

ANNUAL REPORT

2015



Occupational Health & Safety Authority





Occupational Health & Safety Authority

Report of Activities for the Period

1st January 2015 - 31st December 2015

Budgeted Income and Expenditure Account

1st January 2016 - 31st December 2016

Financial Statements

1st January 2015 - 31st December 2015

Occupational Health and Safety Authority

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

2016



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Preface

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17th November 2000 and brought into force in its entirety on the 29th January 2002. In terms of the Act, it is the responsibility of the Occupational Health and Safety Authority to ensure that the physical, psychological and social well being of all workers in all work places are promoted and safeguarded by whosoever has such a duty.

The following is a report of the Authority's activities for the period 1st January 2015 to 31st December 2015, and is being published in terms of section 37 of the Act. It includes the Authority's Budgeted Income and Expenditure Account for the period 1st January 2016 to 31st December 2016 (section 31 of the Act). The document includes the audited statement of accounts for the period 1st January 2015 to 31st December 2015.

Currently, the Authority has four sources of revenue - the annual grant made by the Ministry of Finance, the Authority's own revenues from services for which a fee is charged, the payment to OHSA of administrative fines by persons intimated that they have been found contravening the law, and funds which are made available through foreign assistance, including EU Structural and Cohesion Funds.

Despite managing to register a significant increase in the income which it generated during 2015, the OHSA will end the financial year with a slight deficit amounting to €9,218.

OHSA Objectives

OHSA's overall objectives are:

- to foster a culture which values prevention,
- to increase awareness about the benefits of achieving and maintaining adequate levels of occupational health and safety,
- to mainstream OHS into all policy areas including public policy, procurement, and education,
- to maintain the downward trends with regards to ohs-related incidents which lead to injuries, diseases and deaths.

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 probability 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

OHSA's mission is concise and direct: 'Working with others' means that in fulfilling its role, OHSA collaborates with, and involves other stakeholders (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 regulatory 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, while workers understand the need to cooperate with their employer in the preventive and protective measures that are required to be taken.



Chairperson's Message

This is my third message as Chairperson of the Occupational Health and Safety Authority - a post I have most at heart. Whilst penning this message, I always bring to mind the number of workers who have sustained an injury at their workplace and those who died while carrying out their duties and I feel more and more convinced about the validity and the utmost importance of having an organisation such as the OHSA, set up as an independent entity to carry out its core mission. It is encouraging to note that the downward trend in occupational accidents has been sustained.

During the past year the OHSA has tried to diversify its information and enforcement campaigns to also address sectors of the economy which are not commonly deemed as mainstream. Such campaigns have involved entities such as insurance agencies, office workers and child care centres, amongst others. The Authority's employees are doing their utmost to instil a culture of prevention at various strata of society. Needless to say this will always remain an ongoing upward struggle unless it is also endorsed by employers, the self-employed and the employees themselves.

On an international level, the OHSA has continued with its input within different organizations and entities at both the local and international level. Being aware of its environmental obligations, the Authority has finalized the installation, testing and commissioning of a number of energy efficient systems at its premises, including a 10.07 kWp photovoltaic system on its roof, a project which was co-financed by the European Union.

An intrinsic element of a healthy society is leading a healthy lifestyle. The OHSA took a number of initiatives particularly targeting stress, health and well-being at the workplace. It is a well-known phenomenon that one needs to strike a balance between the private and work life of an individual if we want to sustain a healthy and well-rounded society. Naturally various challenges ensue which are dealt with in different ways by different people of different ages.

Having healthy workplaces that cater for all age groups and taking into account particularly the various characteristics of young and older workers is an aim we should all strive for. Indeed, during 2016 the OHSA will also be focusing on this theme as part of a pan-European campaign.

I augur that the initiatives undertaken by the OHSA will serve as a catalyst for wider action so that we ensure that occupational health and safety is developed into a daily practice at the national level too.

The Hon. Dr. Deo Debattista, MD, MP.

Members of the OHS Authority

Chairperson/s

The Honourable Dr. Deo Debattista

Deputy Chairperson

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

Members

Mr. Edwin Balzan

Ms. Carmen Borg

Mr. Victor Carachi

Mr. Joseph Delia

Dr. Zed Teebi (as of the 6th August 2015)

Dr. Anthony Gatt (as of the 6th August 2015)

Dr. Lisa d'Amato (as of the 6th August 2015)

Mr Alfred Lia (1st January to 5th August 2015)

Mr Stephen Mc Carthy (1st January to 5th August 2015)

Dr Yosef Micallef (1st January to 5th August 2015)

Secretary

Dr. Gaynor Saliba (as of the 6th August 2015)

Ms. Marita Pisani (1st January to 5th August 2015)

Chief Executive Officer

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 OHSA.



Introduction

Whereas the promotion of occupational health and safety remains an important objective for OHSA, its achievement often leads to an increase in demands for activity by the Authority. These demands are at times unrealistic, since they refer to areas which do not fall under OHSA's responsibility; on other occasions, such demands are the result of a poor understanding of the concept of risk, or of a lack of understanding of legal requirements. Such requests for intervention place a lot of pressure on OHSA's ability to intervene in those areas which merit an intervention.

For these reasons, OHSA adopts a risk based approach, whereby the greatest risks receive the quickest and greatest attention. But whereas enforcement remains one of OHSA's core functions, it is not the only one requiring time and resources. The OHS Authority Act 2000 assigns a total of twelve functions to the Authority, translated into a whole range of activities addressing as many sectors of activity as possible.

OHSA also has to ensure that its Officers develop a wide range of skills, seeking in the first place to work cooperatively with both employers and employees, while being careful not to compromise their role of independent assessors of the control of risk at the workplace.

This approach to inspection necessitates a balance to be struck between the fundamental need to ensure that the law is complied with, and the importance of promoting and encouraging self-regulation.

Despite the sustained downward trends in occupational injury rates and other incidents at work, OHSA feels that it remains an important part of its mission to keep emphasizing the positive correlations between sound occupational health and safety levels, enhanced productivity and the sustainability of operations.

Review of Activities

In terms of the OHS Authority Act, 2000, the Occupational Health and Safety Authority has the primary duties of promoting high levels of occupational health and safety for all workers at all workplaces, and ensuring 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.

The Authority's priorities for the period under review have been determined as follows:

- A. Launch of the national strategy: 2014 - 2020.
- B. Awareness building, information, and education.
- C. Ensuring compliance with existing legislation.
- D. Legislative reform.
- E. Consolidating the Authority's resources.

During 2015, a report was commissioned by the Minister for Social Dialogue, Consumer Affairs and Civil Liberties concerning the current legal framework and the systems and procedures in place for the protection of the health and safety of the general public. This report was compiled and presented.



A Launch of the National Strategy: 2014 - 2020

Whereas work on developing a new national strategy for OHS commenced during 2014, OHSA finalised devising its Strategic Plan during 2015. This strategic plan covers the period until 2020 and is intended to continue improving the prevailing levels of occupational health and safety in Malta. The plan recognises and addresses the many stakeholders and duty holders who have a role in achieving adequate standards, including employers, workers and their representative bodies, the self-employed, professional bodies, OHSA and others.

Improving working conditions through adequate risk prevention and the promotion of safer and healthier conditions in the workplace are central to economic competitiveness. Research shows that ensuring adequate levels of occupational health and safety has a direct and measurable positive impact on productivity, while contributing to the sustainability of national social security and health care systems. It has been shown time and time again that adequate levels of occupational health and safety bring about a reduction in work-related absenteeism; conversely, poor standards at enterprise level affect economic growth and the competitiveness of the businesses concerned.

Preventing workers from suffering serious accidents or occupational diseases and promoting workers' health throughout their working life, allows them to work for longer. This therefore contributes to addressing the long-term effects of demographic ageing, in line with the Europe 2020 strategy's objectives for smart, sustainable and inclusive growth.

The National Strategy for Occupational Health and Safety: Consolidating achievements and engaging further commitment, 2007 - 2012, provided focus and gave a national context to the EU strategy for the same period. It also gave direction by identifying a number of key priority areas. A major objective within both the local and the European strategies was a reduction of 25% in the incidence rate of accidents at work. This was achieved mostly through initiatives taken by OHSA-Malta which address a number of priority areas highlighted in the strategy, which included the organisation of a wide range of awareness-raising activities promoting a culture of risk prevention.

The new strategic plan, which continues building on what has been achieved so far, is intended to present the intention and direction of OHSA. The plan starts with the vision and mission of OHSA, which are translated into a set of strategic objectives that will be addressed during this period. In order to meet these objectives, the plan also proposes a non-exhaustive list of specific initiatives that the OHSA intends to take.

This strategic plan for OHSA aims to ensure that OHSA fulfils its responsibilities in the field of occupational health and safety while continuing to instil a sense of responsibility and commitment from stakeholders and duty holders.

Together, action will be taken to continue reducing the risk of accidents and illness in the work place, especially in those sectors which pose greatest risk. With the involvement of all, the required improvements can be achieved, thus also contributing to economic competitiveness and sustainability.

The key strategic objectives concern primarily the following areas:

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

B Preparation of Report on Public Safety

In the wake of October's incident during a charity event which injured a large number of members of the public, the Honourable Minister for Social Dialogue, Consumer Affairs and Civil Liberties, Dr. Helena Dalli, tasked OHSA's Chief Executive Officer with reviewing the current legal framework regulating the protection of the health and safety of members of the general public during public events and to make recommendations in the interest of enhancing the measures that should be taken. This report, commissioned on the 6th October, was presented to the Honourable Minister on the 11th December.

Since public safety falls outside of OHSA's sphere of responsibility, the report will not be described at length, and only a very short summary will be given.

The task involved an actual review of legislation, an analysis of arrangements and other systems in place in other countries, and the consultation of a representative sample of stakeholders (including representatives of entities involved in the issue of permits/licences and organisers of events).



C Awareness Building, Information, and Education

The legislative review identified two salient worrying facts:

- (i) there is no one single entity responsible for the protection of the health and safety of members of the general public - over time, this responsibility has indirectly been assumed by the police authorities as part of their statutory function to maintain public order; and
- (ii) the legislative framework addressing fire safety, evacuation and other emergency procedures is severely inadequate.

The review also identified a number of other shortcomings, including outdated provisions, which are still in force, and which at times conflict with other more recent legislation.

The report includes several recommendations, based on a number of conclusions included in the same report.

Since it was established, OHSA has dedicated a lot of resources to disseminate information, raise awareness and in 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 including through the issue of press releases and the preparation of feature articles which are published in the local media. Moreover, a number of information campaigns organized by the Authority have been linked with European initiatives, especially those organized by the European Agency for Safety and Health and the Senior Labour Inspectors Committee (SLIC).

1 Initiatives with School Children - Napo and Napo for Teachers

Mainstreaming health and safety into education from an early stage is the foundation of a risk preventive culture. Today's children are the workers of the future and for this reason OHSA recognizes the need to have basic concepts of occupational health and safety explained from an early age. Using the popular character of Napo, OHSA has devised a series of school visits aimed at introducing occupational health and safety topics to primary school children.

Napo is the official mascot of the educational campaign created by the European Agency for Safety and Health at Work (EU-OHSA). Recognizing the positive impact of such cartoon character, OHSA-Malta developed this character into a life-size mascot to be used in an educational, yet fun and imaginative way during school visits. The purpose

of these school visits is to enhance a risk preventive culture through which students develop the basic knowledge in risk identification and prevention.

A number of online educational resources for teachers featuring the character Napo and aimed at school children aged 7 to 11 were launched this year. These resources include a lesson plan on a number of different subjects and scenarios that school children are bound to have come across at home or at school. These would include safety and security signage, prevention against dangers to the skin and the identification of risk and dangerous situations.

Each one of the six lessons includes an introduction for the teachers to follow, short clips and other resources. The clips featuring Napo and the creative activities aim to explore the subject in an informative but at the same time, enjoyable way. On the other hand, the interactive nature of these lesson plans ensure that the children will be kept interested and involved in the subject.

These resources have been designed in such a way that they can be utilised across various subjects such as health and safety, Personal Social and Character Development, science and mathematics and feature Napo in a way that keeps the children more engaged.

2 Media Initiatives - Getting the Message Across

Media interventions are considered to be powerful tools by which to raise awareness and promote the importance of managing OHS. Over the past few years, OHSa has significantly increased its interventions through media channels. This year alone, OHSa has been actively involved in various radio and tv programmes where various areas pertaining to health and safety have been promoted and discussed on a weekly basis. Moreover, OHSa has issued a number of press releases and guidelines covering various areas and has also sent a number of letters to various local newspapers.

3 European Agency for Safety and Health at Work and the Maltese Focal Point

As the National Focal Point for the European Agency for Safety and Health at Work (EU-OSHA), OHSa has been actively involved in European initiatives and campaigns which are organised throughout the year by EU-OSHA. EU-OSHA is a network organisation which has a focal point in each Member States as well as in European Free Trade Association States and candidate and potential candidate countries. The role and participation of National Focal Points is considered to be essential in achieving the desired results towards achieving safer and healthier workplaces. This is due to the fact that National Focal Points are the primary contributors to the implementation of the EU-OSHA's work programmes, which include the dissemination of relevant information about occupational health and safety, the identification and control of risks as well as the sharing of information amongst duty-holders, including through the promotion of examples of good practice. Throughout this year, the Focal Point has also been involved in the 'Healthy Workplaces - Manage Stress' campaign which was a two-year pan-European campaign focusing on stress and well-being at the workplace.



