



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

---

**Report of Activities for the period  
1<sup>st</sup> January 2011 – 31<sup>st</sup> October 2011**

**Budgeted Income and Expenditure Account  
1<sup>st</sup> January 2012 – 31<sup>st</sup> December 2012**

**Occupational Health and Safety Authority  
17, Edgar Ferro Street,  
Pieta`, PTA1533  
MALTA**

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

**2011**

## Contents

	Index	1
	Preface	5
	Vision , Mission Statement, Mission Analysis	6
	Chairperson's Message	7
	Members of the OHS Authority, 2010 - 2012	8
	Introduction	9
	Review of activities	9
<b>A</b>	<b>Awareness building, information, education and training</b>	10
1	Initiatives with school children	10
1.1	NAPO	10
1.2	Job exposure initiative	11
2	Media initiatives	11
2.1	Participation in media events	11
2.2	Relations with the media	11
3	European Agency for Safety and Health and the Maltese Focal Point	12
3.1	Active team building activity	12
3.2	Hand injuries	13
3.3	Network visits	13
3.4	Good Practice Awards	14
4	Participation in Fairs and Exhibitions	14
5	Activities to commemorate OHSA's 10 <sup>th</sup> Anniversary	15
6	Stress at Work	15

7	Training Initiatives	16
8	Degree Plus – University of Malta	17
9	Postgraduate Certificate course in Occupational Health	17
10	Website – <a href="http://www.ohsa.org.mt">http://www.ohsa.org.mt</a>	18
<b>B</b>	<b>Ensuring compliance with existing legislation</b>	19
1	The introduction of pecuniary penalties within a broader enforcement framework	20
2	Handling of requests for assistance and information	21
3	Inspection campaigns	21
3.1	Spray painters and panel beaters	21
3.2	Proactive workplace visits – medium and large manufacturing enterprises	22
4	Accident notifications and investigation	22
5	Construction Notification Forms	22
6	The Construction Sector	23
7	Radiation Protection	24
8	Machinery, Equipment, Plant and Installations	25
9	Occupational Health	27
9.1	Health Surveillance	27
9.2	Notifications of Industrial Diseases	27
10	Work related stress	28
11	Occupational Injuries – Statistical trends	28
12	Prosecutions conducted by OHSA	30
13	MicroInvest: Tax Credits for Micro Enterprises and the Self Employed	31
14	IPPC	32

<b>C</b>	<b>Legislative reform</b>	33
1	Third list of Occupational Exposure Limit Values	35
2	Reduction of administrative burdens – Better Regulation Initiative	35
<b>D</b>	<b>Consolidating the Authority’s resources</b>	36
1	Staff development	37
2	Recruitment	37
3	Internal industrial relations	38
4	Use of premises	38
5	Gender Equality	39
6	Management Information System	39
7	Assistance provided to the Authority	40
7.1	EU Projects: Structural Funds (2007-2013 Programming Period).	40
<b>E</b>	<b>External relations</b>	42
1	CIBELES Project	42
2	Senior Labour Inspectors Committee	42
3	European Agency for Safety and Health	44
4	Labour Inspection Network and Exchange System	45
5	Advisory Committee for Safety and Health at Work	45
5.1	Meeting of Experts on Musculoskeletal Disorders	46
6	International Atomic Energy Agency / European Commission (Radiation Protection/Nuclear Issues)	46
7	Seveso II Committee of Competent Authorities (CCA)	47
8	Framework Agreements	48
9	Participation in local boards and committees	49

<b>F</b>	<b>Freedom of Information and Corporate Governance</b>	<b>51</b>
1	Freedom of Information Act (Cap. 496)	51
2	Corporate Governance	52
3	Corporate Social Responsibility	52
	Annex 1: Key Activities carried out by the Authority	53
	Annex 2: List of OHS legislation in force	54
	Annex 3: Budgeted Income and Expenditure Account	57

## **Preface**

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17<sup>th</sup> November 2000 and brought fully into force on the 29<sup>th</sup> January 2002.

In terms of the Act, it is the responsibility of the Occupational Health and Safety Authority to ensure that the physical, psychological and social well being of all workers in all work places are promoted and safeguarded by whosoever has such a duty.

The following is a report of the Authority's activities for the period January to October 2011, which is being published in terms of section 37 of the Act. It includes the Authority's Budgeted Income and Expenditure Account for the period 1<sup>st</sup> January 2012 to 31<sup>st</sup> December 2012 (section 31 of the Act).

The interim audited accounts of the Authority for the period 1<sup>st</sup> January 2011 to 31<sup>st</sup> October 2011 are being published separately.

Normally, the Authority presents to the Minister its report of activities and an audited statement of accounts for the preceding year, and its estimates for the subsequent year at the end of its financial year. However, the Authority was informed that the sitting of the House to discuss the Authority's reports tabled by the Minister will be held during 2011, and the documents reflect this fact accordingly.

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, including EU Structural Funds. Despite increased economic pressures during the past year impinging on the way it manages its funds, the OHS Authority has successfully managed to end its financial year with a small surplus, without any reductions in deliverables.

## **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 concise and direct: 'Working with others' means that the OHSA intends to involve and to collaborate with others (e.g. persons, employers, workers, constituted bodies, international organisations) 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**

In January 2012, the Occupational Health and Safety Authority will be celebrating the tenth anniversary since the start of its operations. These first ten years have not been easy – since day one, the Authority has had to combat a culture and mentality, ingrained for so many years, that the protection of workers' health and safety are unnecessary burdens. Employers were reluctant to invest to control risk and protect their employees, because the return in investment could only be seen after many years. A macho culture prevailed and employees, on their part, were often reluctant to take the necessary measures to protect themselves.

Through the sustained efforts of the Authority, much has changed over these first ten years – no one doubts the heightened awareness concerning the need of having suitable and adequate levels of protection at all workplaces in Malta. There is an ever-growing body of information and guidance that is readily and freely available to anyone who requires it. Through the efforts of the Authority, the legislative framework has been developed to take account of current circumstances, work activities and practices – it can also be said that this legal framework is able to adapt quickly to take cognizance of rapidly changing technological advances and changes in the world of work. It must also be highlighted that our legislation is generally free of unnecessary administrative or bureaucratic burdens. One can also notice persistent downward trends in injury and fatality rates.

A lot has been achieved over the past ten years, but more needs to be done. The Authority will not rest on its laurels, but will continue working to achieve even more, in the interests of employees, employers and Maltese society.



## **Members of the OHS Authority, 2010 – 2012.**

### ***Chairperson***

Ms. Roberta Messina

### ***Deputy Chairperson***

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

### ***Members***

Dr. Tanya van Avendonk, appointed by the Minister responsible for health;

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

Mr. Michael Bonnici, appointed by the Minister;

Mr. Jesmond Bonello and Mr. Victor Carachi, appointed to represent the interests of workers;

Mr. Joseph Delia and Ms. Carmen Borg, who were appointed to represent the interests of employers. Ms. Borg replaced Ms. Rosanne Galea, who resigned on the 21<sup>st</sup> July 2011.

### ***Secretary***

Mr. Remigio Bartolo

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.

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

## **Introduction**

The past year has been a particularly challenging one for the Occupational Health and Safety Authority. The protracted global economic insecurity has continued to promote uncertainty and fuelled inaction in areas which may be considered as being of secondary importance, as is often the case with regards to occupational health and safety, and the Authority has had to increase its efforts to highlight the benefits of having adequate and acceptable levels and the positive correlation between sound standards, enhanced productivity and the sustainability of operations. Despite such uncertainties, Malta continues to register improvements in all measures of progress, as evidenced by the sustained downward trends in occupational injury and fatal accidents at work rates.

For the first time since it was established, OHSA was privileged to welcome His Excellency Dr. George Abela, President of the Republic. The President met the Authority, and all its members of staff, and was provided with information on the wide range of activities carried out by the Authority. In his closing address, the President thanked the Authority for the sterling work that it carries out and emphasized the benefits that can be derived from achieving high standards of occupational health and safety. Lack of suitable standards will not only result in stress, suffering and misery for the workers, but will also increase the financial burden on employers and have negative effects on the economy of the country. The Authority feels highly encouraged by the words of the President of the Republic, which should also induce it to achieve more in the interests of all stakeholders and the nation.

