



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

Report of Activities for the period

1st January 2009 – 31st December 2009

Budgeted Income and Expenditure Account

1st January 2010 – 31st December 2010

Occupational Health and Safety Authority

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MALTA

<http://www.ohsa.org.mt>

2010

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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 January to December 2009, 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 2010 to 31st December 2010 (section 31 of the Act).

The audited accounts of the Authority for the period 1st January 2009 to 31st December 2009 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 and end its financial year within budget.

Vision of the OHSA

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

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

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

Employers and employees will be aware of the importance of preventative health and safety measures, and will have the knowledge, expertise and commitment to apply these measures to their workplace. The OHSA will be a partner to organisations, working together to improve health and safety at every opportunity.

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

Mission Statement

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

Mission analysis

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

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

Chairperson's Message

It can never be said that OHSA's primary objective of achieving acceptable and suitably high standards of occupational health and safety has been met. This is because of the continuously evolving situation with regards to occupational health and safety risks, the changing world of work and those technological advances that not only improve work methods, but also introduce new and hitherto unrealized hazards and risks. Greater emphasis has to be placed on such emerging risks (so called as more and more evidence comes to light about the association of such potential hazards and work – a case in point concerns stress at work).

At the same time, OHSA's many achievements to date should also be recognized – occupational health and safety remain on the national agenda, the rates of injuries and fatal accidents at work persistently maintain their downward trends, while there is now a high level of awareness about the benefits of adequate levels of ohs and a greater amount of high quality guidance and information being available.

A considerable achievement by OHSA follows its evaluation last year by a group of evaluators sent by the European Commission. In their report, whilst recognizing the need for greater resources, the Evaluators also highlight OHSA's professional approach and the integrity and commitment of its workers. They also identified a number of operational systems and procedures which they would like to share with the inspectorates of the other Member States.

Another document that was also published last year by the European Agency for Safety and Health, confirms the progress that has been registered in Malta during the past five years, as evidenced by the responses given by the majority of the 1000 participants interviewed on behalf of the Agency. The majority of the Maltese respondents also reported having adequate knowledge about their health and safety risks at their place of work.

These two reports confirm OHSA's role in the positive advances in this field and augur well for the future.

Roberta Messina,

Chairperson.

Members of the OHS Authority, 2007 – 2009.

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;

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

Introduction

The end of 2009 marked the half-way stage in the implementation of the six-year strategy for Occupational Health and Safety, *Consolidating achievements and engaging further commitments, 2007-2012*. This strategy seeks to build further on what has been achieved by encouraging enhanced commitment and participation by stakeholders and duty holders. The strategy highlights the link between the quality of work and economic sustainability as a major argument in favour of increased participation by those who have a direct or indirect interest in ensuring better standards of occupational health and safety at all workplaces. It has as a primary target a 25% reduction in the number of occupational accidents.

It is also opportune to review the progress made, and in particular to identify any shortcomings or perceived pitfalls that may threaten the realisation of the Authority's stated objectives.

Review of Activities

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

- A. Awareness building, information, education and training;
- B. Ensuring compliance with existing legislation;
- C. Legislative reform;
- D. Consolidating the Authority's resources;
- E. Relationships with international organisations and local entities; and
- F. Evaluating OHS operations.

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 continuously updated.

Towards 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 does not necessarily mean that such risks were not present before, but only that a greater corpus of evidence is coming to light as more and more research into such risks is finalised (examples of such ‘emerging risks’ include musculoskeletal disorders, psychological stress, risks from pandemics or from antibiotic-resistant biological agents and risks following the introduction of nanotechnologies). This necessitates ongoing research to ensure that these risks are identified in due time and prevention measures adopted - 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 20 schools targeting around 1,228 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

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 Healthy Workplaces - European campaign on Risk Assessment

This is EU-OSHA's Europe-wide information campaign, designed to raise awareness of the importance of Risk Assessment and to make European workplaces safer, healthier and more productive. The campaign ran for two-years (2008/2009) and was backed by the EU Presidencies, the European Parliament, the European Commission and the European social partners.

Risk assessment is the cornerstone of the European approach to prevent occupational accidents and ill health - if the risk assessment process – the start of the health and safety management approach – is not done well or not done at all, appropriate preventive measures are unlikely to be identified or put in place.

The European Agency for Safety and Health at Work, in consultation and agreement with the member states, including Malta, launched 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 other subsidiary 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 and psychosocial risks. On the other hand, the implementation of the measures taken is very often not monitored properly by the employer.

The Agency has developed a database of "risk assessment tools", which is regularly updated with tools from all over Europe, and has recently started work on developing 'interactive tools' (free interactive software, including downloadable applications which are usually sector-specific).

As part of EU-OSHA's Healthy Workplaces campaign, a new photography competition focusing on safety and health at work was launched by the European Agency. The scope of this initiative was to encourage entrants to photograph images which portray safety and health at work issues in creative and imaginative ways. The winner of this Europe-wide photo competition was Mr. Christopher Azzopardi from Malta, with his entry entitled 'Beekeeper'.

