



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

Report of Activities for the period

1st October 2007 – 31st December 2008

Budgeted Income and Expenditure Account

1st January 2009 – 31st December 2009

Occupational Health and Safety Authority, Malta

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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 2007 and December 2008, 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 1st January 2009 to 31st December 2009 (section 31 of the Act). For this time only, the period of activities covers fifteen months, to coincide with the period of its financial year coming to a close in 2008 (in line with the direction given by the Director General, Public Internal Financial Control Division) so that the financial year of all Government's entities are aligned with that of the central Government.

The audited accounts of the Authority for the period 1st October 2007 to 31st December 2008 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. Despite increased economic pressures during the past year impinging on the way it manages its funds, the OHS Authority has successfully managed to operate within budget and ended its financial year with a small surplus.

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 message

The Occupational Health and Safety Authority has worked assiduously over the past year to fulfill its statutory obligations and in particular to decrease the number of work-related incidents and fatalities. This involved the provision of information and the organisation of training programmes by which to increase awareness as well as taking appropriate enforcement actions through the Authority's inspectorate. The positive results achieved are identifiable in the consistent downward trend in occupational accidents, which in turn translate into a decreased burden on social security benefits shouldered by the state and increased competitiveness. Despite these achievements, it needs to be highlighted that the OHSa functions at approximately one third of its operational human resources requirement since the Authority estimates that its workforce should increase to 65-70 employees in order to be able to carry out all its statutory duties and responsibilities.

The OHSa must continue to pursue the goals laid down by the Community Strategy 2007-2012 which primarily aims to "cut work-related illness and accidents by a quarter across the EU" during this period. This can only be achieved if all stakeholders contribute towards the improvement of occupational health and safety. In the coming year the European Commission will be evaluating the Occupational Health and Safety Authority and therefore scrutinising its operational standards and its ability to enforce the wide-ranging *acquis* dealing with occupational health and safety .

Further improvements can only improve when the Authority's resources are strengthened. The fact that capacity building is a priority has been agreed upon by all members of the OHSa tripartite board, which has representatives of all the social partners.

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 is 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. Jesmond Bonello and Mr. Saviour Sammut, appointed to represent the interests of workers;

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

Secretary

Mr. Giovanni Barbaro Sant

The OHSA Act provides for the appointment of a Chief Executive Officer who is responsible for the executive conduct of the Authority, its administration and organization as well as the administrative control of its officers and employees.

The CEO is appointed by the Minister responsible for occupational health and safety (since March 2008, the Minister for Social Policy) - Dr. Mark Gauci is the incumbent Chief Executive Officer of the OHSA.

Introduction

“... All too often lives are shattered unnecessarily because of poor working conditions and inadequate safety systems...(occupational health and safety) is not only sound economic policy, it is a basic human right...”

(Kofi Annan, Secretary-General of the United Nations, 2005)

There is growing acceptance worldwide that occupational accidents and ill-health have an influence not only on the lives of individual workers, their families and their potential for future work, but also the productivity and profitability of their enterprises – ultimately this impacts the welfare of the society in which they live. In short, safety and health at work makes good business sense, and maintaining acceptable standards is seen as an integral and key component of societal development and of ‘decent work’.

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

Last year the Authority launched its strategy for the period 2007-2012, which gives effect to the Community Strategy for the same period and highlights the link between the quality of work and economic sustainability. Its primary aim is to achieve an overall 25% reduction of occupational accidents.

The national strategy: *Consolidating achievements and engaging further commitments*, was launched during October 2007, and has the following key strategic objectives:

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 OHSA 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.

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 necessitates a prioritization of the tasks carried out, determined by the Authority as follows:

- A. Awareness building, information, education and training;
- B. Ensuring compliance with existing legislation;
- C. Legislative reform;
- D. Consolidation of resources; and
- E. Relationships with international organisations and local entities.

A Awareness building, information, education and training

The OHSA strongly believes in the importance of awareness-building and information as fundamental tools to bring about a higher level of education and good-practice in the OHS field. Given the ever-changing world of work and new and emerging risks, the fulfilment of this objective necessitates information that is updated on an on-going basis.

To this end, the Authority continues to provide information and to disseminate it as widely as possible. A number of press releases and feature articles have indeed been published in local media. Moreover, a number of information campaigns organized by the Authority have been linked with international initiatives, especially those organized by the European Agency for Safety and Health and the Senior Labour Inspectors Committee (SLIC).

There is an increasing amount of data being produced about emerging risks; this naturally necessitates ongoing research 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.

1 Initiatives with School Children

A change in mentality will have a more positive outcome if the concept of benefits accruing from having 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.

The information and awareness raising talks about occupational health and safety amongst pupils and students conducted by the OHSA staff remain very popular with primary schools in Malta. The current official mascot of the campaign 'NAPO' (as created by a European consortium) has become a household name in various localities. During the course of this past scholastic year, talks were held in 21 schools targeting around 1,200 pupils.

During these visits, students are guided through a short film featuring NAPO and a poster exhibition targeting mainly health and safety signs. This is then followed by an interactive talk. The mascot NAPO always makes an appearance at

the end of the talk to distribute an informative and educational activity booklet produced by the OHSA which the students are encouraged to work through, either at home or as a class event. A good number of schools take up the opportunity to organize a health and safety day or week, with pupils working on projects targeting specific OHS subjects.

The Authority also cooperates actively with the Health and Safety Unit of the Ministry of Education, Youth and Employment, with the scope of organizing joint activities targeting school children.

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 request.

OHS officers participate in several radio and television programmes, mostly on an *ad hoc* basis. The Authority has issued a number of press releases that dealt with specific areas of concern. 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.

3 European Week for Safety and Health at Work

The Authority has actively participated in the European Weeks for Safety and Health since their inception. 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 and raise awareness.

4 'Lighten the Load'

Musculoskeletal disorders (MSDs) constitute the most commonplace work-related health problems. To this end, the theme chosen for the 2007 European Week campaign was in effect musculoskeletal disorders, with the slogan 'Lighten the Load'. A vast amount of information packs including factsheets, posters and

DVDs were distributed by the OHSA to various constituted bodies as well as members of the public.

