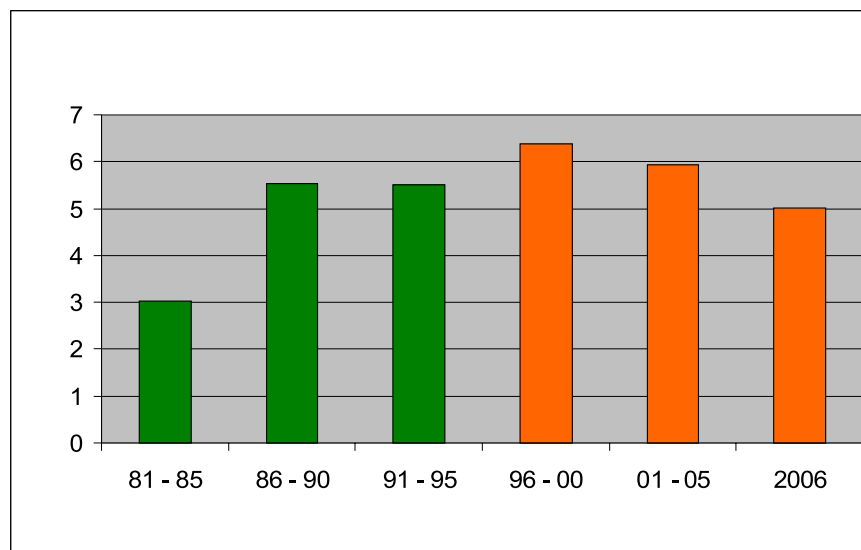
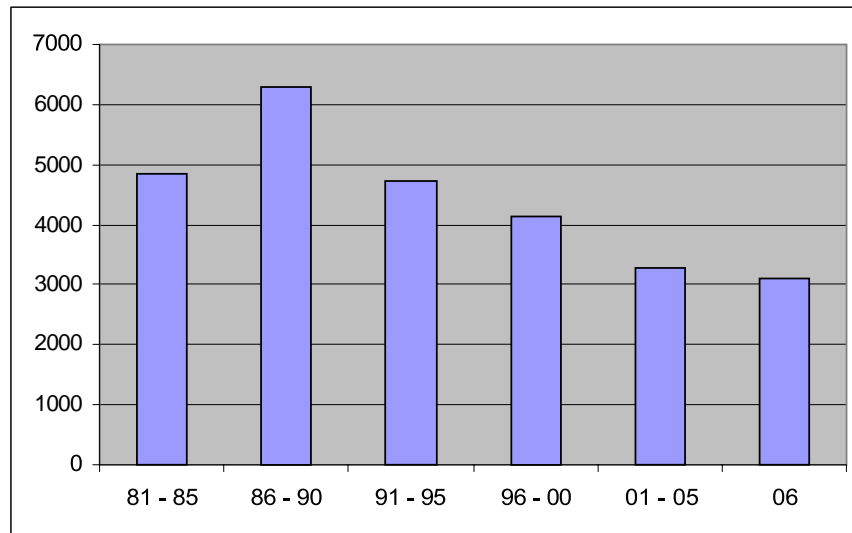


Figure 2: Fatality rates

A meaningful interpretation of statistics can only be made if the statistics are compared over time. The often made claim that the number of accidents in Malta is on the increase is factually wrong, since such a claim is based on a

comparison of the number of injuries obtained in any three-month period with the same figures obtained for the previous year, which is statistical nonsense!

In the case of occupational diseases and ill health there is still widespread 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. A second reason appears to be the failure of examining medical practitioners to forward the relevant notification forms, a task which is perceived by many doctors as being bureaucratic. This is a problem which is going to be addressed further during the coming years.

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 few years involved foreigners in the construction industry.

Year	Number of Fatal Accidents	Fatal Accidents Construction	FA – Construction Foreign Workers
2002	4	3	2
2003	12	7	1
2004	12	9	2
2005	6	3	0
2006	7	3	1
2007	4	2	1
Total	45	27 (60%)	7 (26%)

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.