4 Good Practice awards

On the 16th January 2009, the OSHA held the Good Practice Awards' ceremony to provide those selected with national recognition for their role in improving the levels of OHS in their respective organisations. The nominations received were adjudicated by a panel of independent judges and the winners were announced in a ceremony held at the OSHA premises in Pieta'.

The 2008 award scheme was aimed towards the recognition of organizations that made outstanding and innovative contributions to promote an integrated management approach to risk assessment at work. As part of the pan-European campaign on risk assessment, the 2008 good practice awards, also aimed to demystify the risk assessment process to show that risk assessment is not necessarily complicated, bureaucratic or a task only for experts.

5 Training Initiatives

In line with its business plan, the Authority retained its core training activities. 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, and HR managers. Throughout the period under consideration, regular collaboration with the St. John Ambulance and The Malta Red Cross Society resulted in the qualification of 71 first aiders who attended OHSA's course entitled *First Aid and Safety at Work*. 127 persons participated in the 16 hour training programme for Workers' Health & Safety Representative.

The OHS Authority remains in a position where it needs to strike the right balance in carrying out its full range of statutory and core functions – it has already 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.

6 Degree-Plus – University of Malta

Following discussions held with the University of Malta, it was agreed to include an occupational health and safety component to be offered within the Degree-Plus Programme. A number of students from the faculties of engineering, architecture, arts and science enrolled in the first course. The subject areas included the work-health relationship, risk assessment, legal framework, chemicals, work equipment, ergonomics and construction safety.

The rationale behind this initiative is to mainstream basic concepts of occupational health and safety into as many diverse undergraduate courses at the University of Malta as possible.

7 Postgraduate Certificate Course in Occupational Health

The OHS Authority also started discussions with the University of Malta to look into the possibility of introducing a postgraduate course in occupational health for medical doctors. Various options are being considered, including the currently favoured one of launching a distance learning course. This course, once launched, will fill a much-needed void in the postgraduate training requirements for prospective occupational physicians. The Authority intends to develop the course content and course material with the assistance of the University of Malta, and to provide the majority of the lecturers required for the running of the course.

8 Website – <http://www.ohsa.org.mt>

There was a marginal increase in the number of subscribers to the OHSA website which remains at just over 1000 subscribers. These have received a total of 23 updates to the website – a mechanism which is used to inform interested people about all new developments, including amendments to existing legislation, scheduled courses, new initiatives undertaken by the OHSA and published press releases.

This website remained popular with safety practitioners and members of the general public, and is used by more people searching for information about different aspects of occupational health and safety in Malta - the number of hits between January 2009 and December 2009 is at an all-time high of 747,609 (an average of 2,048 hits per day). There were also over 17,000 visitors (equivalent to 46 visitors per day) and a total of 18Gb of downloads throughout the year.

OHSA also maintains and updates the Malta portal of the European Agency for Safety and Health (<http://osha.europa.eu/en>), which is totally distinct from OHSA's own website. According to the Network Web Statistics Report published earlier on this year by EU-OSHA, which shows the amount of web activity of member states and focal points during 2009, access to the Maltese EU-OSHA website was also highly encouraging, so much so that Malta placed fourth amongst all the Member States when considering the different countries' internet population (number of site visits according to the size of the population having internet access).

9 Pan-European opinion poll on occupational safety and health

During October 2009, the European Agency for Safety and Health at Work (EU-OSHA) published the results of a Europe-wide opinion poll on safety and health at work. The representative survey involved 1000 people from each EU Member State with participants selected from a wide range of age, educational and occupational backgrounds. Field work was carried out in April and May 2009.

The published survey included country specific data, and in the case of Malta, certain positive indications emerge, especially the high level of awareness amongst respondents about the benefits of occupational health and safety - Malta scored second amongst the Member States with regards to the rating given to occupational health considerations when making a career decision. A majority of Maltese respondents also claim that the levels of occupational health and safety have improved over the last five years (72% of respondents, placing Malta fourth amongst the Member States), while only 17% seem to think that such levels have deteriorated). 41% of Maltese respondents expect ohs levels to deteriorate because of the current economic scenario (compared to a European average of 61%). 59% of Maltese respondents claim to be well-informed about occupational health and safety risks (compared to a European average of 66%).

Whereas one should always exert caution when trying to interpret opinion polls, the results obtained could provide a good indication of the prevailing situation. OHSMA-Malta is indeed satisfied that the results of its hard work have started to show, and that there is now more awareness about the benefits of having high levels of ohs and more information available than there was five years ago (a time which roughly coincides with the establishment of OHSMA-Malta). This is also borne out by the fact that contrary to what many public statements seem to imply, the vast majority of people in Malta believe that the levels of OHS have improved substantially over the past five years.

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 Introduction of a new complaints management policy

One of OHSA's commitments of last year was to address all complaints received within the shortest possible time, in particular those pertaining to construction works, the majority of which are of a seasonal or temporary nature. Over the year a complaint management policy was developed by OHSA and its Officers were instructed to rank complaints received according to priority.

With this formalised policy in place, the number of pending complaints requiring an intervention has been virtually eliminated. Despite an increased workload on OHS Officers, the public's perception towards assistance offered by the OHSA appears to be more positive.