4 General Promotional Activities

4.1 Provision of Roll-Up Posters

Roll-up posters provide a logical and cost-effective way of raising awareness and promoting the importance of managing OHS. A number of roll-up posters were produced by OHSA in collaboration with the European Agency for Safety and Health at Work (EU-OSHA). The roll-up posters were created with the intention to reach a diverse audience covering a range of topics pertaining to OHS such as the provision of risk assessment, work-related stress, safe use of work equipment, construction safety, manual handling, ergonomics, heat exposure, noise, active ageing, young workers, pregnancy and noise. The roll-up posters were exhibited in seminars organised by OHSA in collaboration with EU-OSHA. A number of private companies have also requested OHSA to be provided with such roll-up posters with the intention of increasing awareness of OHS among their employees.

4.2 Online Interactive Risk Assessment - Office Work

Micro and small enterprises present special challenges in achieving healthier and safer workplaces. They experience difficulty in recognising relevant regulations and in implementing them. Viewing OHS regulations as overly complex, micro and small enterprises tend to give OHS activities low priority, thus failing to recognise the risks posed by their workplaces.

In terms of Regulation 10 of the General Provisions of the Health and Safety at Work Places Regulations, employers and self-employed persons are required to carry out, or ensure that is carried out a suitable, sufficient and systematic assessment of all the occupational health and safety hazards which may be present at the place of work and the resultant risks involved concerning all aspects of the work activity. Such provision is considered to be a fundamental element for a successful health and safety management. Unfortunately micro and small enterprises tend to view the process of risk assessment as an administrative and financial burden, mainly due to their lack of knowledge and resources in managing their working environment properly.

On-line tools such as the Online interactive Risk Assessment (OiRA), facilitates the provision of risk assessments - it is cost-free, simple and practical. Recognising the effectiveness of such tools, OHSA in collaboration with the EU-OSHA, has developed a risk assessment tool which can be used for work in an office setting. The on-line tool has been developed in the Maltese language and is based on Maltese occupational health and safety legislation. This will further facilitate the process and development of control measures.

In order to raise awareness on the importance of risk assessment and to promote the development of risk evaluation and prevention tools, a half-day seminar was organised by OHSA in collaboration with the European Agency for Safety and Health at Work (EU-OSHA). The seminar focused on the use of OiRA in office work environments where participants gained an understanding of the use of OiRA. Other issues pertaining to health and safety in offices were also discussed in detail during the seminar. Following the success of this seminar and the great response showed during the presentations and hands-on experience on the OiRA tool, OHSA organised another seminar where besides providing participants with the necessary information on how to use OiRA, the seminar

also addressed psychosocial risks and stress in office work environment. This seminar was also organised in collaboration with EU-OSHA.

4.3 World Day for Safety and Health at Work

The commemoration of the World Day for Safety and Health at Work emanates from the Workers Memorial Day started in America and Canada in 1989 to commemorate dead and injured workers annually on 28 April, a date which the International Confederation of Free Trade Unions and Global Union Federations converted into a global event endorsing also the concept of sustainable workplaces and work. This is also a staple date in the annual calendar of the International Labour Organisation and one which the OHSa also marks each year.

The theme this year was 'Join in Building a Culture of Prevention on OHS'. It particularly aimed to highlight the concept that ensuring decent, safe and healthy working conditions and environments is everyone's responsibility. Indeed, a national occupational safety and health culture is one in which the right to a safe and healthy working environment is respected at all levels, where governments, employers and workers actively participate in securing a safe and healthy working environment through a system of defined rights, responsibilities and duties, and where the highest priority is accorded to the principle of prevention.

4.4 European Week for Safety and Health at Work

The European Week for Safety and Health at Work is organised every year in October by the European Agency for Safety and Health at Work (EU-OSHA) and its partners - the theme chosen by EU-OSHA for 2014 and 2015 was workplace stress. Activities held before, during and after the Week focused on raising awareness about the need to manage stress and psychosocial risks at work.

OHSa organised a seminar entitled "Health and Well-Being at the Workplace", where participants were given an overview of what constitutes well-being at the workplace from both the employer's as well as the employee's viewpoint. The framework document devised by OHSa and which is intended to bring into effect the European Framework Agreement on work-related stress were also discussed in detail. This seminar was organised in collaboration with EU-OSHA and included speakers from PAHRO and the Richmond Foundation amongst others.

4.5 Construction Safety

4.5.1 Seminar - Building in Safety

The construction industry remains a high-risk one with the number of occupational accidents actually increasing, in sharp contrast to the normal trend locally. The majority of fatalities and contraventions also occur within this industry. In a bid to raise awareness about the risks involved, rights and obligations of all involved in the industry, the OHSa, in collaboration with the European Agency for Safety and Health at Work, organized a conference entitled "Building in Safety".



The conference discussed the legal principles of occupational health and safety including the various measures to be taken, legal obligations and the roles of the persons and entities involved as well as the scope of the EU directive and its transposition into Maltese legislation.

Real and practical examples of good and bad practice in Malta were also discussed in detail enabling the participants to witness first-hand what OHS officers encounter on their daily inspections of construction sites and what one should and should not do in various situations. The conference also dealt with what needs to be changed in this sector with regards to occupational health and safety.

OHSa also issued a new guidance document for people in the industry which was explained and distributed free of charge on the day.

4.5.2 *Xogħol f'Bini Eżistenti: A Guide to Good Practice*

Statistical analysis on the rates of occupational injuries during recent years shows that the construction industry remains associated with the highest observable rate. This makes occupational health and safety in the construction industry a matter of highest concern for OHSa, with various actions being taken to address this situation. Apart from particular focus by the enforcement section being placed on this sector, OHSa also believes that adequate guidance should be issued to those working in the field, particularly to assist employers, employees and professionals alike, working in the construction industry, in taking the right measures in the interest of occupational health and safety.

A guidance document entitled '*Xogħol f'Bini Eżistenti: Punti li Għandhom Jkunu Osservati Sabiex Jitnaqqas is-Riskju ta' Incidenti*', was issued during 2015. It focuses on health and safety aspects of working on several salient features present in buildings such as stone slab roofs, arches and cellars, as well as recurrent tasks (excavations, alterations, working around building services) associated with the construction industry. The document highlights good practice which needs to be taken to prevent occupational injuries or diseases. Notwithstanding the similarity in the tasks carried in various buildings, the Authority recognizes that buildings are different from each other and thus specific measures need to be adopted for each building in kind, noting the specific risks involved.

A draft version of the document was launched for public consultation in September 2015. Following relevant comments from different stakeholders involved in the construction sector, including a formal discussion within BICC, the document has been updated to reflect these suggestions. An updated version of the good practice guide can be downloaded from the Authority's website, from where it can be downloaded free of charge.

4.6 Information Material for Schools

During 2015, an information campaign was initiated through the various colleges in Malta and Gozo. Information material was given to the Colleges for distribution to all schools at both primary and secondary level. The material included booklets, leaflets, posters and DVDs for every classroom. The campaign was in line with the theme of

the European Agency for Safety and Health's campaign on 'Healthy Workplaces'. More than 5,000 items were distributed during this campaign. It is planned that for 2016 this information will be made available to all students at public schools.

4.7 Guidance for Local Councils

In roles ranging from employers to service providers, local councils have a vital and complimentary role in achieving healthier and safer workplaces and thus promoting a positive health and safety culture. This leads to situations where local councils may be wearing more than one 'hat', hence, the need to be well informed of the duties each role entails.

Local councils work with their community to enhance social, economic, environmental and cultural well-being - they are a channel of influence - an influence which can have positive effects on health and safety. In recognition of such potential role, OHSA has prepared a draft guidance document which provides an overview of the legal duties and obligations pertaining to local councils.

The guidance addresses the various roles local councils assume. For instance, in the case where local councils fulfil the role of "employer", the Occupational Health and Safety Authority Act lays down a general duty to ensure the health and safety at all times of all persons who may be affected by their work. Other duties are laid down in various subsidiary regulations emanating from the said Act such as the duty to carry out or ensure that is carried out, suitable, sufficient and systematic risk assessments.

Local councils may also find themselves in situations where they have to assume the role of the "client" in terms of L.N. 281 of 2004 - Work Place (Minimum Health and Safety Requirements for Work at Construction Site) Regulations. This role may be fulfilled in the case of construction works. In such situations, the Local council would have to follow a number of duties intended to ensure better health and safety management during construction work.

The 'Occupational Health and Safety Guidance for Local Councils' provides local councils with the core elements required for successful health and safety management. The guidance covers various essential provisions such as, but not limited to the following:

- Rights and responsibilities of local councils and other duty holders;
- Essential elements for developing and implementing a successful health and safety programme;
- Risk assessments;
- Workplace consultation, training and information;
- Work equipment;
- Provisions of first aid;
- Ergonomics and manual handling;
- Health and safety signs;
- Protection of vulnerable persons;
- Health and safety in construction;
- Public safety.



Achieving healthier and safer workplaces necessarily requires the active participation of all stakeholders. Local councils have a key role in such participation - they can contribute to the improvement in health and safety practices through various measures such as in the case where various health and safety conditions are laid down in the tendering process. Such process is one of the stages where health and safety should be addressed. Local councils must also ensure that all legal duties under their multiple roles are fulfilled - this reflects social responsibility towards their employees, third parties and the wider community.

This guidance document will be published during 2016.

5 Awareness-Raising Amongst Stakeholders

In line with its business plan, the Authority retained its core awareness raising activities. The beneficiaries of these training and awareness raising sessions included construction and road-building companies, manufacturing enterprises, hotel and catering establishments, ITC sector, primary health and mental care, probation officers, the Armed Forces of Malta, the wide Public Service, teachers, union representatives and HR managers.

The Workers' Health and Safety Representative Course topped the list of courses with 5 deliveries, followed by First Aid & Safety at Work, Introduction to OHS, Fundamentals of Ionising Radiation Protection, Workplace Health & Well-being, and Principles of Risk Assessment.

6 Training for Operators of Fork Lift Trucks and Cranes

Following discussions with the Chamber of Engineers (CoE) regarding training for forklift truck and crane operators in the principles of safe use of this equipment, the joint delivery of these courses started this year. Ten courses were delivered to a total of 98 participants.

7 Degree-Plus - University of Malta

Following the positive feedback received from the University of Malta, OHSa continued its collaboration in the delivery of a set of lectures on occupational health and safety as part of the Degree-Plus Programme. The subject areas covered within this module include the work-health relationship, risk assessment, the legal framework, chemicals, work equipment, ergonomics, construction safety, occupational health, new and emerging risks, OHS statistics and the European dimension to occupational health and safety. Practical examples from different places of work were also shared with the students. 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.

8 Website - <http://www.ohsa.org.mt>

OHSA's website remained popular with safety practitioners and members of the general public, and is used by an increasing number of persons searching for information about different aspects of occupational health and safety in Malta - web statistics show that [ohsa.org.mt](http://www.ohsa.org.mt) has around 26 daily visitors, and 6577 monthly pages viewed

The pages most commonly visited were the ones shown hereunder, giving a good indication as to the reasons why people visit the website:

1. About Us - Occupational Health and Safety:
2. Online Tools - OiRA:
3. Legal Notices in English - Occupational Health and Safety:
4. Contact Details - Occupational Health and Safety:

OHSA also maintains and updates the Malta portal of the EU-OSHA: <https://osha.europa.eu/en>, which is very distinct from OHSA's own website.

OHSA's website includes a number of links to external sites, including ILO's OSH Information Centre, and other pages of EU-OSHA.

9 Social Partners' Sponsorship Fund for OHS Initiatives

The sponsorship fund, launched during 2014 to support social partners with OHS initiatives, remained open during 2015. The scope of this sponsorship fund is to encourage and assist social partners, to promote the benefits of having adequate levels of OHS and to disseminate information or guidance about different aspects of OHS. The total threshold available for this sponsorship fund does not exceed €5,000 for a given calendar year.

For eligibility, an OHS initiative should, as far as possible: (a) demonstrate a real, identifiable intervention to prevent or minimize risks at places of work, (b) Improve working conditions through effective social dialogue between employers and workers and (c) aim to achieve an identifiable long term or permanent benefit.

Interventions should, as a minimum, meet all relevant legislative requirements in Malta, and shall in particular be consistent with the general principles of prevention as laid down in Act XXVII of 2000.¹

The OHSA will once again be accepting requests for sponsorship under this fund during 2016.

¹ More details about this fund may be obtained from:
<http://ohsa.org.mt/Portals/0/Docs/SocialPartnersFundingCriteria.pdf>



10 ESF 4.251 Empowering People Through Knowledge

OHSA became a partner of the General Workers Union on an EU funded project entitled *Empowering People Through Knowledge*, which aims at promoting a more effective social and civil dialogue in Malta by providing training and the necessary skills to different members of the GWU (mainly shop stewards, representatives and delegates). This group is considered to be crucial in bridging the gap between the workers, the union and the policy makers whilst supporting principles of good governance and sustainable development.

This training will focus on social dialogue, including principles of health and safety at work, as well as essential skills such as communication and negotiation skills which in turn contribute towards having a more effective social and civil dialogue in Malta. Besides OHSA, the other social partners working with the lead organisation on this project will be the National Commission for the Promotion of Equality (NCPE) and the Department of Industrial and Employment Relations (DIER). This project, which is valued under €20,000, came to a conclusion at the end of 2015.