2.0.6 Prosecutions conducted by OHSA

Prosecutions by the Authority are conducted mainly before the Court of Criminal Judicature. The OHSA has also assisted the Executive Police in

criminal proceedings instituted against all those concerned before the Court of Criminal Inquiry and has testified in a number of civil suits, instituted by third parties before the Civil Courts. During the past year, the Authority appointed and prosecuted in a total of 186 criminal cases, as follows:

	COURTS OF MALTA	COURTS OF GOZO
Sub-judice cases (2006)	27	12
New cases appointed	35	7
Total cases appointed	62	19
Found guilty	85	3
Acquitted	16	1
Total cases decided	101	4
Cases still to be appointed	35	7
Appeals lodged	3	0
Decided (sentence confirmed)	3	0

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

- a) a total sum of Lm43,079 in fines;
- b) seven probationary periods.
- c) two were reprimanded and cautioned.

2.0.7 Preliminary Study Report Performance Audit (NAO)

During 2006, the National Audit Office published a preliminary report on a Performance Audit of the Authority's initiatives taken with regards to the construction industry. The audit was aimed at identifying issues which may possibly be hindering the attainment of higher safety standards within this industrial sector. The audit was also aimed at determining the appropriateness of OHSA's work in ensuring that construction sites are healthy and safe, and the adequacy of awareness campaigns and training provided by the OHSA in influencing the attitudes of duty holders and stakeholders.

In its conclusions, which are being summarized here, the NAO pointed out that despite its lack of resources, the Authority has strived to raise ohs

awareness and enforcement of regulations within all economic sectors, including the construction sector. However, the lack of resources available to the OHSa significantly limits the Authority's options in embarking on more ohs initiatives. The NAO also commented that the Authority is a more reactive rather than a pro-active institution in all aspects of its activities – a fact that has been acknowledged in various OHSa annual reports.

3.0 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.

4.0 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.

4.0.1 Staff Development

During the year, the OHSA dedicated a total of 747 contact hours for the training and development of its staff, which included around 380 hours as part of the Management Information System contract of service awarded through EU transition facilities 2004. 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.

4.0.2 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 22 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). The OHSA also utilises ETC's JES scheme wherever possible. During the year, one public service employee, detailed to work with the Authority had his detailing revoked following disciplinary action initiated by the OHSA, while a foreign trainee officer resigned.

Implementation of family-friendly measures, tough as they might be to implement considering the size of our organization, consisted amongst others of Special Maternity Leave, reduced hours, urgent leave and bereavement leave. These were implemented where applicable (and or, in accordance with the collective agreement), in some cases even prior to their effective introduction in January 2007.

4.0.3 Internal industrial relations

The OHSA's first Collective Agreement covering a three year period has expired at the end of 2006. Submissions of proposals and counter proposals between the Authority (through the Collective Bargaining Unit – CBU, MFIN) and the Union Haddiema Magħqudin (the union representing the majority of employees) were the result of a series of meetings started early in 2006 with a view to renew the agreement.

Team work, flexibility and healthy industrial relations within the Authority have helped ensure a number of strategic objectives to be reached. 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.

4.0.4 Use of premises.

The Authority tries to maximize the use of its premises – apart from welcoming around 320 participants for public courses, the premises are regularly visited by a large number of visitors meeting officers and seeking information and advice. It may be pointed out that besides being the operational base for all OHSA staff, these premises house the offices for the Radiation Protection Board as well as the National Focal Point for the European Agency for Safety and Health at Work.

4.0.5 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).

4.0.6 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.

4.0.7 Management Information System

Following the installation of the MIS, a more time consuming and tedious process has been on going and shall continue for a few more months until completion. A painstaking shift from legacy systems, entailing all current versions of the paper based filing within the various sections that have accumulated throughout the years has had to be classified, categorised and integrated according to the demands of up to date effective and efficient information retrieval. After this lengthy ongoing procedure which has allowed the OHSA to streamline the number of active datasets while archiving the older datasets in a secure and accessible manner, organisation files are being transposed onto the MIS. This process will shift the dependency of the OHSA onto a more reliable mechanism whereby files are much more accessible thus reducing the physical movement, administrative and operational nuances associated with hard copy files. In addition sensitive or critical hard copied documentation can remain within one secure location which is also simpler to maintain.