To build upon this campaign, a pan-European campaign on the risk of manual handling in construction sites and shops was launched in April, also in Malta, by SLIC. These two sectors were identified as places where manual handling involves heavy physical load and may lead to musculoskeletal disorders.

5 'Healthy Workplaces – Good for You. Good for Business'

With the theme '*Healthy Workplaces - Good for You. Good for Business*', the European Safety and Health at Work campaign for 2008-2009 was launched last June in Malta as part of a pan-European campaign to raise awareness about the importance of risk assessments at the place of work.

The European Agency for Safety and Health at Work, in consultation and agreement with the member states deemed it fit to launch this campaign about the need for improvement in risk assessment and its practical implementation following an EU policy review of the European Framework Directive 89/391, and the five 'daughter' directives. The review found that there was general lack of awareness of what is required and how to carry out a risk assessment. Moreover, many considered risk assessment as a one-off action, with no review and update while the risks were not analysed and evaluated collectively; consequently, separate measures were being set in place with no coordinated approach to the analysis of conditions in the workplace.

It was also established that superficial risk assessments only identified 'obvious and immediate risks' whereas long-term effects were either not considered or were neglected, such as those caused by chemical substances. Moreover psychosocial risks and work organisation were also rarely considered in a risk assessment. On the other hand, the implementation of the measures taken is very often not monitored properly by the employer.

The campaign will run over a period of two years, culminating in the organisation of two European Weeks in October of each year, this year being held between the 20th and 26th October. A number of events are scheduled to take place during this campaign.

6 OHS Good Practice Awards

The OHSA has also launched its annual Good Practice Awards in occupational health and safety in June this year. In line with the European theme, the 2008 edition of the Awards focuses on risk assessment.

The awards aim to demonstrate, by example, to all employers and workers the benefits of conducting risk assessments and promoting healthy workplaces to safeguard the occupational health and safety of workers. The awards also provide those selected with national recognition for their role in improving working conditions in Malta. The nominations are then adjudicated by a panel of independent judges and the winners will be announced in a ceremony held by the Occupational Health and Safety Authority.

7 World Day for Safety and Health at Work

The OHSA marked the World Day for Safety and Health at Work which was held on 28 April with the theme chosen by the International Labour Organisation (ILO) being 'My Life, my work, my safe work – managing risks in the work environment'. It particularly aimed at highlighting the importance of controlling and reducing risks in workplaces to prevent work-related accidents and ill-health.

The commemoration of the World Day emanates from the Workers Memorial Day started in America and Canada in 1989 to commemorate dead and injured workers annually on 28 April, a date which the International Confederation of Free Trade Unions and Global Union Federations converted into a global event endorsing also the concept of sustainable workplaces and work.

8 Training Initiatives

In line with its business plan, the Authority retained its core training activities and even managed to introduce new courses in the Safety aspects of Manual Handling and Office Ergonomics. However, due to other operational commitments, which also included intensive internal training as part of a Twinning Light agreement, the Authority had to decrease the total number of courses provided, (aggregate number of training hours decreased to 315, divided between 28 courses). The beneficiaries of these training sessions ranged from construction and road-building companies, to manufacturing enterprises, hotels, newly appointed ambulance

drivers, the primary and mental care sector, public service HR managers, as well as 180 guidance teachers. Throughout the period under consideration, regular collaboration with the St. John Ambulance and The Malta Red Cross Society resulted in the qualification of 110 first aiders (a marginal increase) who attended the OHSA's course entitled *First Aid and Safety at Work course*, whilst 47 employees participated in the 16 hour training programme for The Workers' Health & Safety Representative.

The total number of people participating in the training courses organised by the Authority exceeded 1280. As has been noted in the previous report, the Authority is aware that it must continuously strive to strike a balance in carrying out its full range of core functions – and had expressed its serious doubts as to whether this momentum in delivering training can be sustained if the human resource capacity within the OHSA is not improved.

9 Website – <http://www.ohsa.org.mt>

The number of subscribers to the OHSA website has grown to well over 1000. These subscribers have received a total of 35 updates to the website – a mechanism which is used to inform interested people about all the 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 amended existing and increased the on-line application and notification forms to continue in line with the government policy on accessibility to information.

This website increased in its popularity for the third consecutive year, and is used by more people searching for information about different aspects of occupational health and safety in Malta - the number of hits between October 2007 and December 2008 is at an all-time high of 1,007,609 (an average of 2,214 hits per day). There were also 21,000 visitors (equivalent to 60 visitors per day) and a total of 28Gb of downloads throughout the year (compared with 18Gb in the preceding year).

B 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.

1 Inspection campaigns

1.1 Construction sites and scaffolding systems

During January 2008 the OHSA continued with its second phase of an inspection campaign which had started during 2007. This pro-active campaign was addressed at the construction industry throughout Malta, and focussed on falls from heights. In total 120 construction sites were inspected by three groups of two OHS officers, with the aim of raising awareness about the risk of falls from height. In larger construction sites, OHS officers also evaluated the adequacy of the risk assessment documentation in the light of the prevailing risks and the control measures taken. During this campaign, a number of orders to stop all work activities

were issued pending remedial action. On those sites where work was halted through an Order issued in terms of the OHS Authority Act, subsequent visits to ascertain compliance were made.

1.2 Hotels

The OHSA continued with this campaign which was initiated the preceding year and successfully managed the inspections of all hotels. All hotels visited during the campaign had already been informed beforehand of this exercise, its scope and those areas on which the visiting OHS Officers would be focussing upon.