11 The Introduction of Skill Cards for the Construction Sector

During 2015 OHSA continued with its participation in discussions within the Building Industry Consultative Council (BICC) on various aspects of construction, particularly on the introduction of skill cards for workers in the construction sector, through which the skills of construction workers are certified and recognized.

Following the announcement of the introduction of skill cards for the construction sector in Malta in the Budget Speech for 2015, the BICC together with the Ministry for Education were entrusted with the preparation of a White Paper on the subject, together with the formal launching of the initiative during 2015. A working group, in which OHSA has been represented, was set up to act on this initiative. The working group established that the skill card concept will focus on a binary approach - recognition of a technical skill and ensuring awareness of basic occupational health and safety principles. OHSA has been consistent in its stated position that the way forward would be for occupational health and safety to be mainstreamed into the teaching of skills, so as to avoid having OHS being considered as an add-on component, extraneous to the trade. Whereas this holds true for new entrants to the system, OHSA also recognizes that persons already working in the sector need to have additional training specifically related to issues of occupational health and safety. Together with MCAST, ETC and NCFHE, OHSA assisted BICC in identifying key priorities areas to be included in the OHS awareness course needed for applicants of a skill card. This will ensure that the minimum required standards for occupational health and safety are included in the skill card.

During 2015, OHSA extended its collaboration on the Skill Card initiative by entering into a partnership agreement with BICC to offer its assistance on an EU funded application that will cover part of the expenses involved, particularly training costs of the OHS awareness course. On this project, the OHSA will partner BICC to promote the dissemination of information regarding occupational health and safety and the methods required to prevent occupational injury, ill health or death and to promote education and training on occupational health and

safety, ensuring maximum return on investment through this EU funded project. This ESF application by BICC is still being reviewed by the Managing Authority's Evaluation Committee.

12 Active Ageing

According to Eurostat population projections, the working population aged between 55 and 64 in the EU-27 is expected to increase by about 16% between 2010 and 2030. The Commission's White Paper on pensions calls for an extension of working life in order to maintain adequate and sustainable pension systems. This will necessitate appropriate working conditions, particularly adequate levels of health and safety for workers for a sustainable working life and active and healthy ageing. This requires the creation of a safe and healthy environment, throughout the working life of an increasingly diversified workforce. The promotion of a culture of prevention is essential to achieving this.

The European Commission concluded an agreement with the EU-Agency on OHS on a pilot project on the health and safety of older workers, under which agreement, the EU-Agency on OHS will assist the Commission in implementing a request by the European Parliament on this topic. The pilot project began in June 2013 and ran until the end of 2015.

This project (*Safer and healthier work at any age - occupational safety and health in the context of an ageing workforce*) aims to assess the prerequisites for OHS strategies and systems to take account of an ageing workforce and ensure better prevention for all throughout working life. The results will assist policy development and provide examples of successful and innovative practices. In doing so, the work aims to highlight what works well, what needs to be done or prioritised and to identify the main drivers and obstacles to effective implementation of policy initiatives in this area. It also aims to highlight which policies, strategies and actions regarding employability and return-to-work in member states and beyond should be introduced, at the same time gathering the views of OHS stakeholders, employers, workers and worker representatives exploring their experiences, motivations, needs and challenges. This project should also come up with tools and guidance to assist workplaces in managing OSH in relation to an ageing workforce.

The final project report, its findings and proposals for policy and practice were presented during June 2015.

D Ensuring Compliance with Existing Legislation

The Authority considers enforcement as one of its key core functions since it ensures that duty holders adequately control risks at their place of work. A safe environment can only be achieved if duty holders take action which is commensurate with the degree of risk. It is in those circumstances where no such action is taken, that the enforcing authority intervenes within the legal perimeters and 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, although less risky activities are also subject to monitoring, including by organising periodical information/inspection campaigns.

1 Handling of Requests for Assistance or for Information

OHSA had set itself a target whereby all requests for assistance or information are handled within a maximum of two working days. In those cases necessitating a workplace visit, OHSA has managed to meet its own target in 98% of occasions.

Year after year a slight increase in the number of requests for information by members of the public has been recorded, especially through the use of electronic mail with considerably more than a thousand being received during 2015. Invariably, the information requested was supplied by OHSA on the same day that it was received; other more complex requests, especially where they involved a workplace visit, were handled within a maximum of two days.

This approach has led to a situation whereby there remains no pending workload in this regard.

2 Organisation of Campaigns

OHSA periodically organises campaigns which focus on a particular sector or on a specific activity which is associated with a high degree of risk. The objective of organising such campaigns can be either to disseminate information or to raise awareness about a hitherto unidentified hazard or risk, or to ascertain compliance with the relevant legislative requirements. Campaigns which are used to disseminate information or raise awareness are invariably followed, within a reasonable period of time, by another campaign to determine whether there is actual compliance.

2.1 Slips and Trips on the same level

During 2014, the OHS Authority commenced its participation in a two-year EU-wide inspection campaign organized by the Senior Labour Inspectorate Committee (SLIC) to prevent accidents and injuries caused by slips and trips on the same level. Slips and trips may have serious consequences, resulting in severe injuries such as broken bones or concussion and it is estimated that 35% of such accidents keep the injured worker unable to work for longer than a month. The subject of this campaign was chosen by the SLIC Working Group due to the widespread occurrence of these types of accidents in all economics sectors - in fact, slips and trips (together with falls) amount to 24% of all reported accidents in the EU. Whereas the European campaign targeted various economic sectors, that in Malta focused on restaurants.

During 2015 a number of letters were sent to various employers outlining the shortcomings noticed during the ongoing campaign - these same establishments will be subjected to a follow-up inspection during 2016 to ensure compliance.

2.2 Local Council Administrative Offices

During 2015 OHSA carried out a proactive information campaign in all local council offices around Malta. This campaign was intended to address the fact that local councils are also considered 'employers' with regards to the OHS Authority Act, 2000, and therefore have a number of legal obligations towards their employees and third parties by virtue of the work being carried out.

It is envisaged that local council offices in Gozo will be visited during the first quarter of 2016. Once all councils in Malta and Gozo are visited, an official letter will be sent to each and every council outlining their legal obligations and identifying the major shortcomings noted.

During this campaign OHS Officers verified compliance with a number of important statutory obligations including risk assessments, workers' health and safety representatives, firefighting equipment and the organisation of fire / emergency drills, the provision and use of personal protective equipment, certification of lifting equipment, first aid arrangements and the safe use of work equipment especially visual display terminals.

2.3 Offices - IT, Gaming, Insurance

Many local and foreign gaming companies have set up their business operations in Malta, resulting in a large number of workers being employed in this sector. In order to ascertain whether there is satisfactory compliance with the applicable legislation in this sector, OHSA started an information and inspection campaign of all registered companies in this sector. Once all visits are complete OHSA will be sending out letters to the respective companies outlining any shortcomings identified, following which a follow-up inspection will be organised to ascertain compliance.

During 2015, around sixty percent of registered companies have been inspected, while those remaining will be visited during 2016. The letters outlining any recommendations will be sent in the third quarter of 2016 giving ample of time for any improvements.

Concurrently, the office-based operations of insurance companies and brokers are also being inspected. A similar approach as that used for the gaming industry is being adopted for insurance companies/brokers.

It is anticipated that all gaming and insurance companies would have been visited by OHSA's Officers.

2.4 Pharmaceutical Industry

During 2015, OHSA carried out a proactive inspection campaign targeting manufacturers of pharmaceuticals. Of the registered 31 pharmaceutical establishments, seven are engaged in the actual manufacture of various pharmaceutical products while the rest are office-based operations mainly engaged in the sale of medicinal products abroad. For the scope of this campaign, only the manufacturing companies were inspected since the rest represented small operations of 3 or less employees, and who are not engaged in actual chemical handling.

The main scope of the campaign was to ensure that these companies were abiding by statutory obligations to ensure the health and safety of their workforce. During the inspections, an initial interview was carried out with the employers' representative, followed by a site inspection in the presence of management and employees. OHS Officers verified compliance with a number of important statutory obligations including risk assessments, workers' health and safety representatives, firefighting equipment and fire / emergency drills, personal protective equipment, certification of lifting equipment, handling of chemicals, first aid arrangements and the safe use of work equipment, the adequacy of the work environment and of the welfare facilities.

2.5 Childcare Centres

During 2015, OHSA carried out a proactive information campaign at 71 childcare centres around Malta and Gozo. The main scope of the campaign was to raise awareness amongst employers about their legal obligations and to ensure minimum statutory compliance with OHS regulations for this sector. Also this campaign aimed to target manual handling issues amongst childcare workers, ergonomics, and emergency preparedness. During the inspections, an initial interview was carried out with the employer or the centre coordinator, followed by a site inspection. OHS Officers verified compliance with a number of important statutory obligations including the requirement to have an OHS Policy, risk assessments (including manual handling risks), workers' health and safety representatives, fire fighting equipment, fire / emergency drills, personal protective equipment, electrical hazards, ergonomics, first aid arrangements and accident record keeping. The findings of the inspections are being presented as follows:

	Compliant	Non-compliant	Compliant (%)
OHS Policy drawn up	1	70	1.4%
Copy of written risk assessment kept ⁽ⁱ⁾	29	42	40%
Workers' Health and Safety Rep appointed ⁽ⁱⁱ⁾	1	70	1.4%
Records on OHS training, first aid, emergency and preparedness training	71	0	100%
Accident record keeping	71	0	100%
Adequate H&S signage	69	2	97.2%
Adequate housekeeping of the premises	71	0	100%
Electrical Hazards adequately addressed	71	0	100%
Usage of PPE amongst employees	71	0	100%
Manual handling risk assessment	18	48	25.4%
First aiders appointed	71	0	100%
First aid box adequately maintained	71	0	100%
Fire drills carried out every six months	55	15	77.5%
Emergency procedures in place	58	12	81.7%
Training provided for employees in ergonomics and manual handling	71	0	100%

⁽ⁱ⁾ LN 36 of 2003 requires a written copy of the risk assessment carried out where 5 or more workers are employed. A risk assessment exercise needs to be carried out in all cases, irrespective of the number of employees.

⁽ⁱⁱⁱ⁾ LN 36 of 2003 requires a workers' health and safety representative/s to be appointed where 10 or more workers are employed. Where the number is less than 10, the employer should consult the workers individually.

It is envisaged that a follow-up campaign will be carried out in 2016 in order to ensure compliance and that remedial actions have been taken.

3 Notification of Injuries and Accident Investigation

OHSa received 745 notifications from employers concerning injuries which result in a worker being incapacitated for work for more than three consecutive days or which resulted in the injured worker being hospitalised for more than 24 hours beyond the period for observation.

4 The Construction Sector

As in previous years the construction sector remains a focus of attention for the OHS Authority, primarily since this sector is associated with the highest injury rate when compared with other industrial sectors. Throughout the year, OHS officials carry out a number of inspections, either in a proactive manner, or as a result of a complaint (usually from third parties). Almost all construction site inspections are routinely followed up by further inspections to ensure compliance with the law, and, or with the Orders that may have been issued. It may well worth mentioning that officers who carry out these inspections also hold meetings with the stakeholders in order to outline the shortcomings noted and seek remedial measures to be taken rendering each site a safer workplace.

On a positive note, larger contractors appear more receptive to OHSa's approaches and the messages that it conveys, and are showing tangible commitment and investment, so that large projects are no longer associated with high accident rates, despite their long duration and the large number of workers present at any time on site.

This notwithstanding, the construction industry presents a huge challenge for OHSa, which apart from the work that it carries out within this sector, also receives countless requests for assistance from the general public on matters which fall outside the applicability of the OHS Authority Act, including complaints concerning nuisance dust and noise and other inconveniences, damages to third party property, and increasingly, matters of a civil nature. Despite not falling under OHSa's remit, OHS Officers invariably inspect the sites which give rise to such complaints, so as to ascertain compliance with the relevant ohs legislation. Despite being informed that the issue does not fall within the applicability of the OHS Authority Act, and despite the fact that OHSa refers the matter to the relevant authorities, an inadequate response to control the matter which has been referred often leads to public declarations by the complainant of OHSa inaction.

A problem which is having serious consequences on the number of injuries occurring at construction sites, concerns the utilisation of foreign unskilled workers who are being



temporarily employed in this sector. These workers are often being hired and dismissed on a monthly (sometimes weekly) basis. Such workers often don't have a permanent or fixed place of abode, and when the need arises, cannot be traced by OHSA which often seeks the intervention and assistance of the police authorities.

4.1 Construction Notification Forms

OHSA processed 738 Construction Notification Forms received in accordance with Legal Notice 281 of 2004, a number which is substantially higher than that recorded during the preceding years. Each form received results in site monitoring by OHS Officers, who also carry inspections of sites in respect of which no form was sent.

Construction 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 workers working on any one particular site for more than 30 days. The increase in numbers of forms being forwarded to OHSA may be explained by a greater awareness amongst clients of such an obligation.

5 Radiation Protection

All regulatory activities in EU member states are based on the EURATOM Treaty. The Treaty is one of the founding Treaties of the European Union and was established in 1957. Two important aspects of the Treaty which are of greater relevance to Malta are the objective of guaranteeing high standards of safety for the public and workers and to ensure that nuclear material is not diverted from civil to military use.