Concurrently the majority of OHSA staff to date has undergone extensive training. OHSA staff has been trained up to ECDL level to enable them to cope with the new demands posed to them as knowledge workers utilising new procedures for the radically differences between a paper centric to a digital centric system. These courses shall continue to run during the coming year for the few remaining personnel who have as yet not attended, which was mainly due to logistics.

Today as ICT has revolutionised not only our country, it also will revolutionise the operational and administrative capacity entrusted to the OHSA. The MIS is a critical tool as part of the wider ICT infrastructure that will enable and empower any action to be taken by the OHSA to serve its purpose.

4.0.8 Euro Changeover plan

During the period under review, the Authority's action plan for the successful changeover to the Euro by 1st January, 2008 was revised. It encompasses all areas of work related to the changeover process, namely legal, financial, IT, operational communications and training. The plan draws on the findings emerging from the EURO Assessment delineating the Authority's implementation strategy, which was conducted in December 2005. An employee from the Authority's Corporate Services section was appointed as Euro Project Manager (EPM) and was responsible for the preparation and implementation of designated plans and task-lists to ensure compliance of the Authority with the requirements arising from the implementation of the euro. The actions implemented included training and information being cascaded to staff. Meetings were also held with the Euro Ministry Co-ordinator and Information Management Officer within the Ministry.

5.0 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.

5.0.1 EU Funded Projects

5.0.1.1 Structural Funds: 2007-2013 Programming Period

The OHSA continued its preparations and proposed three projects to the Planning and Priorities Co-ordination Directorate (PPCD) in a bid to draw from EU funds made available to Malta under the European Social Funds (ESF) and the European Regional Development Funds (ERDF) (programming period 2007 – 2013). The total costs for these submitted projects amounts to Lm 1,658,431 (€3,863,105).

5.0.1.1.1 Specialized Research and follow-up action

The Authority hopes to obtain a better and more realistic understanding of the current state of play in the field of OHS by carrying out specialised research. Based on the results obtained, more specific and focussed action can be taken, ensuring better compliance by the respective duty holders.

A number of researchers will be employed to carry out the necessary research and intervene with 2,000 employers spread over different economic activities so as to acquire a better insight in to the prevalent levels of OHS in Malta and as a result identify the degree of compliance with OHS standards, regulations and OHS Management Systems.

5.0.1.1.2 Information Campaign and capacity building

The OHSA has also proposed an intensive information campaign to conduct an awareness and education campaign about occupational health and safety.

At the time of writing of this report, this proposal is in a highly advanced state and the OHSA anticipates that the necessary call for application by the PPCD will be issued later this year or the beginning of next year. 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.

As in the previous proposal, the OHSA is awaiting formal PPCD calls for application to formally launch its application for this project.

5.0.1.1.3 Grant to Assist Industry

The aim of this project is to offer practical and much needed assistance to self-employed and micro-enterprises to enable upgrading of present physical environment, equipment, operations and infrastructure. Ultimately this project will assist small enterprises to 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.

At the time of writing of this activity report the call for application for this proposal has not been issued by the PPCD, although most of the paperwork has already been prepared by the OHSA.

5.0.2 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. Last

year, the two Maltese representatives on SLIC participated in the evaluation of the Labour Inspectorates of Italy and Greece. These evaluations were particularly useful for the OHSA since the first hand experience of how Labour Inspectorates operate in other Member States has been gained, while the exercise itself should serve in good stead during the preparations for the OHSA evaluation scheduled for 2009. To further this experience, and gain more knowledge, one of the two Maltese representatives will take part in the evaluation of the Dutch inspectorate during 2008.

5.0.2.1 SLIC European Campaign: LIGHTEN THE LOAD

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 project and accompanying products will help to achieve a more uniform implementation of the 1990 EU Directive 90/269/EEC (as transposed in Legal Notice 35 of 2003- the protection against risks of back injury at workplaces regulations) which sets down the safety and health provisions governing 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.

During July 2007 a member of the OHSA has attended a 'train the trainer' program so that inspectors from across the Member States will be uniformly trained for inspection, using a basic MHL training plan.

The program will is expected to be finalised by the end of November 2007 after the inspections and communication campaign have been carried out and the project evaluated. This evaluation concerns the inspection part, the communication part and the training part.