The OHSA felt that the inspections should be conducted over the 'lean' tourist period so as to cause the least operational disruptions to the hotels, yet giving them ample time to rectify any shortcomings they may have. The inspections were carried out during the first part of 2008 and covered a total of 107 hotels, which employ a total of 8275 workers. The findings of the inspections are being presented as follows:

	Y	N	% Y
Risk assessment carried out where it was a legal obligation (N=92)	45	47	49 %
Appointment of WHS Representative (N=81)	37	44	46 %
Appointment of workers responsible for the implementation of fire fighting measures (N=107)	92	15	86 %
Register for keeping names of workers responsible for fire fighting measures (N=107)	57	50	53 %
Presence & maintenance of adequate fire fighting equipment (N=107)	106	1	99 %
Fire drills not carried out according to law (N=106)	56	50	53 %
Records of fire drills (N=105)	62	43	59 %
Provision of Fire Exits (N=107)	101	6	94 %
Provision of first aid material (N=107)	103	4	96 %
Appointment of First aiders (N=107)	94	13	88 %
Provision of First Aid Room (N=13)	8	5	61.5 %

Following this exercise, a number of hotels have been arraigned in Court for the breaches observed, while those hotels the shortcomings of which were of a lesser degree were sent a letter urging them to remedy the situation. It is anticipated that next year the hotels served with an improvement letter will be re-inspected to ensure compliance.

1.3 Refuse Collection

The OHSA has started preparations for an inspection campaign covering domestic refuse collectors, in order to ensure that the levels of OHS are maintained by the entities and individuals involved.

This campaign will involve the now customary approach i.e. identification of the target population to be inspected and the submission to all concerned of a standard letter highlighting the scope of the campaign, the issues that will be inspected by the Authority's OHS Officers and at the same time informing them that they will be inspected in due course.

It is anticipated that the inspections will be carried out during the first half of 2009.

1.4 Hard and soft stone quarries

Another campaign planned for 2009, and on which work has already commenced, will cover all hard stone and soft stone quarries in Malta and Gozo to ascertain compliance with the relevant provisions of the Protection of Workers in the Mineral Extracting Industries through Drilling and Workers in Surface and Underground Mineral Extracting Industries Regulations, 2003 (LN 379 / 2003). From the sporadic inspections carried out, the OHSA is concerned that despite these regulations being in force for over four years (for quarries already in operation at the time of publication of these regulations), many quarries still fall short of compliance with the majority of the minimum requirements of the said regulations.

This proactive exercise will take the now customary format of such campaigns namely by communicating to all quarry operators the purpose of the inspections and the issues that will be covered during the eventual inspections. Employers will be given adequate time to comply with the salient points of the campaign, including the drawing up of a Health and Safety Document and risk assessment, the presence of instructions to workers on the protective measures to be adopted, the examination of electrical and mechanical plant and installations by competent persons, emergency preparedness and response arrangements in place at the quarries and management of falls from heights.

Action will be taken at the end of the campaign against employers found in breach of the law.

1.5 Manual handling

Musculoskeletal disorders are the most common health problems connected with work in the EU. As a result, during 2007, the Senior Labour Inspectors Committee initiated a European-wide inspection campaign under the “Lighten the Load” slogan.

During the period under review, the OHS Authority continued its participation in a pan-European manual handling campaign, which focused on the transport and health care sector. Following last year’s training of the national coordinator of this activity, this year all OHS officers who participated in this event were given specialised training in the correct techniques and the evaluation of manual handling risks. The on site inspections of the various MHL activities were carried out during autumn of 2007.

For this campaign, SLIC recommended Member States the use of either of two inspection tools for use by the respective Labour Inspectors and the OHSA opted in favour of the “Assessment of Manual Handling Task Based on Key Indicator” (KIM) as this approach covers also pulling and pushing activities. This tool together with relevant guidance material, were later placed on the OHSA’s website so that it may be used by employers, designated competent persons, workers and their representatives in their evaluation of manual handling risks (<http://www.ohsa.org.mt/showpage.asp?pageid=232>).

During this exercise, a total of 300 different activities were inspected by OHS Officers over eleven full days, who used the KIM checklists to identify the risk levels related to manual handling. Information material produced as part of the campaign was distributed during the inspections.

A summary of the findings are being presented hereunder:

	Transport Sector	Care Sector	Total
Duration of campaign (days)	5	6	11
No. of entities visited	12	63	75
Total number of Manual Handling activities observed	60	240	300
Written orders issued and followed up	2	34	36

A number of orders were issued in terms of the OHS Authority Act in order to achieve better compliance with the current regulations concerning risks to back injuries. A complete report on the results of the Maltese campaign has been compiled and presented to the project leaders of the European campaign.

The importance of problems connected with musculoskeletal ailments and experiences stemming from the successful implementation of last year's campaign influenced a decision for its continuation also in 2009. It is anticipated that the second phase of the campaign, which will now focus on the construction and retail sectors, will be carried out in the first semester of 2009.

2 Radiation Protection

All regulatory aspects of the Euratom Treaty fall under the remit of an inter-ministerial Radiation Protection Board (RPB). (The Euratom Treaty of the European Union provides the regulatory framework under 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 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 December 2007, was the Convention on Nuclear Safety Regulations.

The inspections performed during this year were focused mainly on ensuring that any new/modified facilities (including Mater Dei Hospital) were in line with occupational/medical radiation protection regulations. In addition a substantial

amount of work is carried out to ensure that all new medical exposure equipment has been tested by the user, and that it is performing up to prescribed standards.

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

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 four formal RPB meetings during the period October 2007 to September 2008.

Malta was subject to its second verification mission by the European Commission on environmental monitoring in September 2008. The Commission indicated that Malta was mainly in-line with the requirements of the articles 35 and 36 of the Euratom Treaty and the items in the earlier 2006 mission report had been addressed. The Commission Report has not yet been sent to Malta.

Following the go-ahead from the Health Division, the RPB initiated a consultation process for the prescribed rules as required by the Medical Exposures Regulations (LN 472 of 2004). A good number of stakeholders replied, and the comments received are currently under review.

3 Machinery, Equipment, Plant and Installations

The MEPI Section continued to update its database on lifting equipment, boilers, and other equipment. All the relative files have been entered into the new filing system and all the lifts files have been checked and updated. Legal action was taken against those employers who repeatedly failed to submit the certification report drawn up by an engineer for lifts installed in their premises. The section's database now contains a total of 5175 entries related to lifts, cranes, forklift trucks, presses, boilers and other equipment. This number is lower than that of the previous year due to an exercise that was carried out, whereby lifts and other equipment that had been decommissioned were removed from the database. During this period, 4279 reports were received and processed by this section. This activity involves the vetting of the reports, entering the relevant data in the database and communicating with the employer regarding repairs that have to be carried out. The reports received concerned 3146 lifts, 391 cranes, 89 boilers, 199 forklift trucks, 454 for other equipment.