All regulatory aspects of the EURATOM Treaty fall under the remit of the inter-ministerial Radiation Protection Board (RPB) set up by Legal Notice 44 of 2003. The work of the RPB is not limited to occupational radiation issues but also covers a vast range of other issues including: medical radiation exposure control; radiological emergency preparedness; protection & monitoring of the environment and fulfilling Maltese obligations under the nuclear related treaties of the International Atomic Energy Agency.

OHSA is the lead entity in RPB, providing administrative support, and coordinating the activities of the constituent entities through the work of its Radiation Protection Section. Three formal RPB meetings were held during the 2015.

Staff from the Radiation Protection Section along with the CEO of OHSA and MSDC's Permanent Secretary visited the Icelandic Radiation Regulatory Authority in January 2015. During the visit the Maltese delegation was able to gain valuable insights into the workings of the regulatory authority of an island with a similar population and with a similar uses of ionising radiation.

Senior international nuclear safety and radiation protection experts carried out an Integrated Regulatory Review Service (IRRS) mission for the International Atomic Energy Agency to review Malta's regulatory framework for radiation safety from 22nd March to 3rd March 2015. The IRRS team made recommendations and suggestions to the Maltese Government and the Radiation Protection Board to help strengthen the effectiveness of Malta's regulatory framework and functions in line with European Union Directives and the IAEA Safety Standards.

IAEA's Deputy Director General and Head of the Department of Nuclear Safety and Security, said in a message conveyed at the mission's closing meeting, held in March 2015, that Malta's invitation to host the review demonstrated the country's dedication to improve radiation and nuclear safety, and to learn from international experience.

The eight-member IRRS review team, headed by Sigurður M Magnússon, Director of the Icelandic Radiation Safety Authority, comprised experts from Cuba, France, Finland and Hungary as well as the IAEA.

"Malta is moving in the right direction in strengthening regulatory processes and improving the management of radiation safety and the government recognizes that legislative and structural changes are needed. This mission helps the government prioritize work that will improve the safety of the Maltese public, radiation workers and environment," Mr Magnússon said.

The IRRS mission included site visits to observe inspections and interviews and discussions with staff from the Government, other organizations and the regulatory body. The team found that Malta needs to develop a national policy and strategy for safety that takes into account risks associated with radiation facilities and activities, and establish a dedicated nuclear and radiation safety Act. The team also highlighted the need for an independent regulatory body with sufficient competence and resources. The final IRRS mission report has been forwarded to the European Commission and the IAEA²

Since the IRRS mission the RPB has prepared proposals for the government to take into account the findings of the IRRS mission. These proposals were also discussed with the IAEA at their headquarters in Vienna.

OHSA's radiation protection section performed 62 inspections of medical, industrial, veterinarian and security screening facilities. Two 4-hour training courses covering radiation occupational issues were delivered in November. Currently the national inventory of users of all sources of ionizing radiation, which is updated and maintained by RPB stands at 219 (an increase of 14 over what was recorded in the last report).

The Maltese report for the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management was presented to the IAEA in Vienna during the fifth review meeting of the Convention in May 2015.

6 Machinery, Equipment, Plant and Installations

OHS legislation requires that work equipment used in workplaces is examined and inspected by a competent person to ensure its safe use by the workers. For certain equipment like lifts and steam boilers, the employer is obliged to send a copy of the examination report to the OHSA, for others the report must be kept available for at least two years.

The MEPI section receives the examination reports and the data is held in a database especially created for this purpose, allowing OHS officers to access updated information on various work equipment. The number of entries related to the various types of machinery and equipment in the database at the end of the year amounted to 6899. These were divided as follows: 3218 lifts, 877 cranes, 480 boilers, 1192 forklift trucks, and 1132 other

² Made available by the IAEA at: <http://www-ns.iaea.org/actionplan/missions.asp?mt>



equipment (e.g. car jacks, lifting platforms, elevated work platforms etc). The total number of examination reports received at OHSA and subsequently vetted was 6038: 4177 lift report, 303 for cranes, 124 for boilers, 514 for forklift trucks and 920 for other equipment.

Following last year's tower crane inspection campaign in Malta, a similar initiative was taken this time focusing on cranes in use in Gozo. Almost all of the cranes inspected were covered by a valid examination report. The information gathered was entered in the section's database. This campaign will be continued during the first few months of 2016.

In accordance with the Memorandum of Understanding signed between the OHSA and the Chamber of Engineers (CoE), an officer from the MEPI section delivered part of the courses in the safe use of cranes and forklift trucks organised by the CoE. This year around 85 participants attended these courses.

Officers from MEPI were actively involved in the adjudication and implementation of two tenders issued by the OHSA for the installation of energy efficient measures. This involved liaison with the contractors and supervision of the installation works regarding detection and control systems, photovoltaic panels and the lightning protection system.

Besides assisting other sections within OHSA, MEPI officers are also actively involved in other activities concerning workplace inspections, investigation of accidents, and monitoring of compliance with the Inspection of Lifts Regulations in particular but not limited to the provisions concerning the preventive inspection of existing and new lifts.

Another major responsibility which falls within the remit of this section is the implementation of the Control of Major Accident Hazards (COMAH) Regulations. Since the OHSA is the lead authority with the Competent Authority for these regulations, coordination between the entities and communication with the operators is handled by MEPI. This includes setting up an inspection plan, drafting reports and liaising between the operators and the CA.

The process of transposing the new Seveso III Directive into local legislation had to be finalised by the middle of 2015. This necessitated a process of consultation with other entities, and the provision of information to operators in the field. The new regulations repealing the previous COMAH regulations were published in the Government Gazette effective from the 1st June 2015. Following this process updated data was submitted to the Seveso Plants Information Retrieval System (SPIRS). The Seveso 3-year implementation report for the period 2102-2014 was submitted to the Commission in August.

Work started last year in cooperation with foreign consultants on the preparation of Consultation zones, guidelines and the evaluation of safety reports for upper tier COMAH establishments continued and is now in the concluding stages. Foreign consultants were engaged to evaluate the safety reports for the new LNG terminal and power station and the whole Delimara project. MEPI also collaborated with a foreign consultant engaged by the Civil Protection Department for the preparation of a National Risk Assessment.

An internal technical committee composed of MEPI officers started the review and consolidation of all regulations involving work equipment. This involves the review of eight sets of existing regulations, and the ultimate aim is to simplify the legal requirements whilst removing unnecessary bureaucratic burdens on the employers without in any way reducing the level of health and safety protection in the use of work equipment.

7 Occupational Health

Workers can suffer from physical and mental illness as a result of physical, chemical, biological, ergonomic and psychological hazards at the place of work. The occupational physician is employed by OHS in a regulatory, consultative and advisory capacity. Besides providing assistance to employers/employees, the occupational physician also serves as a focal point for OHS Officers on matters concerning workplace complaints on occupational or work-related illnesses. Furthermore, the occupational physician evaluates the medical certificates which are submitted to OHS and liaises with company doctors, general practitioners and hospital consultants.

Whilst in terms of LN 36 of 2003, health surveillance should be carried out whenever the risk assessment reveals an identifiable disease or adverse health condition related to the work involved and/or the likelihood that the disease or condition may occur under the particular conditions of work, other regulations such as in the case of asbestos at work or lead, health surveillance is mandatory irrespective of the degree of exposure.

OHS's section on occupational medicine is represented on the Advisory Committee for Safety and Health at Work's Working Group on Occupational Diseases, which is currently discussing an update of the present EU list of occupational diseases. The occupational medicine section is also represented in an expert group on diagnostic criteria of occupational diseases. The aim of this expert group is to simplify data collection of occupational diseases for statistical purposes. For this purposes experts representing member states have discussed ways of simplification and convergence of data collection of recognized occupational diseases. An EU short list of occupational diseases is to be set up consisting of occupational diseases recognized by the majority of EU member states. This and other measures such as use of a software tool for medical professionals would ensure harmonization of data collection by Eurostat which is the EU official body for the collection of statistics from member states.

This section has also contributed to the publication of guidelines by OHS on the use of lead, cyanide exposure and poisoning as well as heat exposure; it also represented OHS in numerous boards, including the Pesticide Control Board, to which it contributed to the development of Guidelines on Integrated Pesticide Management issued by the MCCA. The section was also instrumental for the publication of information leaflets by the Commissioner of Children concerning Pregnancy at work regarding the rights of mothers at work who want to continue breastfeeding. The section also assisted Transport Malta to set up new guidelines for medical practitioners when certifying medical fitness to drive, and in particular, to ensure that all aspects of medical fitness are in conformity with international guidelines for workers who drive both group 1 and Group 2 vehicles.

The occupational medicine section was also involved in discussions with the Department of Health to contribute to the Occupational Health and Safety section of the National Cancer plan for the next 5 years.

Collection of national statistics for occupational disease still remains a challenge for OHS in spite of setting up an online reporting system 2 years ago. Hopefully an online tool for doctors will be made available soon so as to facilitate data collection and reporting of occupational diseases. OHS is in fact considering the possibility of making it mandatory for doctors to report occupational diseases. This would enable OHS to focus its inspection campaigns on those industries where there is a predominance of occupational and work-related disease.



7.1 Health Surveillance

Health surveillance is a process involving a range of strategies and methods for the systematic detection and assessment of 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.

OHSA continuously provides advice to duty holders of when and how health surveillance is to be carried out. In particular, OHSA has become a point of reference for medical practitioners, who often seek advice on the examination parameters indicated to be used in the case of specific exposures.

7.2 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 Department of Social Security in developing a single form which can be used to file a claim for a benefit under the Social Security Act, 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.

Unfortunately, there still remains a problem with regards to the notification of occupational diseases, which remain largely not notified to OHSA, while no claim for benefits arising out of the Social Security Act is made with the Department for Social Security (DSS). Despite the various initiatives already taken in this regard by OHSA, few notifications are sent - in fact the numbers are so low that they cannot even be used for statistical analysis to estimate the real prevalence of occupational diseases in Malta.

The challenges of occupational diseases to workplaces are not restricted to Malta, as other Member States have reported similar positions. In fact, the European Commission has also included measures to address this trend through the recently published EU Strategic Framework for OHS 2014 - 2020.

8 Work Related Accidents - 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. 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 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.

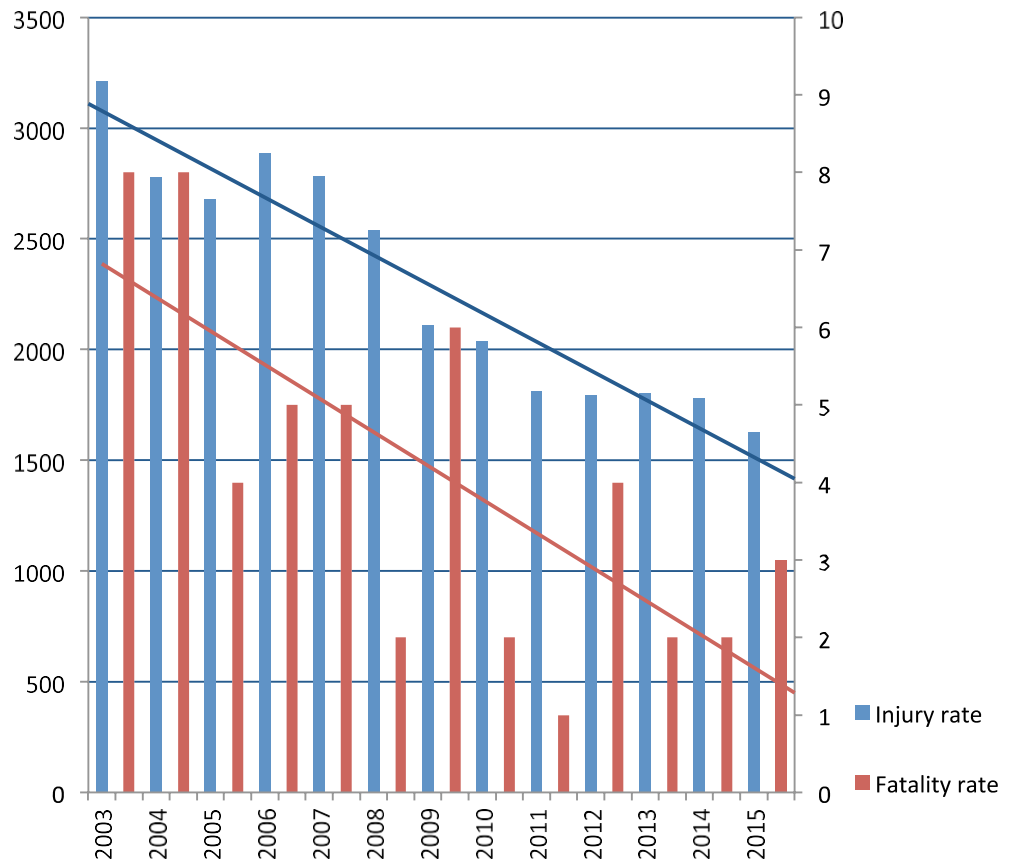
The figures regarding injuries at work refer to gross data published by the National Statistics Office, from data provided to them by the Department of Social Security. These figures are revised by NSO during the following year to take account of double entries and claims which are shown to be not related to any work activity - the correct, revised number of claims for injury benefits for 2015 will be included in OHSA's 2016 activity report.