2 Inspection campaigns

2.1 Domestic Waste Collection

The OHS Authority continued with the organisation of a number of proactive campaigns that address various topical OHS issues - one such campaign targeted

domestic refuse collectors. Preparatory work for this campaign had started in 2008, with the collection of background data including contact details and localities to which these collectors were assigned throughout Malta and Gozo.

All registered domestic refuse collectors were sent a letter informing them of the scope of the inspection campaign and about the key issues that will be covered during the inspection.

During 2009, a total of 32 refuse collectors were the target of the campaign and one operator arraigned in Court for observed breaches of the law.

This inspection campaign will continue during 2010 in order to cover all refuse collection vehicles on record and to carry out follow up visits where minor breaches were observed.

2.2 Proactive workplace visits - medium and large enterprises

OHSA carried out a number of inspections of medium-sized and large enterprises. These proactive inspections took the form of an announced inspection, in which the management as well as the workers' health and safety representatives were involved.

The main issues covered by this campaign were to assess the level of employee involvement, consultation and discussion on OHS matters, and to ensure that management systems and processes required by the legislation are put in place. Over 300 workplaces in this category were visited during the year.

2.3 Hard and soft stone quarries

During 2009, work continued in the inspection of hard and soft stone quarries, 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).

Having consulted the relevant authorities on quarries' registration (i.e. the Malta Environment and Planning Authority and the Malta Resources Authority), the OHSA communicated to all registered quarry operators the purpose of the inspections and the issues that will be covered during the eventual inspections. This communication was intended to afford reasonable time to operators to address the relevant 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.

A total of 97 quarry operators (29 hard stone and 68 soft stone) were initially contacted, 15 of which in Gozo (5 HSQ, 10 SSQ), of which a total of 52 quarries being inspected. The rest of the quarries, including those located in Gozo, will be inspected during 2010.

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

2.4 Manual handling

Musculoskeletal disorders have been identified as the most common health problem connected with work in the EU. As a result, during 2008/9, the Senior Labour Inspectors Committee agreed to continue a European-wide inspection campaign under the “Lighten the Load” slogan.

The OHS Authority also continued its participation in this extended pan-European manual handling campaign, which focused on the Construction and Retail sectors. OHS officers were given training in the correct techniques and the evaluation of manual handling risks related to this year’s campaign sectors. A number of on site-inspections to look at manual handling activities were carried out during 2009.

During their visits, OHS Officers made use of an inspection tool recommended by SLIC, which also covers pushing and pulling activities. This tool together with other guidance material, were placed on the OHSA’s website for the use of employers, designated competent persons, workers and their representatives in their evaluation of manual handling risks

During this exercise, a total of 237 different activities were inspected by OHS Officers over several days. Those activities included lifting and lowering of limestone and other items in the construction sector, lifting and lowering of boxes etc, filling up shelving, pushing/pulling of trolleys, manual handling at cashiers’ areas. Information

material, involving around 9000 posters and booklets, produced as part of the campaign was distributed during the inspections. A summary of the findings are being presented hereunder:

	Construction	Retail Sector	Total
Duration of campaign (days)	5	7	12
No. of entities visited	10	52	62
Total number of Manual Handling activities observed	56	181	237

A complete report on the results of the Maltese campaign has been compiled and presented to the project leaders of the European campaign.

3 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 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 related treaties.

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). As part of these commitments, the RPB has prepared legal notices for Malta to join the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management as well as to the Amendments to the Convention on the Physical Protection of Nuclear Material.

In May 2009 Malta joined the IAEA's Illicit Trafficking Database (ITDB) Programme. The RPB is the Maltese focal point for receiving and transmitting data under the ITDB programme.

The inspections performed during this year continued to focus in ensuring that any new/modified facilities were in line with occupational/medical radiation protection regulations.

The national inventory of users of all sources of ionizing radiation is maintained by the RPB and currently stands at 159 (7 more users than last year).

The Radiation Protection Section within the OHSa coordinates the activities of the RPB and frequently liaises with the other RPB members - six formal RPB meetings were held during 2009.

Malta was subject to its second verification mission by the European Commission on environmental monitoring in September 2008. The final Commission Report has not yet been sent to Malta.

During 2009, RPB held a number of meetings with key stakeholders following the public consultation process concerning the Prescribed Rules to the Medical Exposure Regulations. As a consequence of the feedback received, the Health Division has informed the Radiation Protection Board that it wishes to propose changes to these Rules.

4 Machinery, Equipment, Plant and Installations

The MEPI section deals with all types of machinery used at the workplace. Certain types of machines are required, by the regulations, to be tested and certified by a competent person at regular intervals. Copies of these reports are received at this section, vetted and then entered into the database appropriately set up for this purpose. This year all the files related to boilers were checked, the employers were contacted and those boilers that had been decommissioned or where it was found that the enterprise had closed down, these were removed from the database. There are now a total of 4380 entries in the database. During this period 4021 reports were received; 2813 lifts, 375 cranes, 253 forklift trucks, 147 boilers and 433 for other equipment.

At the beginning of 2009 further provisions of the Inspection of Lifts Regulations L.N. 231 Of 2007 came into force. This meant that lifts installed in workplaces after June 2002 had to be inspected by an Accredited Conformity Assessment Body (ACAB). Also lifts put into service up to the 31st December 1969 had to undergo a thorough examination by the end of 2009. This section ensures that the reports of lifts, covered by these regulations, received are duly signed by an ACAB and that any serious faults are rectified within the specified period of time.