## **Review of Activities**

In terms of the OHS Authority Act, 2000, the Occupational Health and Safety Authority is to promote high levels of occupational health and safety for all workers at all workplaces, and ensure that they are safeguarded by whosoever has such an obligation. These duties have to be fulfilled within the parameters of the general national policy established by the Minister.

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

Since it was established, OHSA has dedicated a lot of time and resources in disseminating information, raising awareness and increasing the knowledge available about current occupational health and safety issues. OHSA also believes in the importance of awareness-building (especially about the accruable benefits to society in general, the economy, the nation and individual workers when achieving adequate levels of occupational health and safety) and the need to ensure that the information available is continuously updated in view of the ever-changing world of work and the emergence of new risks.

For this reason, 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).

An important initiative taken recently by the Authority was the commissioning of a research project, part financed through the European Social Fund, by means of which a clearer picture of the prevailing levels of occupational health and safety standards in Malta could be obtained. This research project had another important objective – to determine the cost to the nation resulting from uncontrolled occupational health and safety risks. The findings of this project will help continue raising awareness on the benefits of achieving adequate health and safety standards, and should assist policy makers make more targeted interventions.

### **1 Initiatives with School Children**

#### **1.1 NAPO**

A change in culture and mentality will have a more positive outcome if the notion that achieving acceptable standards of health and safety is of benefit to all concerned becomes ingrained from an early age.

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 22 schools targeting around 1,400 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.

## **1.2 Job exposure initiative**

For the first time, OHSA participated in the commendable Job Exposure initiative in the Health Sector which was organized by the Career Guidance Section within the Psycho-Social Services Unit of the Education Division. A two week programme for two groups of students was drawn up in collaboration with the Education Division. The students had the opportunity to explore and consider new careers within the field of occupational health and safety and to get a taste and a better understanding of the world of work. Following this initiative one of the students requested the Authority to organize a separate visit for his Scout Group.

## **2 Media Initiatives**

### **2.1 Participation in media events**

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.

### **2.2 Relations with the media**

The Authority has long felt the need to address problems encountered in its interactions with the media. In particular, the Authority feels that its role and functions are often being misrepresented, while information about the prevailing

standards of occupational health and safety is not always factual. The media often refer to situations that fall outside the applicability of the OHS Authority Act, and demand OHSA interventions when the latter is unable, or is powerless at law to intervene. This has a damaging effect on the Authority's sound reputation and fuels the wrong perceptions amongst members of the general public. More worrying is the fact that people having legitimate demands may feel disinclined to seek OHSA's assistance because they may also feel that OHSA would not act on their behalf or to protect them. For this reason, OHSA organised an activity aimed at building a symbiotic working relationship with the media, out of which both would stand to gain.

### **3 European Agency for Safety and Health and the Maltese Focal Point**

OHSA-Malta, in its role of Focal Point for the European Agency for Safety and Health (EU-OSHA) participated actively in a number of activities organised by this Agency.

#### **3.1 Active team building activity**

Following a request by EU-OSHA to organize a number of Workplace Health Promotion events in order to improve productivity and well-being, OHSA-MALTA developed and organized an activity that links team-building with physical activity. Apart from fulfilling the purpose of building better relations whilst helping participants realize the importance of working together as part of a team, the activity also served to promote the benefits of physical activity and adopting healthier lifestyles. This is one of the objectives of OHSA's strategy for 2007-2012, which is to encourage innovative and holistic approaches that help to develop a preventive culture, a fact that is also being recommended by the European Agency for Safety and Health. Around 60 participants took part in this first activity. Participation included OHSA's members of staff, as well as representatives of unions, employers' organisations, the Directorate for Health Promotion and Disease Prevention, the Ministry for Health, the Elderly and Community Care and of other organizations. The Health Promotion Department produced a leaflet full of recipes for healthy snacks that can be prepared as workers' lunches or which can be prepared at workplace canteens.

OHSA has packaged this initiative and is promoting it amongst the social partners. This initiative was given wide publicity on EU-OSHA's website, while the Agency itself highlighted its support for, and its accordance with this initiative.

### **3.2 Hand Injuries**

In collaboration with the Occupational Therapy Department at Mater Dei Hospital and EU-OSHA, the Occupational Health and Safety Authority organized a business breakfast to commemorate Hand Awareness Day and to focus, in particular on hand injuries. This was the third consecutive year that Malta participated actively in this commemoration, and initial reports signify that the primary objective of reducing hand injuries at the place of work is being achieved. As a matter of fact, whereas 1446 cases of injuries to the hands were managed by the OT Department during 2009, just over 1000 cases were attended to during 2010.

A leaflet was produced by OHSA using funds provided by EU-OSHA so as to raise more awareness about the importance of the hand as a tool, and the need to adequately protect it against risks encountered at the place of work. The leaflet also provides simple examples of the preventive and protective measures that can be considered. This leaflet is being distributed by OHSA and the OT Department.

### **3.3 Network visits**

Acting on a suggestion made by EU-OSHA and Enterprise Europe Network, OHSA-Malta in collaboration with Malta Enterprise continued to organize further network visits to companies which accepted to take part in OHSA's initiative. The primary objectives of such visits are to bring entrepreneurs together in an informal forum and to encourage participants to share experiences and examples of good practice and learn from one another.

During 2011, two pharmaceutical companies (Actavis Ltd, and Arrow Pharm (Malta) Ltd) and a beverage production company (The General Soft Drinks Co Ltd) hosted such visits which were attended by a good number of representatives from companies within the respective industrial sector, including members of management and safety officers.

### **3.4 Good Practice Awards**

During 2010 the European Agency for Safety and Health at Work launched its 10<sup>th</sup> edition of the Good Practice Awards for 2010-2011, which for this year had as its theme 'Safe Maintenance at the place of work'. This Award was also launched in Malta by OHSA as EU-OSHA's National Focal Point. Ten companies took part in the Maltese award competition and submitted fourteen examples of Good Practice. The two submissions which placed in first and second positions after being judged by the local tripartite Evaluation Committee were nominated by OHSA-Malta to compete for the European Good Practice Award at a European level.

Twenty three European countries participated in this award with forty submissions. Eight companies, including one from Malta were chosen to receive the European Good Practice Award 2010-2011. In fact Actavis Ltd was invited to receive the award during a ceremony which was held in Budapest during April.

Whereas OHSA had participated in and organised local Good Practice Awards, this was the first year that OHSA used the same criteria for the submission of examples of good practice and for their evaluation as used by the European Agency. In this way, the local winners could also participate in the European Award. It is indeed heartening to note the success achieved by a Maltese company which was being judged on the same level as other perhaps larger companies from Europe. On the other hand, the response by the local media

## **4 Participation in Fairs and Exhibitions**

OHSA put up a stand during the 2011 Malta Trade Fair, and distributed a number of leaflets and other printed material related to health and safety at the place of work. A number of give-aways, made available by the European Agency for Safety and Health were also distributed.

OHSA also took part during the SME Week Fair, by putting up a stand where information related to Health and Safety at the place of work given to visitors.

The Authority feels that participation at similar activities allows it to disseminate information to the general public visiting such fairs and in particular provides visitors with the opportunity to ask questions, even of a technical nature

which are immediately answered by the OHS Officers in attendance at these activities.

## **5 Activities to commemorate OHSA's 10<sup>th</sup> Anniversary**

During January next year, OHSA will be celebrating the 10<sup>th</sup> Anniversary of its establishment. Preparations are already in hand to suitably commemorate the date, but the emphasis remains on using this event to promote OHSA's role as an entity providing a useful service to all stakeholders and to continue raising awareness, including amongst young teenagers. For this purpose, OHSA has already launched two competitions, one aimed at schoolchildren aged between 13 and 16 years of age, who have to submit photos emphasizing either the dignity or beauty of work, or which show the harsh realities of work, and another aimed at artists who will be required to submit designs for OHSA's Good Practice Award.

Another activity planned to be held during January is a seminar, for which the Head of the Health and Safety Unit of the DG Employment, Social Affairs and Inclusion of the European Commission and the Director of the European Agency for Safety and Health at Work have already confirmed their participation. This seminar will highlight OHSA's international dimension and its relations and work with European institutions.