The OHSA placed a greater emphasis this year on physical onsite inspections, and 817 inspections were carried out by officers from this section. These include planned and unannounced inspections, investigations following complaints and also accident investigations. 73 complaints were received, all of which were investigated.

Officers from the MEPI section were also involved in the Twinning Light project with Germany. These officers attended almost all of the training sessions given by the German experts as the subjects covered concerned this section either directly or indirectly. These included noise, vibrations, electromagnetic frequencies, optical radiation, ventilation and work equipment. A large portion of the twinning project was dedicated to training in the implementation of the Seveso II Directive and two officials received extensive training on the evaluation of safety reports, emergency planning and inspections. A training visit to Frankfurt was also organised and involved meetings with German experts and visits to fuel storage sites.

The MEPI section is actively involved in the implementation of the Control of Major Accident Hazards (COMAH), Regulations, L.N.37/2003, which transpose the Seveso II Directive. Since the OHSA is the lead Authority within the Competent Authority (CA) set up for these regulations, this section organises and executes inspections in all of the sites that are covered by COMAH. This involves considerable preparatory work to coordinate between the other members of the CA and the operators of the various facilities and the drafting of inspection reports and letters to the operators. A full scale emergency planning exercise was carried out in two of the upper tier sites covered by the COMAH regulations. Extensive work in collaboration with the other members of the CA was undertaken to prepare the external emergency plans and the information to the public for the COMAH upper tier sites.

There was close collaboration with the Malta Standards Authority on the preparation and publication of the new Inspection of Lifts Regulations, (L.N. 231/2007). This involved also the delivery of a course for Accredited Conformity Assessment Bodies who will be authorised to carry out inspection of lifts. These regulations were brought into force on the 1st January 2008 and amongst other things require that all lifts are registered and a new lift inspection form be adopted. A proposal for a forklift truck inspection campaign has been prepared aimed at raising

awareness amongst employers and operators of this equipment. Work has already started on the gathering of information for the implementation of this project.

For the third year running, the MEPI section was asked to deliver a lecture on Health and Safety to final year engineering students at the University of Malta. The turnout was very promising with the students showing great interest in the subject. Officials also attended seminars organised by the Malta Qualifications Council on the National Qualifications Network and by the Malta Standards Authority on the Notification Procedure (Directive 98/34/EC) and RAPEX (Rapid Alert System for non-food consumer products).

The OHS Authority, through its MEPI section, also initiated discussions with the Malta Resources Authority (MRA), following the latter's policy decision to intervene only in those cases where more than 150kgs of liquid petroleum gas (LPG) is kept and, or stored. This decision effectively meant that all those places of work where less than the stipulated amount is kept, including the majority of restaurants, coffee shops and other HORECA establishments, would not be visited by MRA Officials, despite the fact that risks to workers, and especially third parties may be present. In view of this, the OHS Authority established a Working Party, having representatives of MRA and the Civil Protection Department with the view of developing a Memorandum of Understanding outlining the roles of each respective entity. Since MRA has the technical competence in this matter, it has been asked to provide a Code of Practise for use by OHS Officers during their visits to such establishments.

4 Building and construction

Construction is one of Europe's largest industries, with an annual turnover of around EUR 1000 billion. It is also one of the most dangerous, as more construction workers are killed, injured or suffer ill health than in any other industry. Worldwide, it is estimated that construction workers are three times more likely to be killed and twice as likely to be injured as workers in other occupations. The effect on workers' health is also of serious concern – it is difficult to quantify the true scale of the health problem, but it is known that many construction workers suffer from occupationally acquired diseases, including musculoskeletal disorders, noise induced hearing loss, skin problems and other diseases as a consequence of exposure to harmful

substances. The situation is very much the same in Malta, as shown by the relevant statistics.

Paradoxically, construction is also very heavily regulated. Since many accidents in the construction industry are due to bad planning, lack of organization and poor co-ordination on construction sites, the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations of 2004 (which also transpose Council Directive 92/57/EEC on the same subject), have as an over-riding objective the fostering of improvements in working conditions, by taking account of health and safety at the project design and organisation stages. The principle is to prevent risks by establishing a chain of responsibility linking all the parties involved, so that the responsibilities for occupational health and safety are shared among the client who procures the construction project, the project supervisors, the contractors, including subcontractors, and their workers and the project supervisors.

In view of the widespread hazards and risks, the construction industry remains a focus of attention for the OHS Authority. Apart from the periodical proactive campaigns which it organises, OHS Officers regularly visit construction sites and take appropriate action.

The Authority also participates actively on the recently reconstituted Building Industry Consultative Council and has made its own recommendations to the Prime Minister with regards to MEPA's reform process currently underway. In this regard, the OHS Authority feels that construction requires a more holistic approach which looks upon this activity as one but which takes into consideration all aspects of planning, environmental management, health and safety (both of the workers and of third parties), structural safety and solidity and public health.

Thus the Authority is recommending that no planning permits are issued unless it can be shown that requirements arising out of other legislation (in this case, relating to occupational health and safety) will be met. The current piecemeal approach towards the control of building and construction activities may perpetrate a fragmented process which involves different entities, operating independently of each other, while at the same time, increasing the administrative burdens on such entities and the bureaucratic burdens on clients and operators in the field.

Furthermore the Authority is aware that many newly constructed buildings to be used as places of work do not conform with LN 44 of 2002 (the Workplace Minimum Health and Safety Requirements Regulations) – the latter specify the minimum acceptable dimensions that are required, evacuation routes, provision of natural lighting and ventilation. This renders many employers liable in terms of the OHS Authority Act for providing a place of work that is not in conformity with the required standards. For this reason, the Authority is suggesting that when a planning application is submitted, there should also be required a declaration by an architect that the building once erected will conform to the required minimum standards. This should not be perceived as a bureaucratic burden but as a means by which to ensure that the architect would have taken consideration of, even at the planning and design stage, and included in the plans, those structural characteristics intended to reduce the risk of accidents or to mitigate the effect of such accidents were they to happen.

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.