All complaints received by this section were investigated and other investigations were carried out in collaboration with officers from other sections following accidents at workplaces involving various types of equipment. A total of 50 complaints were received and 605 inspections were carried out by the MEPI section.

Officers from this section were actively involved in consultation meetings with the Malta Resources Authority (MRA) regarding the adoption of the UK LPG codes. Another topic discussed with MRA was the Autogas (Installation and Certification) Regulations. Meetings were also held with MRA, MSA and CPD regarding the storage of LPG in quantities of less than 150kg. These talks led to the modification of one of the LPG codes to cater for this category of establishments. Further meetings were held with the Employment and Training Corporation (ETC) so that the latter would set up a course for forklift truck operators. ETC agreed in principle that this would be beneficial and started the process to seek funds for this initiative. As the Authority was receiving frequent calls from the public regarding installations of mobile phone antennae, a meeting was held with officials from the Malta Communications Authority (MCA). The information gathered was then passed to all OHSAs officers so that they would be in a better position to reply to queries related to this subject. Officers from this section were again invited to deliver a lecture on health and safety to final year engineering students at the University of Malta. Many of the students showed great interest and participated in the discussions during the lecture.

In January MEPI officials participated in a conference organised by the Malta Lifts Association (MLA) on the implementation of the Inspection of Lifts Regulations, one year after coming into force. Another conference attended was organised by the ETUI in Malta, on the standardization of machinery. The senior manager MEPI was invited to attend the Seveso II, Land-Use Planning TWG meeting organised by the European Commission that was held in Malta in September. Experts from various Member States discussed the major accident scenarios for LPG and other toxic gases.

As part of the implementation of the Control of Major Accident Hazards (COMAH), Regulations, this section organised and took the leading role in the inspection of all establishments falling under these regulations. An active part was also taken in the preparations and execution of emergency planning exercises carried out in three COMAH sites. Besides being a legal requirement these

exercises provide valuable information and experience in dealing with major accidents.

In preparation for the transposition of Directive 2006/25/EC on the minimum health and safety requirements regarding the exposure of workers to risks arising from physical agents (artificial optical radiation), this section prepared the local version of the regulations which are due to be published in 2010. All MEPI officials were involved in the SLIC evaluation in June. They took part in most of the inspections attended by the SLIC evaluation team. Early in the year an application was sent to SLIC to benefit from the inspector exchange programme. This was accepted and in October a MEPI representative went on a training visit to the Health and Safety Executive in Bootle, UK; the visit focused on the storage and bottling of LPG. Valuable information and experience was gained in view of the construction of a new LPG plant in Malta in the near future.

5 Occupational Health

5.1 Health Surveillance

Health surveillance is a process involving a range of strategies and methods by which to systematically detect and assess the early signs of adverse effects on the health of workers exposed to certain health hazards - in other words, health surveillance means watching out for early signs of work-related ill health in employees exposed to certain health risks. It is an important tool, and when used as part of an appropriate risk assessment process, serves to determine the adequacy of preventive and protective measures, or to indicate the need for new ones.

Following its recruitment of an occupational physician, the OHS Authority was therefore in a position to continue its work related to the protection of workers' health in a more structured and systematic way. Thus all reports or official notifications of suspected or confirmed cases of occupational illnesses were investigated and followed up. With regards to the handling of asbestos, the companies involved in the removal of asbestos were subjected to a review process with regards to their preventive and protective systems in place, especially with regards to their statutory record keeping requirements. This campaign will be extended during 2010 to cover other industrial sectors where health surveillance is a statutory requirement, including for handlers of carcinogens and, or mutagens.

5.2 Notification of Industrial Diseases

The notification of all industrial diseases is important not just from a statistical point of view, but would be of assistance to the Authority to identify areas where greater intervention is required. As a first attempt at increasing the notification of suspected or confirmed cases of diseases that have an association with work, the OHS Authority focused on skin diseases – a simplified notification form was developed and proposed to the Dermatology Unit at Sir Paul Boffa Hospital, wherein are seen a large percentage of persons with dermatological problems. To date, and despite the Authority's efforts, the response remains poor with little knowledge being available with regards to clusters of industrial diseases.

6 Occupational injuries - 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 for Social Security.

The following table shows a comparative overview of the basic statistical trends over the past four years:

	Gainfully Occupied¹	Injuries at work²	Injuries per 100,000 workers	Fatalities at work³
2006	138,880	4,366	3,144	8
2007	142,179	4,328	3,044	7
2008	145,100	4,023	2,773	3
2009	144,661	3,322⁴	2,296	8

(1) Source : NSO

(2) Source : DSS / NSO

(3) Source : OHSA

(4) Extrapolated to cover all of 2009

Whereas the downward trend in the number of industrial injuries for which a claim for a benefit under the Social Security Act persists, the number of fatalities occurring at work last year shows an increase over the preceding years. From a statistical point of view, this is to be expected – the relatively small number of fatal accidents occurring in Malta is liable to yearly fluctuations, without affecting the overall trend and in particular, without in any way permitting any meaningful conclusions. It must also be mentioned that the statistics also include occurrences which although considered to be work related, do not fall under the applicability of the OHS Authority Act.