## **6 Stress at work**

Over the past few years, a better understanding of the magnitude of the problems associated with stress at work has given rise to concern. At places of work, stress should be considered as one of the work-related risks that need to be prevented and controlled - stress at work is an emerging risk, meaning that more evidence is coming to light to show the extent of the problem and its effects on workers' health and psychological well being, and consequently on workers' motivation, productivity and their sustained employment. This is a fact which should set the alarm bells ringing for all stakeholders, including policy makers, the social partners, health care providers and duty holders, not least because of the potential financial and economic implications, both at enterprise level, as well as at a national level.



The problem is partly being caused by rapid changes in the world of work, especially with regards to employment structures - part time, seasonal, and temporary agency work, subcontracting, self-employment, and teleworking. These changes in the very structure of work are also leading to what is commonly called “the externalisation of risk”, which renders it more difficult to monitor and quantify risks.

Conscious of the magnitude of the problem, OHSA has long been proactive in raising awareness on the subject, as well as providing information on the best ways to control stress and the resulting risks at places of work. As part of the activities of the European Health and Safety week, the Occupational Health and Safety Authority in collaboration with the European Agency for Safety and Health at Work organised a seminar on Work-related Stress. Apart from funding the initiative, the Agency also provided a keynote speaker who is also the Agency’s Head of the Prevention and Research Unit. The seminar discussed various aspects of stress, but the scope of the European Framework Agreement on Stress was highlighted, as was the need for the social partners to also assume a role in fulfilling their obligations and commitments arising out of this Agreement.

The Authority also provided a key-note speaker during a seminar on work-related stress which was organized by the EuropeDirect in collaboration with UHM and OHSA-Malta. The seminar also discussed various aspects of work-related stress and the ways by which it can be controlled.

## **7 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, collaboration with St. John Ambulance resulted in the qualification of 33 first aiders who attended OHSA’s course entitled *First Aid and Safety at Work*. 54 persons participated in the 16 hour training programme for Workers’ Health & Safety Representative Beneficiaries included maintenance workers from the Marsa Open Centre and Social Workers from the Foundation for Social Welfare. Due to operational and staff developmental

commitments a number of requests for training received in the final quarter of this year had to be shifted to 2012. In fact a marginal shortfall in participants has been registered primarily due to this reason.

The Radiation Protection Section gave a total of 22 hours training for industrial practices.

During June 2011, the OHSA in conjunction with the Centre for Development Research and Training (CDRT) conducted a short information session about the roles and responsibilities of an employer under current OHS legislation, as part of a two day training event on Industrial Relations in the Public Service for DCS (Civil Service) Managerial Grades.

## **8 Degree-Plus – University of Malta**

For the third consecutive year, an occupational health and safety component is being included within the Degree-Plus Programme at the University of Malta (UoM). The subject areas incorporate 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.

It is also being hoped that this initiative will continue in the years to come so as to reach the maximum number of tertiary education students as possible.

## **9 Postgraduate Certificate Course in Occupational Health**

Two years ago, the OHS Authority (through the Department of Public Health, Faculty of Medicine and Surgery) had submitted an application to the University of Malta for the setting up of a postgraduate certificate course in occupational health for medical doctors. Conscious of the constraints that the intended target group would have with regards to their availability to attend a taught, full-time course, the Authority was hoping to be able to organise the course through distance learning. In a first reaction from the University's Programme Validation Committee, it was pointed out that no formal needs studies had been carried out. In view of this, the OHS Authority sent out two questionnaires, one addressed to General Practitioners, and another addressed to all medical doctors. The response was extremely poor,

and no more than five doctors showed a potential interest in following such a course. Thus the Authority had to cancel its application with the University of Malta and is considering other viable options for the furtherance of knowledge relating to occupational health and safety amongst medical doctors.

## **10 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 1200 subscribers. These have received a total of 16 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 registered for 2011 is at 652,256 (an average of 2,084 hits per day). There were also over 23,244 visitors (equivalent to 77 visitors per day) and a total of 28 Gb of downloads throughout the year.

In view of significant technological advancements in the world of digital media and as OHSa heads into the 10<sup>th</sup> year of its operations, work has been underway on redesigning and creating a website that continues to build on the success of the current one. Following an internal review period and the adoption of a custom and bespoke design, the new website is being developed inline with the agreed mock ups. The main menu has been simplified whereas the more important areas that were previously available only through the menus have been given more prominence by being assigned to large icons. The search facility has been improved as this will use the Google search engine even when searching the site itself. The new website will have an improved content management system that will make it easier than before to implement, review and publish changes. The revamped design will include the use of 'breadcrumbs' (navigational aids) to allow visitors to know exactly where they are when navigating through the website and will provide an easy to navigate experience for online visitors. OHSa will continue working on the website to improve further the digital interface with online visitors to continue offering the

best place to find information in Malta about the OSHA and about occupational health and safety authority in general.

OSHA 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 OSHA'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 2011, access to the Maltese EU-OSHA website remains highly encouraging.

## **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 The introduction of pecuniary penalties within a broader enforcement framework**

OHSA is conscious of the fact that there exist a variety of enforcement tools that can ensure speedy and effective compliance with the requirements of the law.

One such tool can be found in the OHS Authority Act (section 38 (3)), which provides for the Authority to impose a penalty instead of initiating judicial proceedings. The maximum penalty that can be applied as stipulated by law should not exceed €465.87 for each offence. The law does not require the Authority to exhaust the administrative remedy before resorting to criminal procedures, but establishes a discretionary power. This has been confirmed on several occasions by the Courts of Law, when deciding on preliminary pleas lodged in connection with judicial cases brought against contraveners. Since the decision to impose fines remains at the discretion of OHSA, such a system was never brought into effect because the Authority wished to raise awareness about the benefits of achieving adequate levels of OHS whilst making people more aware of their legal responsibilities.

Building on the provisions of Article 38 of the OHS Authority Act, and following consultation with the Office of the Attorney General, OHSA prepared a document outlining in detail the procedures for the implementation of the system for the intimation of administrative fines. This Standard Operating Procedure (SOP) has been developed in the interests of transparency and the equitable application of the system, and lays down general criteria upon which decisions concerning the nature and type of enforcement action should be based, thus ensuring objectivity and fairness. The document also establishes administrative procedures required for the implementation of such a system. The request for the payment of an applicable fine will not be issued by the OHS Officer noticing a contravention – the Officer will be requested to draw up a report, and it is the OHS Authority which shall decide as to whether to issue a fine or not based on the particular merits of each case. Thus no “on-the-spot” fines will be issued.

The SOP includes a non-exhaustive list of contraventions for which a letter of intimation would be issued – penalties shall be levied according to a two-tier system - €250 or €450, depending on the nature of the contravention. The maximum fine

payable has been rounded down to €450 from the €465.87 established by Chapter 424 of the Laws of Malta.

The SOP provides for the periodic review of the list of contraventions covered by this system. Other instances of contraventions which are not included in the SOP are covered by the Authority's Enforcement Policy, and remain liable for the immediate initiation of judicial proceedings.

The SOP will be made available to the public and posted on the Authority's website before the system is brought into operation. It was the subject of extensive discussions with the social partners, not only with those represented in the Authority, but with other interested parties following a consultation exercise performed by the Authority.

Whereas there is social partner consensus on the need to introduce this system, the Authority has taken note of comments made by a number of employers, who have over the years requested OHSA to introduce the system and thus avoid the commencement of criminal judicial proceedings. It is also hoped that a functioning system of intimations will also reduce the Authority's dependence on the Police and on judicial proceedings to solicit compliance with the law.

The Ministry approved the Standard Operating Procedure prepared by the Authority, but requested it to prepare regulations for the consideration of the Minister. This were prepared and forwarded to the Minister.

## **2 Handling of requests for assistance and information**

Following last year's commitment to address all requests for assistance or information within the shortest possible of time, around 98% of such requests (whether received by postal mail, electronic mail or telephone) were addressed within two working days, thus eliminating any backlog of cases waiting for OHSA's intervention.

## **3 Inspection campaigns**

### **3.1 Spray painters and panel beaters**

During 2011, the OHS Authority finalised its campaign targeting Spray painters and panel beaters. Preparatory work for this campaign had started towards

the end of the year 2010, and continued during the initial two months of the current year, with the collection of pertinent data.