5.0.2.2 Exchange of Inspectors

The OHSA participated in an Exchange of Inspectors between Member States Authorities, as part of part of a SLIC programme, funded by the European Commission. Through this programme the OHSA partnered the Cypriot counterpart and proposed to the commission an exchange of officers between the 2 countries.

The programme involved one Maltese Officer visiting Cyprus during November 2006, which visit enabled the OHSA to closely look at how the Cypriot Inspectors address accident investigation, how they evaluate risk assessments conducted by competent persons engaged by the employers, as well as how participation and consultation of workers is practiced in Cyprus.

The Cypriot inspector visited the OHSA during October- November 2006 and focused mainly on procedures and recording systems concerning inspections and accident investigations as implemented in Malta. This exchange, which was the first of its kind for the OHSA, proved to be very fruitful since it provided an opportunity for OHS inspectors from the two countries to experience the implementation of the ohs regulations in another Member States.

5.0.3 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 contract for the elaboration of the Guide has been officially published and the Working Party has now been tasked by the Advisory Committee to monitor the development of the Guide, the work on which is expected to be finalized next year.

The Authority feels that it must comment on the fact that the Advisory Committee has to date set up no less than ten working parties, several of which are working on issues that may have a direct relevance to Malta (including chemicals at the workplace, Community Strategy implementation, education and training, electromagnetic fields). Although participation by the Authority in all Working Parties is not a realistic option, it is important for the Authority to participate in more such fora, since in so doing, the Authority can effectively influence decisions at an early stage. Current manpower limitations preclude this.

5.0.4 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.

5.0.4.1 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.

5.0.5 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.

5.0.6 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".

5.0.7 Seveso II Committee of Competent Authorities

The Seveso II CCA met in October 2006 during the Finnish Presidency and in May 2007 during the German Presidency. The Maltese Competent Authority was represented by the OHSa delegate in both meetings. Personal contact and exchange of information was made with colleagues from other member states.

The meeting in Porvoo Finland focussed on networking safety. This is important for transfer and sharing of information amongst companies and authorities. Coordination, cooperation and communication are key factors in the prevention and mitigation of major accidents. The Commission presented the Land Use Planning Guidelines which was approved by the CCA. The UK delegate gave an interesting presentation on the Buncefield accident giving the findings of the preliminary investigation. The Commission gave a list of member states who had not yet submitted the three year report. Immediately following this meeting this report was finalised and submitted to the Commission.

In Potsdam, Germany, the meeting dealt with human factors in major accidents. The human element can often be the deciding factor whether a major accident is averted or not. More resources have to be employed to train operators and enhance the safety culture of employees and management. The draft report on the application of the directive for the period 2003-2005 was presented by the Commission. Other presentations dealt with enforcement and

the effect of the Globally Harmonised System on the Seveso II Directive. In the three year report, the Commission noted that some Member States had a decrease in the number of COMAH sites due to the implementation of the amendment. Malta was one those countries that experienced this decrease and the reason for this was due to the reclassification of diesel oil. This was communicated to the Commission during the meeting and later on in writing.

5.0.8 Leonardo da Vinci Project on e-Learning

The Authority also participated in a European partnership which aimed 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 was tested by the first quarter of 2007 in a number of schools and other establishments and the project was completed by the third quarter of the same year. The coordinating entity is Preventie en Interim which is based in Brussels.

6.0 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:

Civil Protection Scientific Committee - Chaired by the Civil Protection Department, with representatives from various other entities. The Committee provides 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 Legal Notice 234 / 2002 of the Environment Act. It is chaired by Pollution Prevention Control Unit within MEPA. 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 which works to achieve an integrated approach towards 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 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 completed NBF was published in December 2006 (<http://www.mepa.org.mt/environment/gmos/DOCUMENTS/NBF-Malta.pdf>) 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 (within MEPA) 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, Legal Notice 37/2003. The OHSA is the lead Authority and coordinates the functions of the CCA.

7.0 Other assistance provided to the Authority

7.0.1 Transition facility

Soon after the conclusion of a twinning-light project with Austria, the OHSA has managed to secure more EU funds from the Transition Facility 2005 for another Twinning Light Project, this time with its counter-part in Germany.