On the other hand, last year's accidents gave rise to an important consideration, namely that all work activities can be associated with their specific risks – a number of last year's recorded fatal accidents (five in all) did not occur in the traditional high risk sectors, but happened in activities related to domestic waste collection, transport, ship repair, disciplined services and in the services industry. Four of the fatal accidents resulted after falls from height, one following electrocution, one from drowning and two after a crush injury. Three fatalities occurred in the construction and quarrying sectors.

7 Prosecutions conducted by OHSA

Whereas most of the judicial prosecution activities by the Authority used to be conducted before the Court of Criminal Judicature, the Occupational Health and Safety Authority (in collaboration with the Executive Police) has had to change the system so that criminal proceedings are now initiated before the Court of Criminal Inquiry, on a recommendation made by the Court itself.

During 2009, the Authority prosecuted a total of 191 criminal cases, of which 25 cases involved the compilation of evidence before the Courts of Criminal Inquiry, whilst 161 cases have been appointed before the Court of Magistrates acting as a Court of Judicature. Of these, 113 have been decided whilst 53 remain '*sub-judice*'. These figures represent only the cases already appointed – there remain other cases which are still being investigated with the possibility of court proceedings being instituted against the parties concerned in the future.

The Courts imposed a total of € 75,414 in fines and two imprisonment sentences, which are currently the subject of an appeal. This is the first time that effective prison sentences were handed down.

In addition the OHSA has appeared in a number of appeals, which were lodged either by OHSA, or by the aggrieved parties.

During the year under review there were also three civil cases which were referred before the Constitutional Courts. These cases are still '*sub-judice*'.

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 2009, work was carried out on the drafting of regulations that will transpose the Physical Agents (Artificial Optical Radiation) Directive 2006/25/EC of the European Parliament and of the Council. It is anticipated that these regulations shall be published by the 27th April 2010, which is also the deadline for transposition. The scope of these regulations is to lay down the minimum requirements to protect workers from exposure to Artificial Sources of Optical Radiation (AOR) to the eyes and skin during their work. AOR is any electromagnetic radiation in the wavelength range between 100nm and 1mm, and includes ultraviolet, visible and infrared radiation and lasers.

The majority of light sources used in the workplace are safe but there are a small number of intense sources of light that can cause damage to the eyes and skin - these regulations, once brought into force, will ensure that workers are suitably protected. Not all sources of AOR are dangerous, for example sources that are considered to be safe include ceiling mounted lighting, photocopiers, photographic flash lamps, computer display screens and vehicle indicator, brake and reversing lights. Examples of sources of AOR that can cause damage to the eyes and skin if the exposure limit values are exceeded are lasers, furnaces, welding and various uses of UV light.

The proposed regulations include schedules which give the occupational exposure limit values for non-coherent AOR (that is any optical radiation other than laser radiation) and for laser radiation.

The draft regulations were submitted to a wide consultation exercise involving the stakeholders and duty holders.

The OHS Authority has also started work on amendments to Legal Notice 281/2004 - Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations, to better define the roles of clients in respect of projects that are to be initiated and in particular, their responsibility to appoint project supervisors.

The OHS Authority was also involved in preparatory work in anticipation of the required transposition of the Directive concerning the protection of workers from risks arising out of exposure to Electro-Magnetic Frequency Radiation. This Directive, which is still being prepared by the EU Commission, especially the technical annexes, will need to be transposed by 2012, but in view of its complex nature, OHS sent a representative to a scientific conference organised by the Swedish Presidency so as to obtain a better understanding of the requirements of the Directive.

The OHS Authority has finalised its own review exercise of the principal Act itself, with the scope of proposing amendments that ensure better implementation and, perhaps more importantly, remedy any uncertainties with regards to applicability. A draft document has been prepared and presented to the Minister of Social Policy. This draft was also submitted by the Ministry to an independent critical review exercise, which will be followed by a cost-benefit analysis of the proposed legislation. The draft also addresses concerns raised by the Commission Evaluators in their review of the national systems and structures, and which is being reported elsewhere in this report.

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 425 contact hours for the training and development of its staff, which included around 108 hours as part of the Management Information System contract of service awarded through EU transition facilities 2004. Eleven members of staff benefited from this exercise.

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.

A number of OHSA employees attended conferences and seminars organised overseas and locally covering a wide spectrum of OHS areas as well as dealing with the development of organisational skills. Training included organisational leadership, safety of radioactive materials, IT infrastructures, health and safety issues of dangerous substances and construction health and safety. A 'Train the trainer' course, to enhance training delivery skills of a number of officers, was organised in collaboration with the Employment & Training Corporation.

There were also several hands-on learning opportunities, which included a 5-day workshop overseas on the implementation of the Control of Major Accident Hazard Regulations (the Seveso II Directives).