In preparation for the inspection campaign, a check list of items requiring an intervention during the inspection was drawn up, specifically the use of chemical agents, whether a risk assessment had been drawn up to include all prevailing risks and the control measures implemented.

A total of 165 establishments were subsequently visited, the majority of which were found to be compliant with the minimum requirements established by law. Those establishments which were found to have minor shortcomings were sent a letter outlining the required protective and preventive measures and given a time frame by which to comply.

### **3.2 Proactive workplace visits**

In respect of proactive workplace visits, OHSA continued with its inspections of medium-sized and large manufacturing enterprises, when around 80 such companies were visited. All the companies visited in this way had been thoroughly inspected before, and enforcement action taken. The scope of these visits was to ensure the sustained compliance with the requirements of the law, and involved representatives of management and the Workers' Health and Safety Representatives. Each visit involved a walk-through and a round table meeting with all the parties involved. These type of visits require a lot of preparation prior to the visit, which in itself takes up a lot if the intended objectives are to be achieved.

## **4 Accident Notifications and Investigations**

OHSA received over 420 accident notifications from employers concerning injuries which result in the utilisation of three or more days of sick leave. The law also requires the OHSA to be notified if a worker is hospitalised for more than 24hours beyond the period for observation.

## **5 Construction Notification Forms**

OHSA received and processed 250 Construction Notification Forms sent in accordance with Legal Notice 281/04. These forms are registered with the OHSA and OHS officers carry out physical inspections at each and every site. Such Notification Forms are required to be sent to OHSA in the case of projects of a

considerable size and which entail more than 500 man days or where there are more than 20 workmen working on any one particular site for more than 30 days.

## **6 The Construction Sector.**

Despite the economic downturn, construction remains 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.

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. An important initiative in this regard was the participation by OHSA in a seminar organised by the Malta Developers Association, with the scope of providing information about clients' obligations in terms of the legislation. Discussions were also held on how the Authority can help construction



clients, and on how a healthier, less antagonistic and more productive relationship could be developed. During the seminar, which was attended by around 120 persons, the majority of whom were developers, the Authority also disseminated printed information and awareness raising material to the participants.

Over recent years, construction in Malta has not remained the sector associated with the greatest risk of injury. Although the decrease in construction activities has contributed to this lowering of accident rates in this sector, the Authority's efforts in soliciting improvements in this sector have started to have an effect. Despite this, OHSa will continue giving this sector the attention that it deserves.

## **7 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 Fukushima accident on the 11<sup>th</sup> March 2011 impacted on the work of the Radiation Protection Section of the OHSa as well as the RPB. The RPB co-ordinated the Maltese response and invoked its emergency procedures which had been adopted earlier August 2010. As part of the response the Radiation Protection Section sent out 21 situation reports to the Civil Protection Department for them to forward the information to relevant Maltese stakeholders.

The RPB signed a memorandum of understanding with Maltese Customs Department in July 2011. As part of the co-operation between the RPB and Customs Department the Radiation Protection Section provided specific training to Customs personnel for monitoring of imports for radionuclide contamination. The RPB was also involved in the discussions with the Customs Department, Malta Freeport and the United States Megaports project team on enhancing the monitoring of shipping containers at Malta Freeport. The Radiation Protection Section also

assisted the Customs Department monitoring, on board cargo vessels, second-hand vehicles imported from Japan.

The Maltese report for the 5<sup>th</sup> Review Meeting on the Convention on Nuclear Safety was presented at the International Atomic Energy Agency headquarters during the April review meeting.

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 194 (9 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 - five formal RPB meetings were held during 2011.

The RPB concluded its master radiological emergency plan in 2010 and continued with its work in the development of formal operating procedures with Health Care Services with regards to radiological emergency plans.

The RPB initiated a review of the existing National Environment Radioactive Surveillance Plan during 2011.

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

This section is responsible for all types of machinery used by workers in their daily operations. Given the importance of this sector, certain equipment is required by specific legislation to be inspected and certified by competent person in predetermined time intervals. All other work equipment is required to be inspected to ensure that it does not pose undue risks to the health and safety of the workers.

The MEPI section maintains a database with all the certificate reports related to different types of work equipment. Up to the end of October 2011, the number of entries in this database was 6028, of which 2684 related to lifts, 1091 related to cranes, 411 related to boilers, 857 were related to forklift trucks and 985 for other equipment. During this period a total of 5269 reports were received and vetted by the section's officers. 3533 reports were received for lifts, 171 for cranes, 91 for boilers, 262 for forklift trucks and 1212 for other equipment.

After the concentrated efforts on lift inspections carried out in previous years, those lifts that were due for the thorough inspection during the current year were brought up to date. This was the fruit of the proactive approach adopted by this section, whereby employers were informed of their legal obligations before the deadlines set in the regulations. Discussions were also held with MSA officials regarding the improvements to the Inspection of Lifts Regulations to amend any issues which were unclear.

As part of the Control of Major Accident Hazards (COMAH) Regulations Competent Authority, officials from MEPI carried out inspections in all COMAH establishments as required by the regulations. Following each inspection, a report is drawn up and a letter is sent to the operator to ensure compliance with the COMAH regulations. The foreign consultant engaged to evaluate the last remaining safety report of an upper tier site presented his report and the conclusions were communicated to the operator. The same consultant prepared the consultation zones for another COMAH site. The conclusions of this report will be discussed with the relevant entities to formulate an action plan to ensure conformity with the regulations

From the beginning of the year, officials from this section were involved in the discussions of the European Council on two new Directives, the Seveso III Directive and the Electromagnetic Fields Directive. Feedback and recommendations on the various proposals and reports were provided on a regular basis for the meetings in Brussels.

These reports involved extensive work and research. All the current COMAH operators were consulted by means of an email regarding the proposed text of the directive. An email was also sent to GRTU, MEA and Malta Chamber of Commerce together with the relative documents explaining the proposed changes. These organisations were asked to distribute this information amongst their members. Other government entities were consulted to try to gather information on dangerous substances, which fall under the Seveso Directive, that are imported in Malta and in what quantities. The Commerce Department, the Malta Standards Authority and The National Statistics Office were contacted but the information provided did not result in other companies falling within the scope of the proposed directive except those already identified due to the introduction of Heavy Fuel Oil (HFO).

Officers from the MEPI section attended the annual conference organised by the Malta Lifts Association on the implementation of the *Inspection of Lifts Regulations*. Other seminars attended were related to the Hand Injury Campaign, Strategic Plan for Environment and Development and Work Related Stress. The officers also attended a training session on the new Diving Regulations.

## **9 Occupational Health**

### **9.1 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.

During 2011, the Authority focused on users of lead solders so as to ensure that these workers were receiving adequate and appropriate health surveillance. Preliminary studies have also been undertaken to obtain background information with regards to potential carcinogens, as well as plant protection products and biocides on the market so as to better target in future, users of such products. In the case of carcinogens, the study was undertaken in support of the launch of the National Cancer Plan 2011 – 2015 by the Ministry for Health, the Elderly and Community Care.

### **9.2 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. Having worked with the Social Security Division in developing one single form which can be used to file a claim for a benefit under the Social Security Claim, as well as to notify the Authority of the occurrence or suspected occurrence of a disease that has been caused by work, OHSa continued with its ongoing drive to increase the notification rate for such occurrences. This information would be of great assistance to OHSa in its task of identifying

uncontrolled risks at different places of work. The most severe cases are investigated by OHSA and steps are taken to ensure compliance by whosoever has such a duty in terms of the law. This is of benefit to the workers concerned, not only to avoid recurrence of any similar occurrence, but also to reduce the risks to other workers. This ultimately also reduces the burden on the social security system and society in general.

On a European level, the Authority continues to participate in a Working Party set up by the Advisory Committee for Safety and Health (ACSH), which is to assist the Commission in the development of new Community initiatives on Occupational diseases at a European level. A 'Report on the current situation in relation to occupational diseases systems in EU Member States and EFTA/EEA countries' is being drawn up, and will also look at the implementation of Commission Recommendation 2003/670/EC concerning the European Schedule of Occupational Diseases. A Maltese National Reporter is participating in this study and the final report is expected towards March 2012.

## **10 Work related stress**

In response to the ever-growing body of evidence showing the magnitude and extent of work related stress, the Committee of Senior Labour Inspectors (SLIC), has agreed to perform an awareness building campaign addressing psychosocial issues during 2012. This campaign will take part in all the Member States, including Malta.