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

	Employed population (Labour Force Survey) ¹	Injuries at work ²	Injuries per 100,000 workers	Fatalities at work ³	Fatalities per 100,000 workers
2002	147,570	4,936	3,345	4	3
2003	147,815	4,746	3,211	12	8
2004	147,870	4,111	2,780	12	8
2005	149,307	4,002	2,680	6	4
2006	151,145	4,366	2,888	7	5
2007	155,486	4,328	2,783	7	5
2008	158,635	4,023	2,536	3	2
2009	159,404	3,366	2,111	9	6
2010	162,631	3,314	2,037	4	2
2011	166,628	3,024	1,814	1	1
2012	170,249	3057	1,796	6	4
2013	175,911	3176	1,805	4	2
2014	179,269	3195	1,782	4	2
2015	185,324 ⁽⁴⁾	3016	1,627 ⁽⁵⁾	5	3

⁽¹⁾Source: NSO, ⁽²⁾Source: DSS / NSO, ⁽³⁾Source: OHSA, ⁽⁴⁾Estimate (based on data for January - September 2015), ⁽⁵⁾Based on data available at time of writing.

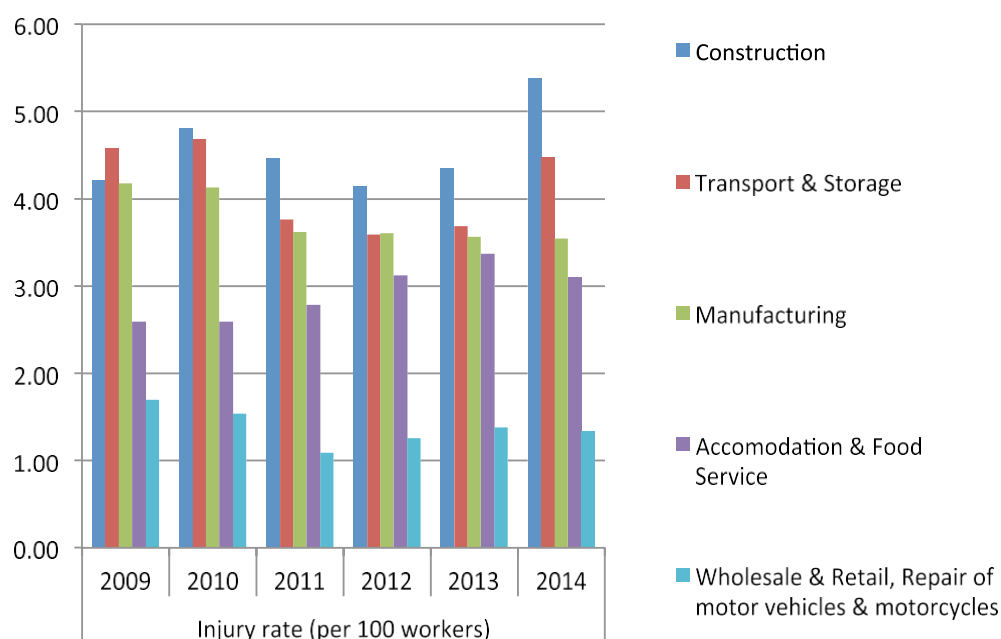
The following diagram shows in a pictorial manner how both injury rates and the numbers of annual occupational fatalities have been showing a persistent downward trend since 2003, OHSA's first full year of operations.



During the period January 2015 - December 2015, 5 fatal accidents at work were recorded, all of which were the subject of a magisterial inquiry while an OHSA investigation was carried out in terms of article 9 (2) (j) of the Act.

Similar trends were noticed in the rates of injuries for the largest economic sectors. These rates were obtained through an analysis of the number of injuries occurring in each of these sectors, which was then divided by the number of workers in the same sector (based on the Data for Gainfully Occupied published periodically by the NSO).

	<i>Injury rate (per 100 workers)</i>					
	2009	2010	2011	2012	2013	2014
Construction	4.22	4.81	4.46	4.14	4.35	5.38
Transportation & Storage	4.58	4.68	3.77	3.59	3.69	4.47
Manufacturing	4.17	4.13	3.62	3.6	3.56	3.54
Accommodation & Food Service	2.59	2.59	2.79	3.12	3.37	3.1
Wholesale & Retail, Repair of motor vehicles & motorcycles	1.7	1.54	1.09	1.26	1.38	1.33

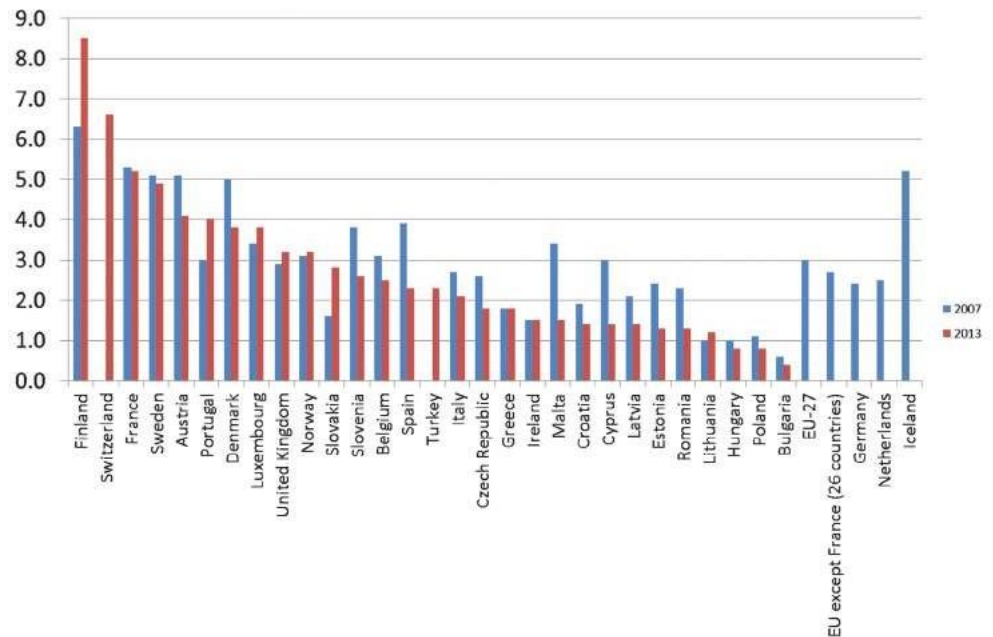


Last year both the construction and the transportation / storage sectors registered an increase in their injury rates, while the Manufacturing, Accommodation and Food Services and the Wholesale & Retail, Repair of motor vehicles & motorcycles sectors registered a decline. The Construction remained the sector associated with the highest injury rates.

The question often arises as to how Malta's injury rates compare with the rates observed in other countries, especially those within the European Union. This is not a simple question to answer, since meaningful conclusions can only be arrived at, if the different sets of data are in fact comparable. The non-comparability of data between Member States is a major hurdle, a fact recognized by EUROSTAT. This problem has been partly offset by including an ad-hoc module on "accidents at work and other work-related health problems" in the 2013 Labour Force Survey (LFS). Whereas the LFS refers to accidents, rather than to actual injuries at work, the results give a much more detailed picture than those obtained through the European Statistics on Accidents at Work which cover all accidents that resulted in an absence of at least four calendar days.

Although OHSA-MT included the main findings in its report of activities for 2014, it is useful to include once more the main finding because of its underlying importance, and in view of the fact that EUROSTAT published the full results officially during 2015.

The main conclusion remains that, according to the LFS, the number of accidents reported by participants in Malta is substantially lower than that reported in most other countries.



Employed persons (employees, family workers and self-employed) with one or more accidents, 2013 (%)

9 Administrative Fines

As of February 2012, OHSa has been applying a system whereby persons found in breach of the law are informed of their legal failings and a fine imposed according to the Schedule of fines established by Legal Notice 36 of 2012 (the Occupational Health and Safety (Payment of Fines) Regulations) - in the case of an admission of guilt and payment of the fine, no judicial proceedings can be initiated by the Authority.

During 2015, 187 letters of intimation were issued by OHSa with a total value of €129,505 being imposed, out of which €104,753 have been collected to date. These figures compare favourably with those registered during the preceeding years. It may be opportune to mention that the regulations allow staggered payments, so that the total fine is collected by OHSa over a longer period of time (one of the reasons why the amount actually collected by OHSa is less than the amount of fines imposed).

Where payments are not effected, the regulations require judicial action. During 2015, three Court sittings were held, as opposed to just one from the previous year. Cases of intimated persons who receive notice of payment and who opt to contest the fine are referred to the Courts.

As outlined in last year's report, another technical hindrance arises when legal action is required to be taken against contraveners who are foreign nationals, and who often leave the islands before the Court Case is appointed. These cases have created a substantial amount of irrecoverable debt.

10 Prosecutions Conducted by OHSA

Judicial prosecutions continue to be carried out by the Authority mainly before the Court of Criminal Jurisdiction. Through the recent amendments to Article 370 of the Criminal Code the competence of the courts of Magistrates has been increased to include offences under both the Criminal Code as well as others under the OHSA Act, which are now heard before the Courts of Magistrates without the need of the Attorney General's consent. During 2015 OHSA prosecuted in a number of cases, including a number of pending criminal cases which had already been appointed, as well as in a number of cases appointed before the Courts of Magistrates - currently there are 49 pending cases. In addition, OHS Officers have been summoned to testify in 17 cases before the civil courts.

11 DSS Investigations

As in previous years a number of claims for benefits in terms of the Social Security Act, were referred to OHSA for investigation, in accordance with a memorandum of understanding signed by the Department of Social Security and OHSA. The latter has the task of investigating the alleged accident to determine whether the accident was truly work related, and, or to determine negligence. These referred claims are thoroughly investigated by OHS Officers, who interview both the injured party as well as the employer, and draw up a comprehensive report which is sent to the Department of Social Security. This year a total of 7 cases were referred to OHSA.

12 MicroInvest: Tax Credits for MicroEnterprises and the Self Employed

During the reference period, 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 regulatory compliance and/or to develop their operations. Through this scheme, micro-enterprises and self-employed persons are being supported through a tax credit and applications for support under this scheme have to cover investment that would be capitalized and entered in the Fixed Assets Register, which has to be maintained by applicants as part of the conditions of this scheme.

MicroInvest support by Malta Enterprise covers investments undertaken in various areas, details on which may be found in the Malta Enterprise website.³ Malta Enterprise has announced that this incentive will run up to the 31st December 2020.

13 Asbestos in Workplaces

Since the introduction of specific regulations intended to protect workers from the risks related to exposure to asbestos at work, documentation for projects concerning the removal of asbestos / asbestos containing materials has been submitted through the asbestos notification procedure as administered by OHSA in conformity with Regulation

³ <http://www.maltaenterprise.com/en/support/microinvest>



4 of the Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations - Legal Notice 323 of 2006. When the duty to notify OHSA is not applicable to an asbestos removal project e.g. where worker exposure is sporadic and of low intensity, and if the results of the risk assessment show that the exposure limit for asbestos will not be exceeded, then an employer is only required to submit to OHSA a plan of work (as per requirements of Regulation 11).

In total, documentation relating to fourteen (14) notifiable asbestos removal projects has been submitted during 2014. These projects involved the handling of various forms of asbestos containing materials such as corrugated asbestos cement, drain pipes, asbestos containing soffit tiles, asbestos containing sprayed coatings and asbestos containing lagging, covering works at disused industrial premises, factories, public buildings and historical sites. In pursuance of its mission, OHSA has reinforced the technical capacity of its Biological and Chemical Section.

14 Technical Committee - Standard on Combat Sports - Ring Sports (minors)

This year the OHSA continued its participation in a Technical Committee tasked with developing a national standard concerning 'Combat Sports-Ring Sports (minors)' intended for children up to 14 years of age. The aim of this standard is to focus on the standardization of coaching and competition/exhibition-staging facilities and the operation thereof. OHSA is providing an input on various technical issues from an OHS legal point of view. Amongst the issues being discussed, one can mention the planning, design, layout and development of play areas, their management and inspection and maintenance procedures, together with procedures for first aid and emergencies and for reporting injuries. This Technical Committee was proposed by the Commissioner for Children and set up by the Standards and Metrology Institute of the Malta Competition and Consumer Affairs Authority. Prior to its finalization and adoption, this standard will be issued for public consultation.

15 Health and Safety in Residential Homes and Day Care Centres for Persons with Disabilities

Earlier this year, the Parliamentary Secretary for Active Ageing and the Rights of Persons with Disabilities launched a 'Draft National Standards for Residential Services for Persons with Disabilities' for public consultation.

During the public consultation, the Department for Social Welfare Standards (DSWS) received several comments regarding health and safety of these services. Understandably, health and safety is a concern for many persons with disabilities and parents of persons with disabilities who may need to avail themselves of residential services. The comments regarded the need for regular risk assessments, health and safety audits, health and safety equipment and procedures, as well as training of staff and clients on the use of equipment and procedures.

Following this consultation period the DSWS invited OHSA to participate and provide technical expertise to a working group formed between all interested parties to create a national standard regarding Health and Safety in 'Residential Services for Persons with

Disabilities', providing input regarding various technical issues. These included amongst others the carrying out of risk assessments, fire fighting precautions and evacuation plans, and maintenance and certification of equipment used within these residential homes.

This standard was discussed and drafted during meetings held between members of the working group and a final draft was issued for approval and inclusion as part of the National Standards for 'Residential Services for Persons with Disability'.

Currently another working group is meeting regularly to draft a National Standard for Day Care Services for Persons with Disabilities. Again OHSA has been invited to participate and provide technical expertise to this working group in drawing up the required standard regarding Health and Safety at these Day Care Centres, which will ultimately form part of the national standards controlling this sector.