Staff development encompasses the Life-long Learning strategy which the OHSA implements 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 stands at 26. Mid-year, the OHSA recruited an Occupational Physician, whose priority task is to contribute to the development of a national occupational health programme. With this latest addition, the Authority now employs nine persons in professional and middle management grades whilst six other officers make up a pool of generalist inspectors, all of whom are actively engaged in the OHSA's core operations. Five personnel constitute clerical and industrial staff. The entity's top management numbers three persons. The stated complement 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 and Working Trail Scheme (WTS) participants who apart from their contribution as support staff, benefit from direct OHSA run training in health and safety as well as in personal skills development. Another source of support staff which also adds an element of cultural diversity during the period under review included 4 young participants from EU 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.

3 Internal industrial relations

The Authority is now half way through the term of its Collective Agreement which covers the three year period 2007 -2010.

Team work, flexibility and healthy industrial relations within the Authority have helped ensure that a number of strategic objectives 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. A first draft of an employee handbook incorporating a

number of H.R. policies as well as Standard Operational Procedures within the framework of the Collective Agreement was completed during this period.

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 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 system. 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. The OHSA invested in strengthening its servers infrastructure to secure continuity of business.

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 constitutes another valuable tool 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 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 original Commission Decision has now been amended by a Commission Decision of the 22 October 2008, so that each Member State is represented by one Committee member (instead of the previous 2).

The OHSA recognizes the benefits that can accrue from making full use of membership of this group, and participates actively in all meetings, including plenaries, a number of Working Groups, participation in the various SLIC Inspection Campaigns and in the exchange of Labour Inspectors initiative.

SLIC is also tasked by the Commission to evaluate OHS Inspectorates in the respective Member States to ensure that they are implementing the full acquis on ohs. During the year, a member of the OHSA was involved in the evaluation of the Cypriot Labour Inspectorate. As has been mentioned elsewhere, OHSA itself was evaluated by an Evaluation Group during week 24 of 2009; an OHSA representative

has also been chosen by the EU Commission to Chair the Evaluation of the Latvian Inspectorate next year.

Of particular relevance, is OHSA's participation in SLIC's Working Group on Enforcement (WGE), which not only serves as a forum for the rapid information exchange between inspectorates on problems encountered during monitoring of enforcement of Community legislation, but also gives proposals to the SLIC plenary on common actions.

The objectives of WGE are to (i) discuss issues pertaining to Cross Border Enforcement, and to provide mutual assistance between ohs inspectorates on infringement of national legislation, (ii) ensure the uniform enforcement of community legislation across the Member States, (iii) manage new, broader and more complex working environment problems, (iv) exchange examples of good practise and enforcement methods, and (v) exchange and train ohs inspectors. Each Member State appoints one member of WGE.

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 to which 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 Labour Inspection Network & Exchange System

Following the reorganisation of the Knowledge Sharing Site (KSS) by the Directorate General for Employment, Social Affairs and Equal Opportunities of the European Commission in 2008, the OHSa participated in the exchange network between Member States. Apart from the questions posted by the local KSS coordinator soliciting a reply from other members of this site on legal provisions in other Member States, the OHSa also replied to various questions posted by other MSS coordinators.

A follow up training workshop was held during December 2009 at the EU Commission in Luxembourg, which was attended by the Member States' respective KSS coordinators.

The Knowledge Sharing Site (KSS) is currently being used by the EU 27 and 3 other EFTA countries and is part of the CIRCA (Communication & Information Resource Centre Administrator) extranet tool, developed under the European Commission IDA programme. It enables users to share documents, exchange information and also to participate in discussion forums on selected topics.

4 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. It is expected that this Guide will be finalised during 2010.

5 International Atomic Energy Agency

The International Atomic Energy Agency (IAEA) is a UN agency mandated to promote the beneficial use of ionizing radiation around the world. The IAEA acts as

the world's 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.

6 Seveso II Committee of Competent Authorities (CCA)

This year the Seveso II CCA met in April in the Czech Republic and in October in Sweden. The OHS member of the Maltese COMAH Competent Authority attended both meetings.

In Prague the CCA focused on giving greater importance to lower tier Seveso II establishments. These are required to submit a major accident prevention policy (MAPP). Emphasis was made on the implementation and enforcement of the MAPP and that there should be a sound safety management system. Many lower tier sites across Europe are small family run enterprises with one person holding different roles. There were group discussions amongst the participants and the conclusions were presented to the CCA. There is no typical lower tier establishment and lower tier does not necessarily mean less risk. Therefore there needs to be good information exchange and clear interpretation of legal requirements. The mutual joint visits programme could help to improve the situation and work on the preparation of a guidance document on MAPP. Other discussions on the revision of the Seveso II Directive focused mainly on land-use planning, security, GHS and domino effects.

The second meeting was held in Lulea, Sweden. With the coming into force of the EPCIP Directive, the identification and security of Seveso II establishments which are also European Critical Infrastructures has become even more important. This is so because the Seveso II Directive mentions accident scenarios which could be triggered by an external event, meaning a natural disaster or an intentional attack. A project entitled IMPROVE is currently being undertaken to guide Member States on how to enhance the safety and security of Seveso type industrial establishments. The CCA meeting also discussed the review of the Seveso II Directive which will take into account the recently concluded study on the effectiveness of the Directive, the impact of the GHS on Seveso, clarification of issues related to land-use planning, information to the public and emergency planning.