The goal of the campaign is to ensure that stress is perceived as a risk that needs to be included within risk assessment exercises, and to achieve better quality psychosocial risk assessments. The Authority has been working with the lead Member State in this activity (Sweden) in the production of tools that will be used during the campaign. These tools will be introduced to employers and workers representatives during the inspection visits, which in Malta will focus on the health sector, including social care (private and public).

## **11 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

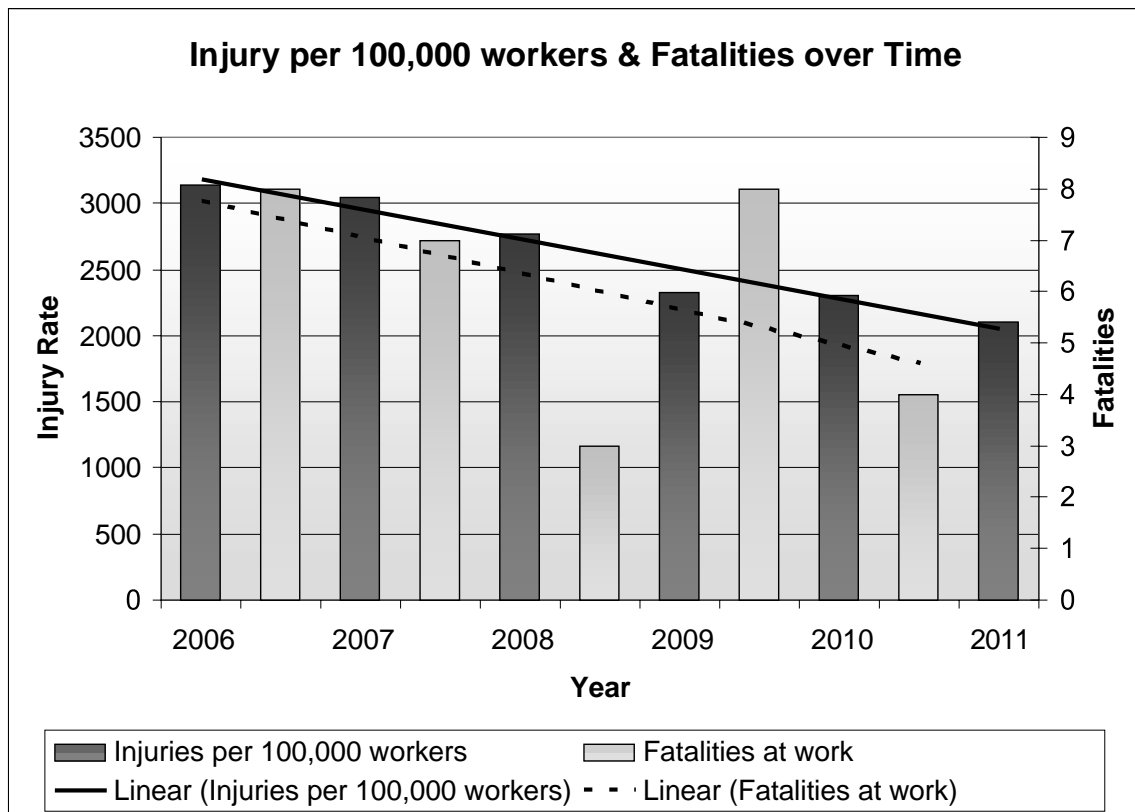
and safety especially the effectiveness of current measures. Locally, these statistics are obtained from various Government entities including the Occupational Health and Safety Authority, the National Statistics Office as well as the Department for Social Security.

The downward trends in both the number and more significantly, the rate of industrial injuries (for which a claim for a benefit under the Social Security Act has been filed), remain evident. A decrease was also seen in the number of fatalities occurring at work. Whereas it can be argued that there are a number of injuries which are not notified and which therefore are not included in the official statistics on work related injuries, on the other hand it can also be assumed (in the worst possible scenario) that this number remains constant throughout the years. From a statistical point of view, this does not affect trends, and so the claim that there is a downward trend in work related injuries remains valid.

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

	<b>Gainfully Occupied<sup>1</sup></b>	<b>Injuries at work<sup>2</sup></b>	<b>Injuries per 100,000 workers</b>	<b>Fatalities at work<sup>3</sup></b>
<b>2006</b>	138,880	4,366	3,144	8
<b>2007</b>	142,179	4,328	3,044	7
<b>2008</b>	145,100	4,023	2,773	3
<b>2009</b>	144,661	3,366	2,327	8
<b>2010</b>	145,000 <sup>4</sup>	3,314	2,286	4
<b>2011<sup>5</sup></b>	-	2,286 <sup>5</sup>	-	1 <sup>5</sup>
<b>2011<sup>6</sup></b>	145,000 <sup>4</sup>	3,048 <sup>6</sup>	2,102 <sup>4</sup>	-

(1) Source : NSO, (2) Source : DSS / NSO, (3) Source : OHSA, (4) Estimate (5) January to October 2011, (6) Extrapolated to cover the whole year.



During 2011 (January – October), only one fatal accident at work was recorded. Another fatal accident occurred later on during the year, but OHSA is awaiting the findings of the official inquiry to determine whether the accident is included in the official statistics.

## 12 Prosecutions conducted by OHSA

Whereas judicial prosecutions (and related activities) continue to be carried out by the Authority before the Court of Criminal Judicature, OHSA, in collaboration with the Executive Police, also prosecutes in a number of cases heard by Courts of Criminal Inquiry. In such situations, charges against breaches of the OHS Act, 2000 are combined with charges of breaches against the various provisions of Chapter 9 of the Criminal Code. Such cases also require regular Court attendance by OHSA officials.

During 2011, the Authority prosecuted in a total of 196 criminal cases, of which 52 cases involved the compilation of evidence before the Courts of Criminal Inquiry, whilst 144 cases were appointed before the Court of Magistrates acting as a Court of Judicature. Of these, 86 were decided whilst 68 remain '*sub-judice*'. Other

cases which are still being investigated by OHSA, and in which judicial proceedings may be instigated, are not included in these figures.

The Courts imposed a total of €66,358 in fines and two suspended imprisonment sentences (a one month imprisonment sentence suspended for one year in each case).

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

During the preceding year there were also nine civil cases which were referred before the Constitutional Courts, and in which OHSA has been called into suit. These cases involved an alleged exposure to asbestos which occurred many years before OHSA was established. From these nine cases one remains sub- judice whilst in all remaining eight cases the OHSA was not found to be responsible and therefore acquitted.

In recent years, a marked increase in the number of civil suits has been noted. These cases are instituted by third parties requesting the courts to determine compensation to employees who during their term of employment suffered injuries or cases of ill-health the cause of which can be attributed to the place of work. In most cases, OHS Officers are asked to give witness and report on the outcome of their investigations.

On a negative note, OHSA has seen the number of court sittings being accorded to the OHSA drop by half, leading to a reduction in the number of new cases instituted by OHSA, even though court sittings have become longer, and placing more strain on the Authority's human resources and those of the court itself.

### **13 MicroInvest: Tax Credits for Micro Enterprises and the Self Employed**

During 2011 Malta Enterprise continued to run its MicroInvest scheme which is aimed at encouraging micro enterprises and self employed persons to invest in their business, to innovate, expand, and implement compliance directives and/or to develop their operations. Through this scheme, microenterprises and self-employed persons are being supported through a tax credit representing a percentage of the eligible expenditure and wages of newly recruited employees and / or apprentices.



OHSA supported Malta Enterprise during the launch of this scheme and had issued a promotional flyer to promote this scheme and suggested a number of possible actions, related to improvements in OHS that may be proposed by applicants. Unfortunately, it has not been possible to gauge the uptake within this initiative specifically for improvements in health and safety, since the information available to, and the classification used by ME is restricted to the cost of investment and the cost of wages, and makes reference to any specific measures implemented.

## **14 IPPC**

The Integrated Pollution Prevention and Control Committee also known as the IPPC Committee established by virtue of LN 234 of 2002 of the Environment Act as amended by LN 230 of 2004 and LN 56 of 2008 is chaired by the Director for Environment Protection within MEPA. 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. Installations that fall under the IPPC are either existing or new installations. Sites that are classified as IPPC installations come from the waste management sector, power generation, certain chemical plants and farms. The integrated aspects means that the permits must take into account the whole environmental performance on the installation. The IPPC legislation is expected to be replaced in the near future with a new Industrial Emissions Directive which will be transposed into national law.