16 National Standard on Health and Safety for PV Installers

During 2014 the General Retailers Traders' Union had taken the initiative of encouraging retailers of PV systems to improve the quality of their service and installation, with the aim of increasing safety, consumer satisfaction and confidence in the sector. This initiative was called the 'GRTU Approved Scheme', whereby retailers bind themselves to offer high quality service and in accordance with required standards. This 'GRTU Approved Scheme' also supports all PV grant scheme which are issued from time to time.

Following this positive result it was decided to formalize the scheme and elevate it to a national level. In order to achieve this goal, the GRTU started discussions with various stakeholders and also with the Malta Competition and Consumer Affairs Authority (MCCAA) as the authority responsible for national standards. A public consultation process was also launched. In the meantime, MCCAA set up a technical committee to draft a National Standard on installation of PV panels, having the aim of defining minimum criteria to be used as a basis for a national approval scheme for PV installers. MCCAA invited OHSA to participate in this technical committee and provide technical expertise to a working group formed between all interested parties in creating a national standard, namely 'Solar Photovoltaic (PV) Installations - General safety requirements for PV systems installations'.

During discussions the need to perform risk assessments, the availability of health and safety equipment and procedures, as well as providing proper training to the installers and their staff was suggested as minimum requirements in such a work environment. This standard was discussed and drafted during meetings held between members of the working group and a final draft was issued for approval and inclusion as part of the Malta National Standards.

The standard was approved and listed as a National Standard in April 2015.



E 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.

1 Transposition of EU Occupational Health and Safety Directives

The transposition of EU directives into Maltese national law is an important stage for the implementation of EU law. Directive 2014/27/EU amended a number of EU Directives to be aligned to Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures. Regulation (EC) No 1272/2008 established a new system for the classification and labelling of substances and mixtures within the Union, based on the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) at international level, within the framework of the United Nations Economic Commission for Europe.

Directive 2014/27/EU amended the following directives:

- 1 The Safety Signs at Work Directive (92/58/EEC);
2. The Chemical Agents Directive (98/24/EC);
3. The Carcinogens and Mutagens Directive (2004/37/EC);
4. The Pregnant Workers Directive (92/85/EEC);
5. The Young Persons at Work Directive (94/33/EC).

On a local level, these directives are implemented by the following existing regulations:

1. Legal Notice 45 of 2002. Work Place (Provision of Health and, or Safety Signs) Regulations;
2. Legal Notice 227 of 2003, as amended by Legal Notices 353 of 2007 and 53 of 2012. Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work Regulations;
3. Legal Notice 122 of 2003. Protection of Workers from the Risks related to Exposure to Carcinogens or Mutagens at Work Regulations;
4. Legal Notice 92 of 2000, as amended by Legal Notice 436 of 2012. Protection of Maternity at Work Places Regulations;
5. Legal Notice 91 of 2000, as amended by Legal Notice 283 of 2004. Protection of Young Persons at Work Places Regulations.

In view of the fact that the above-mentioned directives and regulations contained references to the previous classification and labeling system, Maltese regulations were amended to be aligned with the new system laid down in Regulation (EC) No. 1272/2008. The amendments did not change the scope of the regulations, nor reduced the level of protection of workers provided by the said regulations. For instance, the amendments to LN 92 of 2000 - Protection of Maternity at Work Place Regulations consisted in the update of references and terminology laid down in the Schedules of the same regulation. The other amended regulations followed a similar approach.

The amendments were discussed with the Social Partners represented on the Occupational Health and Safety Board, while other consultation meetings were held with relevant entities including but not limited to the Small Business Management Unit and the Translation and Law-drafting Unit to ensure proper legal transposition and to examine in detail the effect of amendments on interested parties. Such process promotes the effect of better regulation with the aim of ensuring compliance with OHS legislation without creating additional administrative and financial burdens.

2 Improving Regulations Without Reducing Standards

Being a complex industry as both the workplace and workforce are non-static, the construction industry presents various challenges for the improvement of workplace health and safety. Over the years, however, significant progress has been made in improving the construction industry's OHS standards. Building healthier and safer workplaces require constant effort and continual improvement both on a practical and legal level. To this end, OHSa is conducting a review of the legislative framework of OHS pertaining to the construction industry.

The review's central objective is to raise both the quality and the effectiveness of the Maltese construction OHS legislative framework without reducing protection afforded by the same legislation. The review seeks to build on the strengths of our present regulatory system which is mainly based on EU directives. It does so by:

1. Eliminating duplicate provisions, which are sometimes conflicting;
2. Introducing clear provisions pertaining to the prevention of risks of falls from height;
3. Repealing LN 96 of 1968, Building (Safety) Regulation to pave the way for a clear OHS framework;
4. Introducing additional interpretations for terms which were previously undefined;
5. Setting the duties of the project supervisor for the design stage in a systematic manner;
6. Strengthening the role of the project supervisor for the construction stage;
7. Introducing provisions safeguarding project supervisors;
8. Introducing provisions to reduce administrative and financial burdens.



F Consolidating the Authority's Resources

Better governance and effective on-the-ground implementation require a proper consultation process. Unofficial consultations have already started with a number of stakeholders and other parties to seek the views on the proposals and will continue throughout 2016. OHSA strongly believes that through such an approach, the objectives of legislation can be reached in a more effective and efficient way without creating additional administrative and financial burdens.

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. 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).

Furthermore, 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 consideration, a tender for legal services awarded in the last quarter of 2014 went into implementation stage. Work also started on the publication of a call for tender for the provision of accountancy services to replace another call which was to be cancelled as the offers were not technically compliant. The assistance of the Department of Contracts was employed in the preparatory stages leading to the issue of both tenders.

During 2015 OHSA awarded the tender for the installation of a Photovoltaic system at OHSA as part of EU funded project Installation of Renewable Energy & Energy Efficient Measures at OHSA (ERDF 350).

1 Staff Development

Staff development included the participation of a number of its delegates on a procurement regulations course, and where relevant, the experience and knowledge obtained was cascaded to other employees. A number of OHSA employees attended conferences and seminars organised locally and overseas covering a wide range 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 the development of organisational skills.

Continuous development for all its members of staff remains a priority. This entails the organisation of regular information sessions held at OHSA premises where topics of interests are discussed. During 2015 the subjects covered included an overview of OIRA, thermal stress at the place of work, health and well being at work, radiation protection, legal rights of interrogated persons and safety of work equipment.

Staff development encompasses a life-long learning strategy which 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. OHSA encourages further self development by part-sponsoring tuition fees where this is found to enhance the staff member's skills and abilities in line with the holder's job description. In fact, during 2015, a number of employees continued to benefit from the award of such a qualification allowance whilst two others have been awarded a part-sponsorship to pursue further studies in OHS.

2 Recruitment

As at 31st December 2015, the total human resource complement stood at 31 employees - fifteen persons are in professional and technical grades, eleven others are engaged in administration and support, while the remaining three persons constitute senior management. Two other persons, including a part timer are attached to the Office of the Chairperson

During the period under review, OHSA experienced some staff turnover but also strengthened its HR complement with a number of technical staff. A chemical graduate filled in a long standing vacancy and 4 new recruits were engaged as replacement at OHS Officer I grade. The new post of Senior Manager (International Affairs) was created mainly in view of the ever-increasing responsibilities in relation to the EU. A back to back presence at PR & Communications level was maintained by means of a technical person engaged on one year contract until the incumbent returned from long term absence after having availed herself of a number of family friendly measures. Further OHS Officers will be engaged during the first quarter of 2016. A call for the new post of Manager (OHS Officers) has also been issued and interviews to be held during Q1 of 2016.

Contrary to other years, OHSA did not benefit from the deployment of participants from the ETC's traineeship schemes, however 4 sixth formers benefited from a 4 week paid-placement as summer workers. Implementation of family-friendly measures, tough as they might be to implement considering the size of the organization, consisted amongst others of staff benefitting from ante-natal, career break, reduced hours, urgent leave and bereavement leave.

3 Internal Industrial Relations

This year, OHSA's employees continued to benefit from the 2011-2016 Collective 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 close to being achieved. This year, union recognition was given to the General Workers' Union after members elected for a change.

4 ICT Infrastructure

Following last year's decision to improve its ICT infrastructure by engaging an ICT (Support) Officer on full time basis to take charge of this vital area of operation, OHSA continued the process of transferring and hosting data with MITA (Malta Information Technology Agency). A number of changes were implemented, including the use of Office Automation (OA) System for OHSA's daily office operations and records and the utilisation of dedicated server facilities. This development has provided for an adequate, systematic and secure backup of OHSA's data.



5 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 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. Meetings of the COMAH Competent Authority are also held at the OHSA's premises.

Considering the nature of its operations, particularly the regulatory aspect, OHSA maintained the security levels at its premises during and after office hours. Following a risk assessment update, measures are in hand to improve the cash point structure at Reception. This was also in response to shield employees from any form of abuse. *Ad hoc* emergency evacuation drills are conducted periodically to maintain a state of readiness in emergency situations.

6 Equal Opportunities and Gender Mainstreaming

The Occupational Health & Safety Authority recognises the changes taking place in society, in particular the increasing female presence and participation, and of persons with special needs in gainful employment. OHSA strives to effectively include gender mainstreaming and equal opportunities in its employment policies and activities as OHS regulator. OHSA attempts to combat gender segregation by discarding the 'gender neutral approach' where possible and including the gender dimension (and other non-discrimination grounds) into risk evaluation and prevention measures so as to account for specific characteristics of women and other vulnerable groups in terms of workplace health and safety. In furtherance of its equal opportunities policy, the engagement of a person with mild disability was implemented well before this was mandatory. This same approach is mirrored in policies such as its own Collective Agreement, Standard Operating Procedures and periodic Memos. OHSA kept up regular maintenance throughout its premises in order to mitigate the difficulties and open access to those with special needs. It keeps abreast of developments in psychosocial and disability issues at the workplace.

This is mainly carried out by dissemination of information through awareness raising initiatives which include organisation of lectures, participation in local conferences and sectoral fora, television and radio programmes, the issue of media releases and networking with private and public bodies and NGO's. However this approach is also complemented by promoting improved working conditions, in particular through implementation of its Collective Agreement. This in turn results in financial and social benefits to the workers, the entity and society as a whole.

During the period under review, the OHSA had a staff complement of 31, of whom 8 (25.8%) were female, one of whom is on secondment with a ministerial secretariat, while another occupies a Senior Management position.

OHSA has once again accepted a placement of two MCAST students who are following a vocational course leading students with mild to moderate learning disabilities to

independence and employment. Apart from acquiring life skills and key skills, partly through such work placements, students master employability skills.

A clerk within Corporate Services has received specific guidance to monitor the students. The once weekly placement over a period of 32 weeks is mentored by professional staff from the Pathway Unit (aka *Pathway to Independent Living*) at MCAST.

Registration procedures and feedback toolkits used by delegates for OHS awareness raising events enabled the compilation of gender disaggregated statistics and a better understanding of expectations.

As in previous years, the Authority's focal point for equal opportunities participated as necessary in activities organized by the National Commission for the Promotion of Gender Equality (NCPE) and the *Kummissjoni Nazżjonali Persuni b'Diżabilità* (KNPD). As reported in the relevant section under Employee Development, an information session regarding Equal Opportunities was delivered during Q4 in collaboration with NCPE.

Five of eight female personnel at OHSA are benefiting from Family Friendly Measures, one from a Career Break, another from maternity leave and the other three employees benefit from reduced hours.

7 Assistance Provided to the Authority

7.1 ERDF 350 - Installation of Renewable Energy & Energy Efficient Systems at OHSA

During the reference period, OHSA successfully concluded a project for the installation of a photovoltaic system and a number of energy efficient measures at its premises, which project was only possible with the financial assistance from the European Union, under Priority Axis 4 of the European Regional Development Fund (Climate Change and Resource Efficiency).

The focus of this project was a reduction of OHSA's dependence on non-renewable energy sources and minimising waste through more efficient usage of energy. The key project elements were the procurement, installation and commissioning of a 10.07kWp Photovoltaic system and a number of energy efficiency systems described (a centralized monitoring and control system for air conditioning systems, the installation of door contacts to disable air conditioning units in case an aperture is open and the installation of presence and photocell local lighting and air conditioning unit control units in the OHSA's service and public areas, including offices, training facilities and rest rooms).

The works involved were concluded by the first part of the year and among the tangible benefits one can mention:

- (a) The generation of an estimated 14.5 mWh of clean energy each year;
- (b) The yearly saving of about 33 tons of CO₂ as a result of all interventions installed.

These measures were installed in conjunction to the ones already mainstreamed in OHSA's day-day operations including the designation of a Senior Manager as OHSA's



G External Relations

Green Leader who issues memos on various green topics and best practices to staff from time to time (e.g. recycling of waste, reminder to take a low print but download approach, recommendation to use stairs instead of lifts etc) and who ensures that members of staff grasp OHSA commitments in this field; the implementation of a waste separation and recycling system, including the use of bring-in sites for waste generated by OHSA; the installation of solar films on all OHSA's fenestration, by which up to 99% UV penetration is being deterred; tree planting activities carried out by in commemoration of OHSA's 5th and 10th years in operation; use of low emission leased vehicles and the installation of low consumption lighting throughout the premises.

Many new initiatives and advances occur at an international level and OHSA is ensuring that through its active participation and membership of various entities, the issues and concerns of Malta are voiced. Moreover, good practice and expertise that might be relevant to the island are also taken on board.