7 Meeting of Experts on Musculoskeletal Disorders

The OSHA participated in a technical group of national experts tasked with assisting the European Commission in developing a new legislative initiative on musculoskeletal disorders and ergonomic issues. The Commission had proposed a new legislative instrument that addresses all significant risk factors of work-related musculoskeletal disorders and laying down minimum health and safety requirements for protecting workers from exposure to these risk factors in all workplaces. The Commission had included this initiative in its legislative work programme for 2009, which took the form of a simplification exercise that aims to make legislation easier to apply (reducing the number of reference texts), less burdensome (simplifying administrative and technical obligations) and more effective (making the legislation easier to implement and enforce than at present).

In particular, the new legislative initiative is intended to reduce the number of regulatory texts that cover aspects of prevention of work-related musculoskeletal disorders by integrating the provisions of Directives 90/269/EEC (manual handling of loads) and 90/270/EEC (work with display screen equipment) into a single new directive. It would also provide employers with a clearer and more streamlined framework for risk assessment and prevention. In addition, enforcement activities would be conducted with reference to a simplified framework to maximise synergies, minimise overlaps and redundancies and increase the clarity and consistency of Community rules. This new legislative instrument would take the form of an individual directive within the meaning of Article 16(1) of Council Directive 89/391/EEC.

8 Assistance provided to the Authority

8.1 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.

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

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 the grant agreement signed 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. Following a revision of the application form, this project will have a value of € 484,744 and will be co-financed under the EU Cohesion Policy 2007-2013.

As part of this project, during 2009 the OHSA issued a call for project administrator, which was awarded in the second quarter of 2009 and published, through the Department of Contracts, the tender for carrying out the research and for the development of an OHS accreditation system. The closing date for receipt of tenders was set for the 10th December 2009 and the tender evaluation process was anticipated to be concluded by early January 2010.

OHSA's application for a grant scheme under the European Regional Development Fund (*Grant to industry to improve levels of OHS*) remained on hold until the necessary human resources are made available as would allow adequate preparation, monitoring and control of the projects once launched.

8.3 Exchange of Labour Inspectors

Early in 2009 the OHSA submitted a proposal to the SLIC under the inspector exchange programme for an OHSA officer to visit the HSE in the UK. This was accepted and the exchange took place in October 2009. The purpose of this

exchange was to acquire as much information as possible on the construction, operations and safety features of LPG storage and distribution facilities.

During the visit various meetings and presentations were held with HSE specialist inspectors and site visits to a Shell refinery and LPG storage facilities took place. The topics covered during this visit included best available techniques for building and operating a new facility to cater for bulk storage of LPG and bottling into cylinders and filling of road tankers, design features of mounded LPG storage tanks and associated equipment, cylinder filling stations and road tanker filling, transfer operations of LPG from ship to storage tanks via pipeline, safety features, monitoring equipment, leak detection and alarms, handling and testing of LPG cylinders and disposal of scrap cylinders, safe operation of an LPG facility, maintenance, administration, security, controls and checklists, human factors, safety report, Major Accident Prevention Policy and Internal Emergency Plan. Following the exchange visit a detailed report was submitted to the Commission.

8.4 NSO-facilitated study visit

During February 2009 OHSA took part in a study visit (facilitated by the National Statistics Office) to the Social Security Institute (ISS, I.P) which holds the *Centro Nacional de Protecção contro os Riscos Profissionais* (CNPRP) in Portugal – the visit was financed by EUROSTAT. The primary scope of this visit was to improve the current situation of data collection relating to occupational diseases, which remains scarce. It also gave participants a better understanding of the systems being adopted in Portugal to collect this information.

9 Participation in local boards and committees

The Authority is also represented in a number of local boards and entities, most of which have a legal standing. 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. In line with protocol, the OHSA representative forwarded his offer of resignation following the last general elections – to date no meetings of this Committee have been held.

- **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 compliance with the necessary legal requirements. The ultimate aim of the IPPC is to minimise pollution from various point sources. All installations falling under the relevant legal notice are required to obtain a prior authorisation (permit) from MEPA.

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

In view of its limited resources, OHSa does not carry out any inspections related to biosafety, and the contained use of GMOs. It is hoped that a memorandum of understanding between OHSa and MEPA is agreed upon in order to define the respective roles and responsibilities for when joint inspections can 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 advise 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.
- **COMAH Competent Authority (CA)** - 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 COMAH CA.
- **Building Industry Consultative Council (BICC)** – The BICC was set up by the Government to ameliorate the performance of the local construction industry and to serve as a forum for discussion on all matters that affect the construction industry. OHSA is represented by a full Member and by an alternate Member and takes an active participatory role, especially on matters that concern the relationship between the construction industry and occupational health and safety.

10 Environment and Health Performance Review for Malta (2009)

During the first part of 2009, the OHSA contributed towards the drafting of the Environment and Health Performance Review for Malta (2009). The purpose of this report is to show the current environment and health situation in Malta, and in particular to bring forward potential challenges for improvement. This report is an integral part of the Biennial Collaborative Agreement between the World Health Organisation Regional Office for Europe and the Government of Malta for 2008- 2009 which supports environment and health management.