Year	Gainfully occupied ⁽¹⁾	Injuries at work ⁽¹⁾	Injuries per 100,000 workers	Fatalities ⁽²⁾
2006	138,666	4366	3148	8
2007	141,628	4328	3056	7
2008	143,476 ⁽³⁾	3960	N/A	3

(1) Source: NSO / DSS

(2) Source: OHSA

(3) March 2007 data

A matter of concern remains the high proportion of foreign workers who die as a result of workplace accidents – whereas 62% of all fatal accidents at work over the past six years have occurred in construction and related industries, 28% of all such accidents involve foreign workers. This is a disproportionately high percentage when one considers the total number of foreign workers in proportion to local workers. The building and construction 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.

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	8	3	1
2007	7	5	2
2008	3	2	1
Total	52	32 (62% of all fatalities)	9 (28% of all construction industry fatalities)

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 104 criminal cases, as follows:

	COURTS OF MALTA	COURTS OF GOZO
<i>Sub-judice</i> cases from 2007	32	7
New cases appointed in 2008	72	7
Total cases appointed	104	14
Cases still to be appointed	34	8
Found guilty	68	4
Acquitted	7	1
Total cases decided	75	5
Pending cases	63	17
Appeals lodged	4	0
Decided (sentence confirmed)	3	0

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

- a) a total sum of €32,890 in fines;
- b) two persons were sentenced to an imprisonment term of three months each, which term was suspended for one year.

C 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.

During 2007 the Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work (Amendment) Regulations, 2007 were published repealing LN 122 of 2003. These new regulations also amend the Health and Safety of Workers from the Risks related to Chemical Agents at Work

Regulations, 2003 (LN 227 / 2003) by introducing new occupational exposure limit values (OELVs) for chemical agents at work.

The OHSA collaborated closely with the Malta Standards Authority to prepare new regulations concerning the Inspection of Lifts, (L.N. 231/2007). These regulations introduce a “one-stop-shop” principle for this emerging sector and make it obligatory upon all lift owners and installers to register their lifts with the Malta Standards Authority, irrespective of whether such lifts have been installed in a place of work or in residential premises. A list of Authorised Conformity Assessment Bodies (ACABs) which have been designated to carry out thorough examinations and preventive inspections on lifts has been compiled and made available to registered lift owners.

A thorough examination of lifts is required to be performed as from the 1st January 2009 and will consist of detailed examinations with the intent of improving lift safety. These thorough examinations have to be performed every 6 years for lifts located at workplaces and every 10 years for lifts not located at workplaces. Alternatively, thorough examinations are to be performed when an accident or important modification to the lift occurs.

Preventive inspection will ascertain that the safety features of the lift are in working order and that any defect is detected and resolved. For this reason, preventive inspections have to be performed every 6 months on lifts installed in workplaces, while for lifts not installed at workplaces, the preventive inspection shall be performed every 12 months. A copy of the preventive inspection report for lifts installed in workplaces has to be sent, by the responsible person, to the OHSA.

Over the past few years the OHSA has been actively involved to ensure that its regulations and procedures do not create an unnecessary bureaucratic burden on citizens and enterprises. This year this effort was further intensified particularly by the OHSA’s participation at various meetings and at *ad hoc* training for Government entities sponsored by the Better Regulation Unit, within the Office of the Prime Minister, as part of a Twinning Light Project signed by the OPM and NI-CO (Northern Ireland). This Project was aimed at increasing the knowledge on better regulation and on the tools available to measure administrative burdens on businesses and citizens.

During this twinning project a member of the OHSA participated in a number of workshops and received training on how to best deliver training to other members of staff on the principles of Better Regulations and good practices to be adopted. The same member of staff was later asked by the BRU to sit on a project board to review the Better Regulations' Procedures Manual and the Communications Plan, where the OHSA's good practices in the field of better regulations were shared with the other members and incorporated in the draft Procedures Manual.

The OHSA also embarked on a review of the principal Act with the intention of making proposals to the Minister. The practical implementation of this law, in force since January 2002, has brought to light a number of issues, especially with regards to its applicability. This may create confusion in implementation, especially for those areas which are also regulated by other Acts of Parliament, and in so doing, the Authority will ensure that all aspects of occupational health and safety are covered by existing legislation.

D 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 OHS Authority contracted an occupational psychologist and an HR specialist to carry out an employee profiling exercise with the scope of evaluating general and individual perceptions and the level of engagement of all employees. This exercise also provided participants with the opportunity of evaluating themselves using more objective criteria.

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 II Directives and the safety of chemical and biological agents).

In same period under review, the authority has started to operate a Human Resource Management System which when implemented in its entirety is expected to better service emerging HR requirements, in particular implementation of family

friendly and other measures. A Fleet Management System is being implemented to monitor optimum use of the entity's resources in this area.

1 Staff Development

During the year, the OHSA dedicated a total of 712 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. Thirteen members of staff received hours of training spread over 89 working days. Nine benefited from 5 study visits spread over 18 working days.

Three new recruits, being the result of turnover attributable mainly to better conditions offered by the private sector, are presently nearing the end of their training programme. Three employees successfully obtained their Diploma in Social Studies (Occupational Health and Safety), which was awarded by the University of Malta. This is in line with having all the Authority's Officers capable of giving sound advice and to act as a point of reference whenever needed.

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 II 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.

2 Recruitment

At the moment, the total human resource complement is of 25 employees, 16 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 utilizes its annual restricted allocation of four participants of the ETC's Junior Employment Scheme participants who apart from their contribution as support staff, benefit from direct OHSA run training in health and safety. Another source of support staff and an element of cultural diversity during the period under review were 4 young participants from the Leonardo student exchange programmes.

Implementation of family-friendly measures, tough as they might be to implement considering the size of the organization, consisted amongst others of maternity Leave, parental 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.

3 Internal industrial relations

The OHSA's second Collective Agreement covering a three year period (2007 -2010) was signed on the 12th December 2007. This brought substantial improvements to the already favourable conditions enjoyed by grades covered by the Agreement. Submissions of proposals and counter proposals between Management (through the Collective Bargaining Unit (CBU) of the Ministry of Finance) and the union representing the majority of employees at OHSA were the result of a series of meetings started early in 2006.