Over the past year, OHSA has participated in the ongoing discussions surrounding the launch of the European Union Community Strategy for Occupational Safety and Health, 2013-2020. This new strategy replaces that for the period 2007 - 2012.

1 European Commission's Evaluation of the Practical Implementation of OHS Directives in Malta

During 2015, the European Commission published a report on its evaluation of the practical implementation of 24 EU OHS Directives in Malta as part of an EU wide study on this matter. This process involved the engagement of a private contractor by the EU Commission to prepare a 'Country Summary Report' of each Member State aimed at mapping the implementation of the OSH Directives in the EU as a whole.

The findings of the Maltese evaluation exercise were highly positive and overall, OHSA's implementation of the EU Directives was acknowledged by the Commission. However three particular points contained in the report merit further discussion:

- (a) The report includes a comment by one Social Partner on the impracticability of self employed persons to carry out risk assessments and abide with other legal OHS requirements. OHSA does not agree with this comment in so far as local OHS legislation, notably the inclusion of self employed persons as a named duty-holder under the Act, take on board a number of international legal instruments such as ILO conventions that promote the inclusion of self-employed persons in the overall scope of OHS protection.
- (b) Difficulty in accessing EU funding by SMEs. The contractor evaluating the OHS Directives' practical implementation in Malta reported that an employers' representative suggested that "an organisation or service supporting SMEs in securing EU funding could be established" in order to assist SMEs to tap such funding to improve OHS levels at enterprise level and also to simplify the funding application process. Whereas this role has already been assigned to MEUSAC, OHSA also recognizes the fact that EU funding applications require a certain degree of paperwork, a process which is administered by PPCD in line with rigorous EU procedures. In the light of

this, OHSA has suggested a number of simplifications to the application process, some of which have been adopted by PPCD. In any case, OHSA gives prominence to all calls for funding which can be utilised by the social partners in the improvement of ohs conditions and provides all assistance to prospective applicants to submit their applications, including through the provision of advice of a technical nature.

- (c) Avoidance of overlap of obligations between different entities. Interviewed by the contractor, an employers' representatives expressed the need for better coordination between the Director of Industrial and Employment Relations (DIER) and OHSA, quoting as an example the legislation for Pregnant Workers that was issued separately by both authorities, hence causing duplication. OHSA was aware of burdensome obligations placed on employers by three Legal Notices published by DIER during 2003 (Protection of Maternity, Young persons and Organization of working time), which regulations required employers to obtain endorsement from OHSA for risk assessments carried out. Following strong objection by OHSA to the wording used in these three regulations, all three regulations were amended to reflect the text used in the relevant EU Directives and as a result, unnecessary burdensome clauses were removed from local legislation falling under the remit of DIER. Thus the concern raised has already been addressed by OHSA.

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. 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.

Two thematic days took place in 2015 under the auspices of the Latvia and Luxembourg Presidencies. The Thematic Day held in Riga (Latvia), dealt with the dilemma often faced by ohs inspectors in their daily interactions with duty-holders, especially with regards to determining the dividing line between adequate control and the provision of advice. The thematic day included a comparative review of inspection sanctions and provided examples of good practice of enforcement actions. The Luxembourg Thematic Day dealt with the recruitment and training of OHS inspectors.

Of particular importance, 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, but also gives proposals to the SLIC plenary on possible initiatives that can be taken by the Member States. Working Group Enforcement set up another Working Group for the Review of Legislation (WGRL) to put forward recommendations on how the Senior Labour Inspectors Committee (SLIC) could contribute to the review exercise of the OHS directives.



This Working Group was chaired by an OHSa representative (OHSa also provided an assistant to the Chairperson) and was tasked with (i) identifying problems encountered in transposing the Directives that appear in the Member States' Practical Implementation Reports, (ii) address any special requests of the European Commission (for e.g. enforcement in the case of self-employed or domestic workers); and (iii) address other issues which are not included in the transposition report or which have been put forward by the Commission, e.g. the enforcement of social partner agreements as a problem area.

The final report was accepted by the WG Enforcement and by SLIC and fully endorsed by the EU Commission. Several of the recommendations included in the report have already been reflected in SLIC's plan of work for the coming years.

2.1 SLIC Evaluation of OHSa

The Authority commenced preparations for the evaluation by SLIC (on behalf of the European Commission) of its own operations which is anticipated to be conducted around the third quarter of 2016. An evaluation team has already been formed and will include high ranking representatives of the OHS Inspectorates of Finland, Estonia, Portugal, Cyprus, Greece, Lithuania and Italy. While responsibility for the enforcement of European Community regulations lies with individual Member States, SLIC plays a central role in promoting the correct and uniform implementation and enforcement of Community directives on health and safety, guided by the so called 'Common principles of enforcement' to ensure a common approach in the application of EU Directives. The evaluation exercise will involve a thorough review of the capability of the national labour inspection system to implement and enforce EU Directives on health and safety at work, whilst promoting exchanges of information, ways of working (good practice) and experience between Member States. Among other issues, the evaluation visit will carry out an assessment of the organisational structure, the administrative and operational procedures, the standards for inspection and their application, application of the correct enforcement tool when Inspectors observe different levels of risk at places of work, the resources available, the personnel and their training and the systems for reporting, record keeping and information collection. Apart from meeting OHS Officials, the evaluators will also hold high level meetings with Ministry officials and representatives of the social partners and will also accompany OHSa's Officers during a number of workplace visits and look at the way that they carry out their business in the field.

OHSa was already evaluated during 2002 and again during 2009; it is anticipated that the evaluation by SLIC of OHSa will result in a positive report, similar to the ones already following earlier evaluations.

2.2 SLIC Evaluation of the Portuguese Inspectorate

An OHSa representative formed part of a group of five evaluators from different EU countries in the evaluation of the Portuguese Labour Inspectorate. As is customary the evaluators hold an initial meeting in Luxembourg to outline the strategy and methodology to be used during the evaluation period. The report of the evaluation has already been sent to the Portuguese inspectorate for its comments before being presented to the Commission.

2.3 SLIC Labour Exchange

During 2015 OHSA participated in three exchange programme with Cyprus and Romania. An application was sent to the Senior Labour Inspectors Committee (SLIC) inspector exchange programme for 2015. This was accepted and an exchange visit took place in October 2015, when a member of OHSA visited Cyprus to acquire more knowledge on various management solutions being adopted by the Cypriot LI. The objective of this exchange was to acquire a peer snapshot appreciation of the existing management and administrative systems within the Cypriot Labour Inspectorate, with a view to considering implementation or enhancement of the systems at OHSA.

During the same period a Senior Inspector from the Cyprus was attached for one week with OHSA to acquire experience on how OHSA manages inspections, and in particular, to obtain insight on how OHSA applies OHS regulations in small and micro enterprises.

Later during 2015, OHSA hosted a Romanian senior OHS inspector with the main focus of the visit being planning and the development of OHSA's the annual plan of action, including the organization of campaigns and follow up actions. Following this visit, the Romanian counterparts commenced actions to implement a number of good practices observed during the attachment with OHSA particularly: revision of the Romanian Labour Inspectorate handbook on methods of inspection for inspectors, review of inspection procedures and the reintroduction of check-list to assist inspectors during workplace inspections.

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 administer the budget. Malta has 3 full members on the Agency's Administrative Board, which Board is made up of representatives of the respective governments, employers and workers from EU Member States, representatives of the European Commission and other observers.

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 participate as much as possible, within the constraints of its available time and resources, in all initiatives launched by the European Agency.

4 Advisory Committee for Safety and Health at Work

The Advisory Committee for Safety and Health at Work has been established by means of a Council Decision with the task of assisting the Commission in the preparation, implementation and evaluation of activities in the fields of safety and health at work. Specifically, the Committee shall conduct, on the basis of the information available to it, exchanges of views and experience regarding existing or planned regulations, help to devise a common approach to problems in the fields of safety and health at work, and to identify Community priorities as well as the measures necessary for implementing them. More importantly, the Advisory Committee has the important task of drawing the Commission's attention to areas in which there is an apparent need for new knowledge and for suitable training and research measures, and to express opinions on the annual programme and the rotating four-year programme of the European Agency for Safety and Health at Work. In fulfilling its functions, the Advisory Committee cooperates with the other Committees which are competent for health and safety at work. This Committee is tripartite and the Authority has participated actively not only in the plenary sessions of the Committee, but also in the Governments' Interest Group meetings.

5 International Atomic Energy Agency / European Commission (Radiation Protection / Nuclear Issues)

OHSA's Radiation Protection Section acts as the focal point for the International Atomic Energy Agency's (IAEA) Incident and Trafficking Database (ITDB). A total of 228 reports were received during 2015 and one report was sent by the RPB (made in connection with the unauthorized trans-shipment of contaminated scrap metal through Malta) in the period 1st January 2015 to 31st December 2015.

Radiation Protection Section also acts as the focal point for nuclear safeguards activities which includes the obligation to send the necessary reports. The Section also processes environmental monitoring data received from MEPA and the Department for Environmental Health and transmits it to the European Commission on an annual basis.

6 Seveso II Committee of Competent Authorities (CCA) and Seveso Expert Group

No meetings of the Seveso Expert Group or Committee of Competent Authorities (CCA) were attended this year.

7 Visit by an Estonian Inspectorate Delegation

During December, a delegation from the Estonian Labour Inspectorate conducted a study visit at the OHSA. These included the Deputy Director General in the field of inspection of work environment and development, the Head of Analysis and Development Service, an

eTI chief specialist, the Head of Occupational Health Inspection Service, the Head of the Communication Department and an inspector.

The reason for this visit requested by the Estonian inspectorate was to obtain information on various aspects of occupational health and safety, and how these are tackled by OHSA, including its administrative and enforcement section and activities. OHSA also provided information on how it is implementing the EU strategy and reducing the administrative burden on employers.

Some members of the delegation attended a Control of Major Accident Hazards (COMAH) emergency planning exercise organised by Enemed. This was a full on-site exercise simulating an accident involving fuel spill, fire and casualties to assess the responses of the various emergency services and draw up lessons learned to improve the preparedness of all entities involved. This type of exercise is required by the Seveso Directive.

Members of the delegation were also taken on work inspections to enable them to get a feel of the situation of OHS in Malta. At the end of the visit the Estonian delegation gave very positive feedback about the information gained through this visit.

8 Preparation for the Maltese Presidency of the EU Council, 2017

OHSA has commenced its preparations for a number of activities to be held under the Maltese Presidency of the EU Council during the first semester of 2017. At least three large and prestigious activities are scheduled to be held, or may be held during the period, and which necessitate OHSA participation and involvement.

Following intense discussions with representatives of DG EMPL B/3 and the SLIC Secretariat in Luxembourg, dates have already been agreed for the organisation of the 72nd Plenary and Thematic Day of the Senior Labour Inspectors' Committee (SLIC), which will be held on the 25th and 26th May 2017. The theme to be discussed in the meeting, which will be completely managed by OHSA, assisted by an ad-hoc Working Group set up by the Commission, will be approved by SLIC during its forthcoming Plenary to be held in the Netherlands.

Another activity which will require OHSA's involvement is the Good Practice Award (GPA) Ceremony to be organised by the European Agency for Safety and Health. OHSA-Malta is in the process of discussing with DG EMPL B/3 and the SLIC Secretariat so that a tripartite conference on ohs is held as a back-to-back activity to the GPA ceremony. OHSA is also discussing with DG EMPL B/3 on the possibility of organising the forthcoming EU-US conference on OHS, which was last held in Texas, USA. However, in view of the fact that the last conference was held later than originally scheduled, the EU and US parties may agree to hold the activity during a subsequent Presidency.

OHSA is also fully aware of the importance given to occupational health and safety at an EU level, and is preparing for its involvement in a number of initiatives which may be taken at EU level during the Maltese Presidency. One such initiative is the REFIT Platform launched by the European Commission as a means of conducting an ongoing dialogue with Member States and stakeholders on improving EU legislation without detracting from the policy objectives of EU law. This is part of the Commission's Regulatory Fitness and Performance Programme (REFIT).



The main task of the REFIT Platform is to support the simplification of EU law and the reduction of administrative burdens, for the benefit of civil society, business and public authorities. Respect for the principles of subsidiarity and proportionality is an important focus on the Platform's work. Under the REFIT exercise, for example, the 2015 Commission Work Programme includes an evaluation of the EU Directives on Health and Safety. This evaluation takes place against the backdrop of new and emerging risks, including an ageing workforce throughout the EU. The three Presidencies forming the current Trio are committed to facilitate this evaluation and the ensuing revision of elements of the *acquis*.

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. Two officials from OHSa have been appointed to sit on this Committee this year. One meeting was held this year.
- **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. 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.
- **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 and provides advice on measures to be taken on any matter arising from the application of any regulations made under the Pesticide Control Act.
- **Radiation Protection Board** - The Radiation Protection Board has the responsibility for all aspects of the regulatory control of ionizing radiation and nuclear issues. The Radiation Protection Board is chaired by the OHSa and has members from OHSa, the Department for Environmental Health (formerly Public Health), the Environment Protection Directorate (within MEPA) and the 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 L.N. 6/2005. The OHSA is the lead Authority and coordinates the functions of the COMAH CA. The new Seveso III Directive 2012/18/EU was transposed into Maltese legislation through L.N. 179/2015.
- **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. During 2015, OHSA continued its participation in the Council as well as in BICC's working group discussing Building Regulations & EU Directives, including in BICC's activities related to the launch of the skill cards.
- OHSA participates in a Working Group set up by Transport Malta regarding Medical Fitness to Drive, which includes representatives of Transport Malta, the National Commission Persons with Disability, the Health Division's Occupational Health Unit, the Medical Association of Malta and the Health Division. To date, one meeting has been held.
- OHSA was invited by the Ministry for Tourism to a Consultation Session entitled, "Green Paper on Safety of Tourism Accommodation Services". This was done in collaboration with the Malta-EU Steering and Action Committee. The aim of this Green Paper was to launch a public consultation on the safety of tourism accommodation services and to gather input from all relevant parties involved in the issue of tourism accommodation services with the aim of evaluating whether the issues outlined in it are sufficiently and effectively addressed.