This project costs €154,000 and will provide training and the sharing of expertise with regards to the implementation of various directives including those dealing with vibrations, work equipment, noise management, radiation protection, ventilation, electro-magnetic frequencies, evaluation and management of chemical/biological agents and asbestos hazards at work, and optical radiation. Officers from the Authority will also receive specialized training in the implementation of the SEVESO II directive including the evaluation of safety reports.

To further improve its core operations, the Occupational Health and Safety Authority will also be in a position to develop an operations manual and receive advice and training on enhanced efficiency in its internal administrative and managerial functions. In total during the seven month implementation period of this project, Officers from the Authority will receive 131 man-days in training that will be given by 8 short-term experts.

7.0.2 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 Lm8,000 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.

8.0 End Note

The OHS Authority will have more funds available for next year as would allow it to recruit a small number of people. The Authority will also be managing a number of EU related projects worth Lm1,724,543 (€4,017,104) – Lm1,658,431 Structural Funds, Lm66,112 Transitional Facility) if all proposals submitted by the OHSA for structural funds (programming period 2007-2013) are accepted.

However, the management of such projects by itself is also onerous and the Authority will have to be vigilant so that its own manpower resources do not become unnecessarily burdened or diverted from carrying out any core duties.

Since it was established, the Authority has been highlighting the mismatch between its obligations, statutory and otherwise, and its available resources; likewise, every year, the Authority has indicated substantial increases in its responsibilities, particularly related to the implementation of newly enacted legislation. Despite improvements in the general levels of occupational health and safety, a lot more needs to be achieved, as highlighted in the national strategy for the coming five years. The objectives set by the Authority cannot be met by further awareness raising or the dissemination of information (the hallmarks of the OHSA strategy to date) but can only be improved by having stricter enforcement being carried out by a larger number of OHS Officers.

Annex 1: Activities carried out by the Authority

October 2006 – September 2007

	Annual Total
Workplace visits	1205
Equipment certificates vetted *	3041
* including 1874 lifts, 368 cranes, 73 boilers, 156 forklift trucks, and 570 other equipment	
Radioactive material import licences vetted	142
Staff development man hours	747
Hours of training delivered **	755
** excludes all public seminars organized by the OHSA	
Man Days of Travel Abroad ***	107
*** includes participation in fora, the membership of which is mandatory as a result of EU membership; includes commuting days	
Number of participants at OHSA training	1290
Number of training courses organised	75
Press releases / feature articles	15

Annex 2: List of OHS legislation in force

Legislation	Reference
Act XXVII of 2000, Occupational Health and Safety Authority Act	Cap. 424
Inspection of Lifts Regulations	L.N. 231 of 2007
Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations, 2006	L.N. 323 of 2006
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

1st October 2007 – 31st December 2008

	Lm	Lm
Personal Emoluments		
Staff Salaries	229,346	
Honoraria to OHSA members	16,500	
NI Contributions	18,221	
Overtime/ Allowances	<u>23,293</u>	287,360
 Operational Expenses		
Utilities	15,625	
Material & Supplies	1,750	
Repair & Upkeep	9,750	
Rent	15	
Subscriptions	375	
Office Services	2,750	
Transport	31,250	
Travel	7,500	
Information Services	500	
Contractual		
Services	6,250	
Professional Services	10,250	
Training	375	
Hospitality	250	
Incidental Expenses	<u>375</u>	87,015
Total Operational Expenses		
 Contributions and Initiatives		
Appeals Board	<u>625</u>	<u>625</u>
 Budget Requirement under current operating levels		375,000
 EU Funded Projects		
Twinning 'Light' Project - Strengthening the administrative capacity of the National Labour Inspectorate		66,112
 ESF Funded Project - Research and Follow Up Action*		383,431
(including ERDF Funds - LM16,992)		
 ESF - Information campaign and capacity building*		515,000
 ERDF - Grant to Industry*		760,000
 Total Budget requirement		<u><u>2,099,543</u></u>
		€ 4,890,619

* Project proposals have been submitted in order to be financed from Structural Funds 2007 - 2013.

Amounts in Euros are for information purpose only 1 euro = Lm0.4293

The Financial Statements of the Authority for the period ending 30 September 2007 are being included in a separate report.