In their application for an IPPC permit, establishments have to submit a standard form to MEPA. In this application, they must submit a description of their proposed activities, provide details of how the site will be managed, nominate a technically competent person, indicate the potential for releases of emissions and waste generation and how these will be minimised and monitored, specify the raw materials, water and energy use of the activity and how resources will be used efficiently and indicate how the site will be returned to a satisfactory site after operations cease.

Once the application is submitted to MEPA it is assessed by the IPPC Committee. OHSA responds to the documentation in view of occupational health and safety requirements, especially with regards to COMAH sites. During 2011, OHSA was involved in respect of 6 establishments applying for a new or to renew an existing IPPC permit. These included an acetylene gas manufacturing and bottling facility, an extension to a power generation plant, a biomedical and hazardous waste incineration facility, a plant for the production of basic pharmaceutical products, a plant for the production of active pharmaceutical ingredients and a non hazardous waste fill site.

## **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.

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. The draft is currently being discussed by a tripartite sub-Committee of the Authority, which will make its recommendations to the Board, before being formally presented to the Minister and issued for public consultation.

Acting on the advice of the Occupational Health and Safety Authority, the Minister for Health, the Elderly and Community Care published amendments to Legal Notice 11 of 2002, concerning the provision of first aid at places of work. These amendments were published as Legal Notice 348 of 2011. Apart from adding further items to the prescribed list of contents that every first aid box used at work needs to have, the most important amendment concerns the recognition of who can train first aiders at work places. When the 2002 regulations were published, the arrangements in place in Malta for the training of first aiders, were not very well

organised, so much so that only first aiders trained by either the Red Cross Society or by St. John Ambulance were recognised at the time for the purpose of the regulations. This was intended to guarantee that first aiders had an adequate level of training and competence to carry out the required tasks should the need ever arise. Since then, other organisations have been established in Malta that are more than capable of delivering such first aid training. These organisations make use of reputable trainers, most of whom have suitable qualifications from abroad. The regulations have therefore been amended so that a first aid trainer at work, is deemed to be any person in possession of a qualification given by an awarding body which is recognised by the Malta Qualifications Recognition Information Centre. A first aider on the other hand, is one who has received training and holds valid certification attesting qualification which is issued by a first aid trainer.

Work also continued 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 draft regulations, once approved by the Authority, will be forwarded for the Minister's consideration prior to their being issued for consultation amongst stakeholders.

The Radiation Protection Board 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 continues to prepare legal notices as would allow Malta to join the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, and the Amendments to the Convention on the Physical Protection of Nuclear Material. Legal notice 299 Of/2011 was issued for the transposition of the Directive establishing a Community framework for nuclear safety of nuclear installations.

Following extensive constructive discussions with the Superintendent of Public Health and a second round of consultation with stakeholders concerning the Medical Exposure Regulations, final revised draft regulations and guidelines to the regulations have been prepared.

## **1 Third List of Occupational Exposure Limit Values**

Since a great number of substances are hazardous to workers' health during their manufacture and professional use, it is necessary to reduce, to the extent needed, the exposure of workers to these substances in order to protect their health. One of the main tools of an efficient prevention strategy to reduce occupational exposure is specifically the establishment of occupational exposure limit values for hazardous substances to which workers are exposed.

The Authority has dedicated a lot of time, resources and significant effort to transpose Commission Directive 2009/161/EU of 17 December 2009 establishing a third list of indicative occupational exposure limit values in implementation of Council Directive 98/24/EC and amending Commission Directive 000/39/EC. This requires that LN 353 of 2007 to be repealed while adopting the all inclusive list of OELVs as an amendment to LN 227 of 2003. The third list of OELVs is composed of nineteen substances that will be incorporated into the already existing national OELVs. In the derivation of these Limit Values, OHSA has participated in a Technical Progress Committee which together with the Scientific Committee for Occupational Exposure Limits to Chemical Agents (SCOEL), has assisted the EU Commission in establishing this third list of indicative occupational exposure limit values.

## **2 Reduction of administrative burdens – Better Regulation Initiative**

OHSA continued with its participation in an initiative by the Management Efficiency Unit (MEU) to reduce administrative burdens on enterprises specifically by reviewing a number of OHS regulations to ensure that these create the least administrative burden on their operation. Among the other initiatives taken by OHSA in this regard one can mention its participation and contribution in 'a Business Needs Awareness Raising Seminar' organised by the Ministry of Finance, the Economy and Investment in collaboration with the Centre for Development, Research and Training, so as to help Government employees to better understand the particular needs of businesses and to nurture a culture of support for business. The idea behind this seminar was to enhance the awareness and understanding of the needs of business operators so as to ensure a more appropriate service delivery to this very important sector of the Maltese economy.

In addition OHSA participated in a Standard Cost Model (SCM) training programme organized by the MEU as part of an ESF Project (ESF 4.87 - Developing the Public Sector's Capacity to Implement Better Regulation). This training to public officials was carried out to enhance public officials' skills in the measurement of administrative burdens resulting from information obligations imposed on businesses and citizens. In fact, the SCM is the tool that will be used to measure the target set by Malta of reducing administrative burdens on businesses of at least 15% by 2012.

## **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 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. ionising and optical radiation protection, the implementation of the Seveso II Directives and the safety of chemical and biological agents).

In same period under review, the authority continued 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.

During the period under review, a programme for the issue of fresh tenders (or other procurement procedures as appropriate) started being implemented with a view to guarantee continuation of service on contractual agreements. These included the leasing of a fleet of service cars. The assistance of the MFEI, particularly the Department of Contracts and the Financial Management and Control Unit (FMCU) within the line ministry was employed in the execution of this exercise

## **1 Staff Development**

During the year, OHSA dedicated a total of 309 contact hours for the training and development of its staff. Seven members of staff benefited directly from this exercise and where relevant, the experience was cascaded to other employees.

A number of OHSA employees attended conferences and seminars organised overseas and locally covering a wide spectrum of OHS areas, including occupational diseases, handling of dangerous substances, the prevention of industrial accidents, well being at work, and the safety of radioactive materials, as well as dealing with the development of organisational skills.

Staff development encompasses the Life-long Learning strategy which the OHSA implements so that while continuing educating and training the public, its officers and support staff 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. The Authority's present complement includes 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. In all 13 competent persons are engaged in inspection activities – this number constitutes a healthy mix of generalist inspectors and highly technical personnel, specialised in specific areas. The Authority also employs eight 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 allocation of three participants from the ETC's Office Procedures Traineeship Scheme. Through this allocation, participants contribute as support staff, and concurrently benefit from OHSA run training in health and safety as well as mentoring in personal skills development. Another source of support staff which also adds an element of cultural diversity during the period under review included 2 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, career breaks, reduced hours, urgent leave and bereavement leave.

### **3 Internal Industrial Relations**

OHSA's 3-year Collective Agreement expired at the end of 2010. A number of joint meetings were held with the Union representing the majority of employees at OHSA, the Collective Bargaining Unit (CBU), representatives of the line Ministry (MHEC) and the Authority, to agree on a new agreement.

Team work, flexibility and healthy industrial relations within the Authority have always helped to 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. An employee handbook completed during the previous period which incorporates a number of H.R. policies as well as Standard Operational Procedures (SOP) covering both administrative and enforcement aspects, will be launched after the finalisation of OHSA's collective agreement and in full consultation with the workers.

### **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. A number of information visits on the OHSA's role, facilitated by management, are held for ETC's clients seeking employment or re-integration into the labour market. 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.

Considering the nature of its operations, particularly the regulatory aspect, the OHSA felt the need to improve security at its premises during and after office hours. For this purpose, the pilot system implemented during the previous period whereby access and egress are controlled and recorded was fine-tuned and implemented as

an SOP. *Ad hoc* emergency evacuation drills are conducted periodically to maintain a state of readiness in emergency situations.

## **5 Gender Equality.**

Apart from implementing compliance to gender equality regulations, the Authority strives to effectively include gender mainstreaming in its employment policies. Towards the end of the period under review, a Gender Equality Audit is planned. As in previous years, 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 continued to invest 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.