Team work, flexibility and healthy industrial relations within the Authority have helped ensure a number of strategic objectives to be reached, while others are now close to being achieved. 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. An employee handbook incorporating a number of H.R. policies as well as Standard Operational Procedures within the framework of the Collective Agreement is being drafted and should be completed by the 1st quarter of 2009.

4 Use of premises.

The Authority tries to maximize the use of its premises – apart from welcoming participants at public courses, the premises are regularly visited by a large number of visitors, including young persons meeting officers and seeking information and data for research purposes and well as 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.

5 Gender Equality.

Apart from actively striving to implement guidelines for gender equality, and sexual harassment, the Authority is looking forward to effectively include gender mainstreaming in its employment policies. Towards the end of the period under review, a Gender Equality Audit was carried out and a draft gender equality policy is in the pipeline. The Authority's focal point for gender equality also participated in conferences organized by the National Commission for the Promotion of Gender Equality (NCPE).

6 Monitoring equipment

Although the Authority did not procure any significant amounts of monitoring equipment this year, it invested heavily in the maintenance and the calibration of the equipment which it possesses. This exercise, although costly (by virtue of the fact that most of the equipment has to be sent abroad) is necessary to ensure the validity and accuracy of the readings being taken.

7 Management Information System

The OHSA continued to develop its electronic Management Information System by consolidating employer records, introducing new features and introducing overall improvements to the solution. As work related to paper based filing continued to be shifted onto the MIS for most of the past year OHSA staff was provided with hands on training on the MIS. Features and improvements in the MIS included better employer records and accessibility across different registries, prototype internal auditing and bookmarks. As OHSA staff gained familiarity with use of the MIS it was possible to develop and work through areas that required modification to

make the work process more efficient. As the OHSa continues in its move towards a less paper dependant process more resources were dedicated by implementing an uninterruptable power supply system to support the MIS server and a daily backup routine as part of a wider backup strategy. These investments make the MIS solution more redundant to possible power outages and hardware failures.

As a result, the MIS solution continues to increase in importance as it becomes part of the core operational requirements and a key enabler for the OHSa in the successful management of its business while supporting the delivery of services to its clients. As the application of ICT is increasingly recognized as a critical success factor in any organization's strategy to achieve its ensuing vision so is the OHSa determined to continue with the implementation and management of ICT technologies such as the MIS. Thus the MIS is to assist the OHSa in the pursuit for improvements in effectiveness and efficiency in the implementation and achievements of health and safety on the workplace.

E External Relations

1 Senior Labour Inspectors Committee

The Committee of Senior Labour Inspectors (SLIC) set up by a Commission Decision of the 12 July 1995 (95/319/EC), 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 on OHS matters 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, including both plenaries, in a number of Working Groups, participated in the SLIC Manual Handling of Loads inspection campaign and in the exchange of Labour Inspectors initiative.

The Authority also started its preparations for the evaluation by SLIC (on behalf of the European Commission) of its own operations which is scheduled to be held during the first semester of next year. For this purpose, an evaluation team has already been established by SLIC and will include senior-ranking representatives of the OHS Inspectorates of Italy, Greece, Belgium, Austria, Cyprus, Slovenia, and Poland. While responsibility for the enforcement of Community law lies with Member States, SLIC plays a central role in promoting the correct and uniform implementation and enforcement of Community directives on health and safety. To support this role, the Committee published a number of Common Principles containing both core and developmental elements. The primary scope of these evaluations are to review the capability of the national labour inspection system to implement and enforce EU Directives on health and safety at work; to promote exchanges of information, ways of working (good practice) and experience between Member States e.g. the early recognition of trends and challenges for the labour inspectorates; and to promote greater consistency. Among other issues, the evaluation visit will carry out an assessment of the organisational structure, the administrative and operational procedures, the standards for inspection and their application, the resources available, the personnel and their training and the systems for reporting, record keeping and information collection. The evaluators will also accompany OHSA's Officers during a number of workplace visits and look at the way that they carry out their business in the field.

During last year, a member of the OHSA was involved in the evaluation of the Dutch Labour Inspectorate while next year another member of the OHSA will form part of the SLIC evaluation of the Cypriot Labour Inspectorate.

2 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.

3 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.

4 Leonardo da Vinci Project on e-Learning

The Authority successfully participated in a European partnership aiming 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. The coordinating entity is Preventie en Interim which is based in Brussels.

This training certificate targets mainly school-leavers, jobseekers as well as temporary workers, and will serve as 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.

5 European Project on MSDs

The OHSA successfully participated in a European project entitled 'An in- depth study to analyze and evaluate the socio-economic impact of possible Community Initiatives in the area of prevention of work-related musculoskeletal disorders in the European Union'. This was offered by the Employment, Social Affairs and Equal Opportunities DG of the European Commission and carried out by a consortium made up of TNO in The Netherlands, Prevent in Belgium and CIOP in Poland.

6 Labour Inspection Network & Exchange System

The Directorate General for Employment, Social Affairs and Equal Opportunities at the European Commission reorganized its Knowledge Sharing Site (KSS) currently being used by the EU 27 and 3 other EFTA countries. This site which is part of the CIRCA (Communication & Information Resource Centre Administrator) extranet tool, developed under the European Commission IDA programme, and enables users to share documents, exchange information and also to participate in discussion forums on selected topics.

As part of this reorganisation, the OHSA has nominated two members of staff as the national principal KSS coordinator and a deputy, who received training on the new arrangements being proposed by the Commission as well as on the procedures being introduced to harmonise all KSS users. The OHSA has already made good

use of this tool over the last months particularly by sharing its experiences with other Member States and also has requested its foreign counterparts to elaborate on key legislative interpretations and definitions.

7 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 Advisory 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 Authority's representative being chosen 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 in its opinion, there is currently no need for any specific Community directives or regulations, but that priority should be given 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) musculoskeletal disorders; (b) biological agents; (c) chemical agents; and (d) psychosocial disorders.

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

8 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 centre of nuclear cooperation and works for the safe, secure and peaceful use of nuclear technologies.

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".