F Evaluating OHSA operations

Since the responsibility for enforcing EU laws with respect to occupational health and safety lies with the individual Member States, the European Commission

seeks reassurance that the legislation is being applied and enforced effectively and efficiently by the Member States against agreed common principles. For this purpose, the EU Commission has tasked the Senior Labour Inspectors Committee to review the capability of the Member States' OHS inspection systems (in the case of Malta, the Occupational Health and Safety Authority) to implement and enforce the full range of EU directives on health and safety at work.

The evaluation exercise was carried out according to an Evaluation Reference Manual, which was published by the EU Commission's Employment, Social Affairs and Equal Opportunities DG in December 2008. Malta was in fact the first Member State to be evaluated according to the manual's methodologies.

The Evaluation Group (EG) was composed of senior representatives of the OHS inspection systems of Italy (which also provided the EG's Chairperson and another member), Belgium, Austria, Greece, Cyprus, Slovenia and Poland, and was accompanied by a representative of SLIC's secretariat. The evaluation exercise was conducted during the week starting the 7th of June, and involved an assessment of OHSA's organisational structures, the administrative and operational procedures, the standards for inspection and their application, the resources available, the available personnel and their training, and the systems for reporting, record keeping and information collection. Apart from intensive meetings with OHSA's Senior Management, the evaluators accompanied OHS Officers on every-day inspections.

In its report, the EG found that the OHSA is in compliance with SLIC's common principles of labour inspection. The EG also found many commendable examples of innovation and good practice that would be of particular interest to the other Member States.

In brief, the EG found that:

- (i) OHSA's management team is actively developing the necessary organisation and making the most efficient and effective use of limited resources. Inspectors are well prepared and highly qualified - their competence and their work confirm that the selection and training arrangements in place are well targeted and thorough. Inspectors also approach their work with a positive attitude and communicated effectively with the duty holders.

- (ii) Relationships with the social partners are based on a concrete and positive consensual approach.
- (iii) OHSA's 5-year strategy is suitably placed to address the prevailing challenges ahead according to a prioritised national programme of work. The EG also commends OHSA's aspirational goal of achieving zero preventable accidents at work.
- (iv) The high quality and strong commitment of OHSA's management team and staff, deemed fundamental for an effective inspection system, have achieved the required level of success.

The EG highlighted OHSA's need for more inspectors and greater funding as would allow it to carry out the full range of duties expected of a national OHS enforcement entity; this apparent lack of resources is slowing down the development of a number of important initiatives, including the setting up of a formalised and consolidated system for health surveillance and the putting into operation the Authority's electronic Management Information System.

The EG also suggested a review of the OHS Authority Act, to have a better role differentiation between the tripartite Board and the Authority's executive and to avoid any possible conflicts in those situations where the Executive needs to regulate the Members of the Board in their capacity as stakeholders and duty- holders.

The EG also looked into the enforcement options available to the Authority and specifically commented about the length of time required for the conclusion of judicial procedures. This is of concern also to OHSA since the potential deterrent effect of court sentences risks being diminished.

Overall, the Evaluation report is extremely positive: it recognizes OHSA's many achievements as well as the professionalism, integrity and sense of commitment of its employees.

G End note

2009 has been a highly engaging year that brought a lot of challenges to OHSA, yet at the same proved to be very rewarding. The positive findings as reported in OHSA's evaluation by the European Union Commission strengthens

OHSA's resolve to continue improving the prevailing occupational health and safety standards in Malta. This report was particularly encouraging since it recognised OHSA's many achievements despite operating in difficult circumstances.

The Pan-European opinion poll published by the European Agency also indicated that the vast majority of Maltese respondents believe that the levels of occupational health and safety have improved over the past five years, an achievement due in large part to the Authority's actions and initiatives as a major player in this field.

On the other hand, and at a time when the Maltese economy was facing the impact of a global economic crisis, OHSA had to increase its efforts to persuade duty holders and all the social partners that there will eventually be economic benefits in having improved levels of occupational health and safety.

Annex 1: Key Activities carried out by the Authority

January 2009 – December 2009

	Total
Workplace visits	2022
Equipment certificates vetted ‡	4021
Radioactive Material import licences vetted	183
Staff development man hours	425
Hours of training delivered	461
Number of participants at OHS training	575
Number of courses organised	44
Press releases / feature articles	22

‡ Including 2813 lift certificates, 147 boiler certificates, 253 forklift truck certificates, 375 crane certificates and 433 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 2010 – 31st December 2010

	€	€
Personal Emoluments		
Staff Salaries	493,583	
Honoraria to OHSA members	30,748	
NI Contributions	37,889	
Overtime/ Allowances	<u>39,246</u>	601,466
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	22,604	
Training	874	
Hospitality	582	
Incidental Expenses	<u>874</u>	171,548
Total Operational Expenses		
Contributions and Initiatives		
Appeals Board	<u>1,165</u>	<u>1,165</u>
Total Budget Cost		774,179

The anticipated deficit between the Government grant and the budgeted expenditure, amounting to Euro 24,179, will be offset by the accrued surplus for 2009. Increments arising out of OHSA's Collective Agreement and which are payable during 2010 account for the major part of the deficit.

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