## **7 Assistance provided to the Authority**

### **7.1 EU Projects: Structural Funds (2007-2013 Programming Period)**

OHSA continued working on an ESF project which had as objectives the carrying out of specialized research on OHS and the development of an OHS certification / accreditation system for third party OHS practitioners. This project will be finalised during November 2011, and is partly financed by the European Union under Operational Programme II – Cohesion Policy 2007-2013 (European Social Fund (ESF)).

There were two main deliverables for this project, including the carrying out of research (to deliver statistics on occupational injuries, physical and psychological ill-health, while determining the root causes at a macro level; to generate data regarding level of access of workers to internal and external OHS services and to calculate the costs of the prevailing risk levels of OHS to the nation.

The research component comprised various research approaches including both qualitative and quantitative techniques, as well as a thorough assessment of current statistics and data on occupational health and safety available at a local and European level. It involved one-to-one interviews and focus group sessions involving around 3000 participants. The size of the sample and the methodology used make this project robust and its findings valid.

The full research report will be placed on the OHSA's website and made available for download.

The project will be finalised with the organisation of a printed media campaign providing information and raising awareness about the more important legal obligations relating to the protection of occupational health and safety.

The most important conclusion of the research findings was that the overall cost to the Maltese economy of all workplace injuries and work-related ill health in 2010 is estimated to be in the region of €32,977,000 to €34,020,000. (This sum does not include a number of costs which could not be quantified, including the human cost, and costs borne by employers with regards to judicial cases brought

against them). This amount is equivalent to 0.53% to 0.54% of the total Maltese Gross Domestic Product for 2010, which is estimated at €6.2 billion (NSO 2011).

The overall findings of the study are comparable with those of others carried out in other countries. Among others, larger companies appear to be better equipped to maintain and develop safe working practices unlike smaller enterprises. One could also note consistencies when assessing the prevalent types of injuries and ill-health at the workplace, as well as the incidence rates of injuries and work-related ill health across different industry sectors. The findings also highlight a high level of under-reporting of cases of ill-health (both physical and psychological) as also observed internationally.

It is highly encouraging to note that the research also shows that generally employers report a high level of satisfaction with the services offered by OHSA. It is also worth noting that during the qualitative phase of the research, reference was often made to the evident lack of resources, both human and financial, within OHSA which consequently undermines their capability to carry out their various roles. Employers were generally aware of the limitations faced by OHSA for the same reasons.

The second component of the project required the development of the requirements for the setting up of an OHS certification and accreditation system to certify third party OHS practitioners who offer their services to employers as part of the requirements under regulation 9 of Legal Notice 36 of 2003. According to the report, it is being recommended that certification of OHS practitioners will depend on:

- A Basic education level (diploma or equivalent);
- Proof of completion of training in occupational safety and health;
- Experience in industry & occupational safety and health;
- Continuing Professional Development and,
- Signing of a code of conduct governing the independence, trustworthiness and professionalism of practitioners.

In addition, the system as proposed would concentrate on improving the current voluntary system while making it compulsory and being limited to third party

OHS consultants who act as general OHS practitioners and not to those workers who are in employment and who tender OHS advice to their own employers.

Accreditation of the whole system would follow once the certification system is mature enough to be accredited. The OHSA was proposed as the best option for being the certification body, which will then need to establish a system of receipt and review of complaints as well as a system to cover appeals from decisions taken.

## **E External Relations**

### **1 CIBELES Project**

The “Study on the enhancement of co-operation between the European Union Labour Inspectorates and cross-border enforcement in the area of occupational health and safety”, CIBELES, is a European project led by Spain, which also involves the Labour Inspectorates of Austria, Belgium, France, Germany, Hungary, Malta, Italy and Portugal.

Its main objective is to assist the Senior Labour Inspectorates Committee and the European Commission on how to improve and enhance co-operation between Labour Inspectorates, setting ground rules in order to establish a network for exchanging information in the framework of mutual assistance and recognition requests in inspection and sanctioning procedures. Its key issue is how to improve mechanisms for cross-border enforcement on occupational health and safety.

The total cost of CIBELES is estimated at around EUR 423964.71, and it is financially supported by the European Program PROGRESS. The Project started in April 2010 and will end in the last quarter of 2011.

OHSA participated in this project both during the evaluation of the local system, as well as by assisting the foreign counterparts in the evaluation of Italy and Portugal. During November 2011, a member of OHSA was present at the concluding ceremony of the project in Madrid, in which the salient findings and recommendations were presented.

### **2 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.

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 initiatives.

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.

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. OHSA's representative on SLIC chaired the Evaluation of the Latvian Inspectorate during 2011, with OHSA providing also the Chair's assistant. A full report of the evaluation exercise of the Latvian Inspectorate will be provided to SLIC for onward transmission to the EU Commission.

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

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

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

The Agency also has a number of expert groups 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.

Earlier this year, the Authority participated in the election of a new Director for the European Agency for Safety and Health. In an early informal communication, the new Director, Dr. Christa Sedlatschek, commended OHSA-Malta as an active participant in all activities of the European Agency, and in particular showed her awareness of a number of initiatives undertaken by OHSA in conjunction with a number of other EU Member States.

## **4 Labour Inspection Network & Exchange System**

OHSA continued to participate actively in the information exchange network between Member States on information about OHS matters Knowledge Sharing Site (KSS). The OHSA replied to various questions posted by other KSS coordinators and also informed the Malta Standards Authority about a potentially hazardous stables equipment which was involved in a fatal accident in another Member State.

During March 2011 the local KSS coordinator gave training to all OHSA Officers about the KSS, its aims and how Officers can benefit for experiences of other Inspectorates. During the same month, the local KSS coordinator attended a two-day training event for all KSS coordinators which was held in Luxembourg.

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.

## **5 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.

## **5.1 Meeting of Experts on Musculoskeletal Disorders**

OHSA took part in a technical group made up of national experts who were 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). The first draft was discussed within this technical group.

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.

## **6 International Atomic Energy Agency / European Commission (Radiation Protection/Nuclear issues)**

Since Malta joined the International Atomic Energy Agency's (IAEA) Illicit Trafficking Database (ITDB) Programme the RPB has acted as the Maltese focal

point for receiving and transmitting data under the ITDB programme, a total of 88 reports received in 2011 (upto 21st October)

The RPB acts as the focal point for nuclear safeguards activities including sending the necessary reports (16 in total).

The Radiation Protection Section processes environmental monitoring data received from MEPA and Department for Environmental Health and transmits it to the European Commission. The monitoring and analysis of air-particulates was able to detect contamination from the Fukushima accident.

## **7 Seveso II Committee of Competent Authorities (CCA)**

The Seveso CCA met in Budapest, Hungary in April and in Warsaw, Poland in October. The topic of the seminar in Budapest was Hazardous Waste. This has been an item for discussion for a number of years as waste is covered by the Directive and it is treated on the basis of its properties as a preparation. From the text of the Directive it is clear that it is the obligation of the operator to define the classification of the preparation. The Commission informed the CCA that it was studying the possibility of extending Seveso type rules to onshore pipelines. The study will review all available information about accidents, market, type and quantities of substances transported. The 3-year questionnaire for the period 2012- 2014 was distributed to the delegates. This contains fewer questions and covers the whole three year period in total, not year by year as was done previously. The Commission presented a paper on the classification of Heavy Fuel Oil (HFO). It was confirmed that according to the Classification, Labeling and Packaging (CLP) Regulations, HFO is classified as dangerous to aquatic environment with a lower threshold of 100 or 200 t, and most likely HFO will be added to the named substances list. Further information was presented on the progress of the new proposal. In December 2010 the Commission published the proposal and the impact assessment.