9 Seveso II Committee of Competent Authorities (CCA)

During this period the Seveso II CCA met three times, in October 2007 in Portugal, in April 2008 in Slovenia and in October 2008 in France. The Maltese Competent Authority was represented in the latter two of these meetings.

The meeting in Ljubljana, Slovenia focused on the implementation and correct application of the directive and on the issue of enforceability. The Commission gave an update of the legal procedures against Member States for non compliance with the provisions of the directive, in particular relating to external emergency plans. Following the seminar on enforceability, a number of proposals were put forward during this meeting, namely to prepare a document clarifying and defining 'magic words', to develop the content for European training of inspectors and to write a guidance document on the Major Accident Prevention Policy. The CCA was also informed on the ongoing study on the effectiveness of the practical implementation of the requirements imposed on the operators and on the issue of security in critical infrastructures.

In Bordeaux, France, the main item on the agenda was the Meeting of Regulatory Committee Established by Article 22 of the Seveso II Directive. The CCA

had to vote on the new major accident reporting system proposed by MAHB. After a lengthy discussion, this was approved by the CCA with minor amendments. The Commission informed the CCA about the status of infringement procedures, in particular that the procedure regarding external emergency plans against Malta had been dropped. The three year report on the implementation of the directive covering 2006-2008 has to be submitted by the end of September 2009. The German delegate gave a short presentation on two recent incidents that occurred in Germany. The Commission stressed the importance of the mutual joint visits and the training and collaboration of inspectors so that a high standard is reached throughout all Member States.

10 Assistance provided to the Authority

10.1 European Agency for Safety and Health at Work

The European Agency for Safety and Health at Work has reviewed its grant scheme pertaining to activities organized as part of the European Week for Safety and Health at Work. As of this year, the financial resources were not provided to the Focal Points on a co-funded basis but rather as specific information material and services mainly acquired through Media Consulta. To this end, various initiatives previously undertaken had to be made without due to lack of funds. The Authority usually had available €18,000 towards this co-funding project. For the effective organization of European Week and to raise more awareness, it is essential that such funds are made available once more on an annual basis.

10.2 EU Projects: Structural Funds (2007-2013 Programming Period)

As reported in the last activity report, the OHSA continued working on its proposals for two projects that draw from EU funds made available to Malta under the European Social Funds (ESF) / European Regional Development Funds (ERDF) 2007 – 2013.

The OHSA's application entitled "**Specialised Research on OHS and development of OHS accreditation system**" was approved by the Planning and Priorities Co-ordination Division within the Office of the Prime Minister and will be launched during 2009. Through this project specialized research will be carried out

on various aspects of OHS in order to (i) obtain better statistics on occupational injuries, physical and psychological ill-health; (ii) inquire into the prevalence of access of workers to internal and external OHS services; (iii) determine the level of compliance of work equipment with legal requirements and (iv) identify the costs of prevailing risk levels of OHS to the nation. In addition, the project will also aid in the development of an accreditation scheme for third party OHS practitioners who offer services to employers. This project will have a value of € 495,600 and will be co-financed under the EU Cohesion Policy 2007-2013.

The OHSA has put the process of finalising its ERDF application on hold until the necessary human resources are made available as would allow adequate preparation, monitoring and control of the projects once launched.

10.3 Exchange of Labour Inspectors

For the second year running, 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 one Maltese Officer visited Cyprus during November 2007, to look closely at the different modes of enforcement and legislation in that country and to acquaint himself with the various set ups relating to daily administration. A Cypriot Inspector visited Malta in the same month and was given the opportunity to broaden her knowledge and gain practical experience in the field of health and safety at work.

10.4 Twinning Light Programme

During the reference period, the OHSA and the German Association for Social Security Policy and Research (GVG) have successfully concluded an EU- funded Twinning Light project, entitled "Strengthening the Administrative Capacity of the National Labour Inspectorate" with a budget allocation of € 154,000.

This Twinning Light project covered areas such as occupational vibrations, safety of work equipment, occupational noise management, ventilation, electromagnetic frequencies, optical radiation, major accidents (Seveso II Directive), biological and chemical agents at work, management of Asbestos at work, as well as the development of an operations manual for the OHSA, during which a total of

17 German experts conduct short-term visits to Malta to share their understand and experience on these topics with the Maltese counterparts.

In addition, OHS Officers from the OHSA had the opportunity to travel to Germany to see the practical implementation of various OHS Directives in Germany.

Twinning is an initiative of the European Commission launched in 1998 in the context of the preparation for enlargement of the European Union. Its main objective was administrative cooperation to assist the then Candidate Countries to strengthen their administrative and judicial capacity to implement EU legislation as part of the *acquis communautaire*. Following membership, these countries can now benefit from transition facilities to ameliorate previous action and strengthen institution building. Apart from providing technical and administrative assistance, twinning projects also help to build a long-term relationship between the two countries involved: in this case Malta and Germany.

This agreement is the third twinning agreement that the Occupational Health and Safety Authority in Malta is benefiting from. The first Twinning Project was with the counterparts of the Maltese OHSA in the United Kingdom and Ireland and the second was a Twinning Light Project with Austria.

This project came to an end in May 2008.

11 Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro (INAIL)

During December 2008 a member of the OHSA formed part of a delegation headed by the National Statistics Office on a study visit to the *Istituto Nazionale per l'Assicurazione contro gli Infortuni sul Lavoro* (INAIL) financed by the EuroStat.

The primary purpose of this visit was to improve the current situation of data collection relating to occupational diseases. Data collection related to accidents at work is somewhat adequate; however information on occupational diseases is rather scarce.

This study visit thus focused on obtaining better understanding of the systems being adopted in Italy to collect such information with the aim of helping the local competent authorities to create a national setup for the collection of occupational

diseases. During this visit the Italian experts gave an overview of the legal framework in place and the administrative arrangements in place to coordinate receipt and verification of claims of occupational diseases.

Following this visit a number of recommendations will be drawn up by the delegation to propose a number of recommendations on how data on occupational diseases will start to be collected at a national level for national use as well as for eventual forwarding to EUROSTAT.

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

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

- **Biosafety Co-ordinating Committee** - The Biosafety Co-ordinating Committee is a committee the aim of which is to achieve an integrated approach on Biosafety, the contained use of genetically modified micro organisms, the deliberate release into the environment of genetically modified organisms and the placing on the market of genetically modified organisms, in order to achieve a high level of protection of human health and the

environment taken as a whole. The main function of the BCC is to give statutory advice to the board of MEPA on the risks to human health and the environment from the release and marketing of GMOs.

The OHSA does not carry out any inspections related to biosafety, but should resources be 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 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. New members for Public Health and MEPA have been appointed and the other members re-appointed.
- **COMAH Competent Authority (CCA)** - This is made up of the OHSA, MEPA and the CPD and oversees the implementation of the Control of Major Accidents Regulations, L.N. 37/2003. The OHSA is the lead Authority and coordinates the functions of the CCA.

- **Building Industry Consultative Council (BICC)** – The BICC was set up by the Government to ameliorate the performance of the local construction industry and publishes various guidelines for the construction industry. Following the recent reappointment of the BICC, the OHS Authority has nominated its members on this Council to represent the interests of OHS in such an important forum.

F End note

According to the 4th European Working Conditions Survey (EWCS, 2005), around 35.4% of the EU-27 workers consider that work affects their health (including hearing problems, backache and overall fatigue). ILO estimates also show that work has a significant impact on health, leading to personal suffering, and contributing substantially to demands on the social security system whilst increasing the economic costs for employers. An example from the UK shows that around 175 million working days were lost due to illness during 2006, while around 7% of the working age population are on incapacity benefits and an additional 3% are off work sick at any one time. Estimated annual costs of sickness absence and ‘worklessness’ associated with working age ill-health are over £100 billion – research shows that every Euro invested in ohs promotion leads to Returns on Investment (ROI) of between €2.5 and €4.8 due to reduced absenteeism costs.

The challenge to achieve better health and safety at work has been recognised and addressed by the European Community and, locally the OHS Authority. The strategies (both at Community level and for Malta) for the period 2007 – 2012, has a main objective the ongoing reduction of occupational incidents. It is with a great sense of satisfaction to note that Malta has been one of the first to meet this important objective, whilst recognising the fact that a sustained momentum in maintaining the registered downward trends can only be achieved through holistic approaches, and more importantly, through full stakeholder commitment and engagement.

The latest statistics published by EUROSTAT amply show substantial downward trends in so far as occupational injuries (Table 1) and occupational fatalities (Table 2) are concerned.

	2000	2001	2002	2003	2004	2005
EU (27 countries)	100	96	88	84	80	78
Malta	77	94	91	90	83	77

Table 1: Index of the number of serious accidents at work per 100 thousand persons in employment

With regards to fatal accidents at work:

	2000	2001	2002	2003	2004	2005
EU (27 countries)	100	97	91	90	88	86
Malta	38	46	30	91	90	44

Table 2: Index of the number of fatal accidents at work per 100 thousand persons in employment

Despite the achievements, and especially in the light of the current global economic scenario, the idea has been put forward that one of the means by which to aid ailing economies is to have less regulation. This proposal ignores a salient fact – one of the major causative factors leading to this protracted recession is the failure of national regulatory entities to adequately control risk. As a counter proposal therefore, there is a school of thought favouring increased regulation.

The OHS Authority firmly believes that there should be a balance promoting ‘supervised self-regulation’ – duty holders should be encouraged to see the benefits of having adequate levels of occupational health and safety, and to take proactive action in mainstreaming ohs in all levels of their operations. At the same time the Authority, whilst facilitating this process, will maintain its statutory regulatory stance and will take suitable enforcement action in those cases where there exists the greatest risks to health and safety. Complimenting this approach will be the drive towards better regulation, which contrary to many people’s understanding, does not equate with less regulation, but with having legislation that is easily understood and that does not place unnecessary bureaucratic burdens on duty holders. This is a process to which the OHS Authority is fully committed.

The OHS Authority is also careful to discuss its proposed actions with all stakeholders, including other regulatory entities and, or public entities, especially in those cases where such an action may have implications for their operations. Unfortunately this is not always the case where a number of other entities are concerned, that develop policies or publish legislation, without any prior consultation with OHSA, even though the latter has a manifest role or interest in the matter being regulated.

Annex 1: Activities carried out by the Authority

October 2007 – end December 2008

	Total
Workplace visits	2022
Equipment certificates vetted ‡	4279
Radioactive Material import licences vetted	142
Staff development man hours	418
Hours of training delivered	443
Number of participants at OHS training	573
Number of courses organised	38
Press releases / feature articles	22

‡ Including 3146 lift certificates, 89 boiler certificates, 199 forklift truck certificates, 391 crane certificates and 454 certificates in respect of other items of equipment.

Annex 2: List of OHS legislation in force

Legislation	Reference
Act XXVII of 2000, Occupational Health and Safety Authority Act	Cap. 424
Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work (Amendment) Regulations	L.N. 353 of 2007
Inspection of Lifts Regulations	L.N. 231 of 2007
Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations	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	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	L.N. 371 of 2005
Control of Major Accident Hazards (Amendment) Regulations	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
Nuclear Safety and Radiation Protection (Amendments) Regulations	L.N. 173 of 2004
Work Place (Minimum Requirements for Work) (Confined Spaces and Spaces having Explosive Atmospheres)	L.N. 41 of 2004

Regulations	
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	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 January 2009 – 31st December 2009

	€	€
Personal Emoluments		
Staff Salaries	473,289	
Honoraria to OHSA members	30,748	
NI Contributions	37,206	
Overtime/ Allowances	<u>38,809</u>	580,052
Operational Expenses		
Utilities	29,994	
Material & Supplies	3,261	
Repair & Upkeep	18,809	
Rent	35	
Subscriptions	874	
Office Services	5,125	
Transport	58,234	
Travel	17,470	
Information Services	1,165	
Contractual		
Services	11,647	
Professional Services	20,955	
Training	874	
Hospitality	582	
Incidental Expenses	<u>874</u>	169,898
Total Operational Expenses		
Contributions and Initiatives		
Appeals Board	<u>1,165</u>	<u>1,165</u>
Total Budget Cost		
		751,115

The Financial Statements of the Authority for the period ending 31st December 2009 are being included in a separate report.