The seminar preceding the CCA meeting in Warsaw was held in collaboration with the UNECE Convention on the Transboundary Effects of Industrial Accidents. The subject discussed was, the Cost-Effectiveness for Major Accident Prevention. The Seveso Directive sets the legislative framework and the competent authorities enforce the implementation of the directive to ensure that Seveso sites are operated to high standards of safety thus minimising the possibility of major accidents. The



resources needed for prevention are far lower than the resources needed to recover and restore after a major accident. The operators need to have competent personnel because the people running the plant control the risks. They must invest in training of the workers on the shop floor to assess the risks and take the necessary measures to prevent accidents. Another important factor that was mentioned was the issue of land-use planning. The siting of Seveso sites and the building developments in their vicinity must be taken into careful consideration to reduce the risks to third parties. The Commission presented its findings following a study prepared on its behalf by an external consultant on the safety of pipelines. The main causes of accidents are mostly external interference, construction defects and corrosion. Prevention of accidents can be achieved by regular inspection and maintenance, safe working processes, restricted access and maintaining adequate distances from populated areas. Other important factors are rapid leak detection with effective means to stop the flow and emergency plans. Due to changes in the CLP, HFO will be classified as dangerous to aquatic environment as from 1<sup>st</sup> December 2012.

## **8 Framework Agreements**

Article 155(1) of the Treaty on the Functioning of the European Union creates the right of the social partners at European level to enter into contractual relations (including agreements) on certain employment and social affairs issues. Such agreements may arise out of the consultative process provided for in Article 154. Under Article 155(2), agreements concluded at Union level may be implemented either by the social partners and the member states, or by a Council decision on a proposal from the Commission. European social dialogue has resulted in over 300 joint texts by the European social partners, the result of the European social dialogue autonomous process, and including different cross-industry framework agreements under Articles 154 and 155 of the Treaty on the functioning of the European Union (TFEU).

Two different procedures exist for their implementation. In the first instance, European social partners ask the Council to adopt a decision (in practice, this is a directive, proposed by the Commission), so that the Agreement becomes part of EU law. Three agreements have been implemented by Council Directive, the parental leave (1996), (with revised text in 2008), the part-time work (1997) and fixed-term

contracts (1999) agreements. These agreements are not directly related to the work carried out by OHSA.

Another option exists whereby the social partners themselves take responsibility for implementing measures at national, sectoral and enterprise level. Four autonomous agreements have been negotiated, of which three are of direct relevance and interest to OHSA: the telework (2002), the work-related stress (2004), the harassment and violence at work (2007) agreements.

In its report on the implementation of the European social partners' Framework Agreement on Work-related Stress, published in February of 2011, the European Commission noted that "Worryingly, the social partners in a number of countries (including Malta) have not reported on the implementation of the Agreement, giving rise to heightened concern, given that the social partners have not reported on the first European social partners' autonomous agreement on telework either."

Faced with this situation, and despite not being a signatory to the Framework Agreement, OHSA took the initiative of bringing representatives of the social partners together, and following the organisation of a dedicated seminar, and having established an *ad hoc* committee, will continue to spur the social partners into action. Whereas OHSA will coordinate the necessary action, and will provide all the administrative and technical assistance required, it is hoped that the social partners themselves will take further meaningful initiatives in this field.

## **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, the Department for Environmental Health (formally Public Health), the Environment Protection Directorate (within MEPA) and Civil Protection Department.
- **COMAH Competent Authority (CA)** - This is made up of the OHSA, MEPA (Environment Protection Directorate) and the CPD and oversees the implementation of the Control of Major Accidents Regulations, L.N. 37/2003 and its amendment and amendment L.N. 6/2005. 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.

## **F Freedom of Information and Corporate Governance**

### **1 Freedom of Information Act (Cap496)**

In furtherance of the scope of the said act and thus to increase transparency and accountability, towards the second half of 2010, the necessary structures such as the appointment of an FOI Officer and electronic and manual enquiry mechanisms were set up within the OHSA. In terms of said Act, the general public

is granted right of access to documents held by public authorities, (including all ministries and departments).

## **2 Corporate Governance**

Since it was established, the OHS Authority has considered itself to be an intrinsic part of the Central Administration, and therefore has taken on board and followed all policies and rules of good governance that are established by the Government.

As a matter of fact, and especially in so far as employment issues are concerned, the OHSA remains guided by those policies established by the Office of the Prime Minister (and the Management and Personnel Office) from time to time, including on matters concerning salaries (these are determined by Government's Collective Bargaining Unit with reference to equivalent public service salary scales) other conditions of employment and recruitment, finances, information systems and public procurement.

## **3 Corporate Social Responsibility**

The Authority facilitated a number of two hour sessions at local community level, whereby a designated officer would participate after office hours in giving talks about the benefits of occupational health and safety. Members of staff also responded to calls from the National Blood Bank to donate blood. In both situations the persons involved in the respective initiative would be compensated with time off in lieu.

## Annex 1: Key Activities carried out by the Authority

January 2011 – October 2011

	<b>Total</b>
<b>Workplace visits</b>	<b>2046</b>
<b>Equipment certificates vetted ‡</b>	<b>5269</b>
<b>Radioactive Material cleared for import</b>	<b>208</b>
<b>Staff development man hours</b>	<b>309</b>
<b>Hours of training delivered</b>	<b>288</b>
<b>Number of participants at OHS training</b>	<b>359</b>
<b>Number of courses organised</b>	<b>33</b>
<b>Press releases / feature articles</b>	<b>36</b>

‡ Including 3533 lift certificates, 171 crane certificates, 262 forklift truck certificates, 91 boiler certificates, and 1212 certificates for other equipment.

## Annex 2: List of OHS legislation in force

Legislation	Reference
Act XXVII of 2000, Occupational Health and Safety Authority Act	Cap. 424
Work Place (First Aid (Amendment) Regulations, 2011	L.N. 348/2011
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Artificial Optical Radiation) Regulations	L.N. 250 of 2010
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) Regulations	L.N. 41 of 2004
Protection of Workers in the Mineral Extracting Industries through Drilling and of Workers in Surface and Underground Mineral-extracting Industries Regulations	L.N. 379 of 2003
Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations	LN 228 of 2003
Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work, Regulations	L.N. 227 of 2003
Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations	LN 123 of 2003
Regulations on the Protection of Workers from the Risks related to Exposure to Carcinogens or Mutagens at Work	LN 122 of 2003
Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations	LN 121 of 2003
Regulations establishing a First List of Indicative Occupational Exposure Limit Values on the Protection of the Health and Safety of Workers From the Risks related to Chemical Agents at Work	LN 120 of 2003
Nuclear Safety and Radiation Protection Regulations (issued under Cap. 365).	LN 44 of 2003
Control of Major Accident Hazard Regulations	LN 37 of 2003
General Provisions for Health and Safety at Work Places Regulations	LN 36 of 2003
Protection against Risks of Back Injury at Work Places Regulations	LN 35 of 2003
Factories (Night Work by Women) (Repeal) Regulations	LN 34 of 2003



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

### Annex 3: Budgeted Income and Expenditure Account

1<sup>st</sup> January 2012 – 31<sup>st</sup> December 2012

	€	€
<b>Personal Emoluments</b>		
Staff Salaries	472,972	
Honoraria to OHSA members	33,543	
NI Contributions	36,910	
Overtime/ Allowances	55,871	
		<hr/>
		<b>599,296</b>
		<hr/>
<b>Operational Expenses</b>		
Utilities	28,000	
Material & Supplies	4,700	
Repair & Upkeep	45,200	
Rent	28	
Subscriptions	500	
Office Services	5,500	
Transport	40,500	
Travel	20,000	
Information Services	10,000	
Contractual Services	37,730	
Professional Services	32,700	
Training	1,000	
Hospitality	1,000	
Incidental Expenses	500	
Depreciation	21,716	
Transfers from Government capital grants	(21,716)	
		<hr/>
<b>Total Operational Expenses</b>		<b>227,358</b>
		<hr/>

**Contributions and Initiatives**

Appeals Board

---

**1,165**

---

**Total Budget Cost**

---

**827,819**

---

The anticipated deficit between the Government grant and the budgeted expenditure, amounting to €17,819, will be mostly offset by the accrued surplus for 2011. Increments arising out of OHSA's Collective Agreement, which expired in 2010 account for an anticipated increase in the salaries bill by almost €10,000. The expenditure on repairs and upkeep include a one-off expense of €25,000 (based on an architect's estimate) to carry out essential repairs to OHSA's premises. The estimated contractual service obligations are also being increased to account for possible increases in the provision of legal and accounting services, which will be the subject of two departmental tenders to be issued by OHSA.

The Financial Statements of the Authority for the period ending 31<sup>st</sup> October 2011 are being included in a separate report. These will be in the form of an interim report, since the financial statements covering the full financial year of the Authority will be published during 2012.