H Freedom of Information, Corporate Governance and Corporate Social Responsibility

1 Freedom of Information Act (Cap. 496)

In furtherance of the scope of the said act and thus to increase transparency and accountability, OHSA maintains the necessary structures such as the appointment of an FOI Officer and alternates. In terms of said Act, the general public shall be granted right of access to documents held by public authorities, (including all ministries and departments). The Act came into force in September 2012.

2 Corporate Governance

Since it was established, the OHS Authority, while valuing its autonomy as a public sector organization, has taken on board and followed all policies and rules of good governance established by the Government.

In so far as employment issues are concerned, OHSA remains guided by those policies established by the Office of the Prime Minister and the Public Administration Human Resource Office (PAHRO) from time to time, including on matters concerning salaries (these



are determined by the Public Administration Collective Bargaining Unit with reference to equivalent public service salary scales) other conditions of employment and recruitment, finances, information systems and public procurement. In July, Management received a renewed structure from PACBU to better service its needs.

3 Corporate Social Responsibility

In line with the Government initiative on the development of a One Stop Shop service for citizens and clients of the Maltese Public Administration, OHSA has nominated its representative in this area.

I OHSA's Financial Situation

Despite a significant increase over the budgeted 2015 own generated income, mainly due to the issue and timely collection of administrative fines, OHSA has nonetheless closed its accounts with a deficit of €9,218. This came about since it was not allocated its full subvention in Quarter 4, meaning that €112,500 were withheld, given the strong financial performance in terms of cash and profitability.

OHSA transferred €40,943 in recurrent funds to its capital vote to fund its contribution for the EU co funded PV and Energy Efficiency Systems project and the purchase of a number of workstations. Furthermore, it procured a replacement compressor for its air conditioning system and replaced switchgear to enhance its ICT network. As a direct consequence of the PV project, by the third quarter OHSA started reaping the benefits of an energy efficiency programme.

Savings of €123,689 were registered on personal emoluments and operational expenditures, while an increase of €72,176 was registered from own generated income. Savings on personal emoluments were mainly due to OHSA finding it difficult in recruiting suitably qualified persons to fill its vacant positions. The filling of another new post, (part-time Occupational Psychologist), was transferred to 2016. Savings of approximately €14,453 were registered in the utilisation of legal and accountancy services. Nominal reductions were registered in the repairs and maintenance, and transport accounts.

Despite an increase in its anticipated income amounting to €155,325 when compared to the previous year, OHSA is expected to register an overall shortfall in its accounts amounting to €95,174. This deficit is being projected to cater for an increase of €163,916 in personal emoluments (mostly due to the yearly increase in benefits payable to its employees in terms of its collective agreement), and an increase of €76,199 in its operational expenditure (which also includes an extraordinary expenditure of €30,000 to be used during Malta's Presidency of the EU Council during 2017). For this reason, OHSA will be making a submission for additional funds during 2016.

Annex 1:

Key Activities carried out by the Authority

January 2015 - December 2015

	Gender disaggregated statistics		
	Total	Females	Males
Workplace visits	2139	n/a	n/a
Equipment certificates vetted *	6038	n/a	n/a
Radioactive Material cleared for import	332	n/a	n/a
Staff development hours	550	156	394
Staff development by employee	31	7	24
Hours of awareness raising sessions (ARS)	195	38	157
Hours of training organised in collaboration with CoE (Cranes & FLT's)	30	0	30
Number of participants at ARS	187	41	146
Number of participants at ARS organised in collaboration with CoE (Cranes & FLT's)	98	0	98
Number of courses organised	14	n/a	n/a
Number of courses organised in collaboration with CoE (Cranes & FLT's)	10	n/a	n/a
Number of participants at seminars and conferences	206	58	148
Press releases / feature	19	n/a	n/a

Including 4177 lift certificates, 303 crane certificates, 514 forklift truck certificates, 124 boiler certificates, and 920 certificates for other equipment.



Annex 2:

List of OHS Legislation in Force

Occupational Health and Safety Authority Act	Cap. 424
Work Places (Woodworking Machinery) Regulations	S.L. 424.01
Work Places (Extension of Definition) Order	S.L. 424.02
Dock Safety Regulations	S.L. 424.03
Work Places (Superintendence and Control of Plant) Regulations	S.L. 424.04
Work Places (Hoists and Lifts) Regulations	S.L. 424.05
Building (Safety) Regulations	S.L. 424.06
Steam and Hot Water Boilers Regulations	S.L. 424.07
Power Presses Regulations	S.L. 424.08
Work Places (Health, Safety and Welfare) Regulations	S.L. 424.09
Protection of Young Persons at Work Places Regulations	S.L. 424.10
Protection of Maternity at Work Places Regulations	S.L. 424.11
Occupational Health and Safety Appeals Board (Procedural) Regulations	S.L. 424.12
Work Place (First Aid) Regulations	S.L. 424.13
Minimum Health and Safety Requirements for Work with Display Screen Equipment Regulations	S.L. 424.14
Work Place (Minimum Health and Safety Requirements) Regulations	S.L. 424.15
Work Place (Provision of Health and, or Safety Signs) Regulations	S.L. 424.16
Protection against Risks of Back Injury at Work Places Regulations	S.L. 424.17
General Provisions for Health and Safety at Work Places Regulations	S.L. 424.18
Control of Major Accident Hazard Regulations	S.L. 424.19
Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations	S.L. 424.21
Protection of Workers from the Risks related to Exposure to Carcinogens or Mutagens at Work Regulations	S.L. 424.22

Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations	S.L. 424.23
Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work Regulations	S.L. 424.24
Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations	S.L. 424.25
Protection of Workers in the Mineral Extracting Industries through Drilling and Workers in Surface and Underground Mineral Extracting Industries Regulations	S.L. 424.26
Work Place (Minimum Requirements for Work) (Confined Spaces and Spaces having Explosive Atmospheres) Regulations	S.L. 424.27
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Noise) Regulations	S.L. 424.28
Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations	S.L. 424.29
Work Equipment (Minimum Health and Safety Requirements) Regulations	S.L. 424.30
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Vibration) Regulations	S.L. 424.31
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Artificial Optical Radiation) Regulations	S.L. 424.32
Occupational Health and Safety (Payment of Penalties) Regulations	S.L. 424.33

National Interest (Enabling Powers) Act

Cap. 365

Nuclear Safety and Radiation Protection Regulations	S.L. 365.15
Treaty on the Nonproliferation of Nuclear Weapons (EURATOM safeguards and Additional Protocol) Regulations	S.L. 365.20
Control and Security of High-Activity Radioactive and Orphan Sources Regulations	S.L. 365.21
Convention on Nuclear Safety Regulations	S.L. 365.26
Management of Radioactive Waste Regulations	S.L. 365.45

Public Health Act

Cap. 465

Medical Exposure (Ionising Radiation) Regulations	S.L. 465.01
Prevention of Sharp Injuries in Hospitals and Health Care Establishments Order.	S.L. 465.11



Annex 3:

Budgeted
Income and
Expenditure
Account1st January 2016 – 31st December 2016

	€	€
Income		1,077,500
Government recurrent grant		980,000
Awareness raising campaigns		10,000
Competent person register		1,500
Administrative fines		85,000
Other income		1,000
Personal Emoluments		947,107
Staff Salaries	756,348	
Honoraria to OHSa members	36,336	
NI Contributions	58,998	
Overtime / Allowances / Statutory Bonuses	95,425	
Operational Expenses		224,402
Utilities	22,000	
Material & Supplies	7,700	
Repair & Upkeep	38,806	
Rent	28	
Subscriptions	100	
Office Services	6,300	
Transport	41,000	
Travel	27,100	

Information Services	3,368
Contractual Services	31,500
Professional Services	8,500
Social Partners Fund	5,000
Training and CPD	1,000
Hospitality	1,500
Incidental Expenses	500
Depreciation	15,861
Transfers from government capital grants	(15,861)
Other expenditure (EU Presidency, 2017)	30,000
Contributions and Initiatives	1,165
Appeals Board	1,165
Total Budget Cost	1,172,674
Budgeted Deficit	(95,174)

The Audited Financial Statements of the Authority for the period ending 31st December 2015 are being included in Annex 4.



Annex 4:

Financial Statements 1st January 2015 - 31st December 2015

Occupational Health & Safety Authority

Financial Statements

Year ended 31st December 2015

Contents:

Page 1	Chief Executive Officer's Report
Page 2	Statement of Authority's Responsibilities
Page 3	Auditor's Report
Page 4	Income and expenditure account
Page 5	Balance sheet
Page 6	Cash flow statement
Page 7 to 10	Notes to the financial statements

Schedule :

Schedule (a)	Staff costs
Schedule (b)	Other operating expenses

Occupational Health & Safety Authority

Chief Executive Officer's Report

Year ended 31st December 2015

The chief executive officer presents herewith the annual report together with the audited financial statements for the year ended 31st December 2015.

1 PRINCIPAL ACTIVITY

The Occupational Health and Safety Authority is responsible for ensuring that the physical, psychological and social well-being of all workers in all work places are promoted and safeguarded by whoever is obliged to do so. Its functions include:

- a) establishing strategies by which the general national policy relating to occupational health and safety may be implemented;
- b) advising the Minister and preparing regulations or codes of practice to promote, maintain and protect a high level of occupational health and safety;
- c) monitoring compliance with relevant occupational health and safety legislation, taking enforcement action and carrying out investigations where necessary;
- d) promoting the dissemination of information, education and training on occupational health and safety and first aid response at work places;
- e) collating, analysing data and statistics and maintaining registers on matters relating to occupational health and safety;
- f) promoting and carrying out scientific research aimed at better methods of preventing occupational ill health, injury or death.

2 RESULTS

The results for the year ended 31st December 2015 are shown in the income and expenditure account on page 4. The deficit for the financial year was Eur 9,218.

3 POST BALANCE SHEET EVENTS

There have been no events since the balance sheet date which materially effect the position of the authority.

4 CHIEF EXECUTIVE OFFICER

The chief executive officer who held office during the year was :
Dr. Mark Gauci

5 AUDITOR

Mr. Christopher Spiteri B.A. (Hons) Accty, F.I.A., C.P.A., has intimated his willingness to remain in office, and a resolution to reappoint him will be proposed at the Annual General Meeting.

Signed on behalf of the members on
by :

18-Feb-16



Dr. Mark Gauci
Chief Executive Officer



Dr. Deo DeBattista
Chairperson

17, Edgar Ferro Street,
Pieta' - PTA 1533



Occupational Health & Safety Authority

Statement of Authority's Responsibilities

Year ended 31st December 2015

The Occupational Health and Safety Authority Act, 2000 requires the Authority to prepare accounts for each financial year, which accounts are to be certified by a Certified Public Accountant (Registered Auditor). In line with International Financial Reporting Standards the accounts must give a true and fair view of the state of affairs of the Authority at the end of the financial year and of the surplus or deficit and cash flows of the Authority for that year. The preparation of the annual accounts is the responsibility of the Authority, which is required to :

- a) select suitable accounting policies and then apply them consistently.
- b) make judgements and estimates that are reasonable and prudent.
- c) state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the financial statements.
- d) prepare the financial statements on a going concern basis unless it is inappropriate to presume that the Authority will continue to operate.

The Authority is responsible for keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Authority and to enable it to ensure that the financial statements comply with the provisions of the Occupational Health and Safety Authority Act, 2000 . The Authority is also responsible for safeguarding its assets and hence for taking reasonable steps for the prevention and detection of fraud and other irregularities.

Signed on behalf of the members on 18-Feb-16 by:

Dr. Mark Gauci
Chief Executive Officer

Dr. Des DeBattista
Chairperson

Auditor's Report

To the members of **Occupational Health & Safety Authority**
 Year ended 31st December 2015

I have audited the financial statements as set out on pages 4 to 10.

Respective responsibilities of the authority and the auditor .

As described on page 2 the Authority is responsible for the preparation of the financial statements. It is my responsibility to form an independent opinion based on my audit on these statements and to report my opinion to you. I am also required to report

- a) whether I have obtained all the information and explanations which to the best of my knowledge and belief, were necessary for the purpose of my audit.
- b) whether, in my opinion, proper books of account have been kept.
- c) whether the financial statements are in agreement with the books of account.

Basis of opinion

I conducted my audit in accordance with generally accepted auditing standards. An audit includes examination, on a test basis, of evidence relevant to the amounts and disclosures in the financial statements. It also includes an assessment of the significant estimates and judgements made by the Authority in the preparation of the financial statements and of whether the accounting policies are appropriate to the Authority's circumstances, consistently applied and adequately disclosed .

I planned and performed my audit so as to obtain all the information and explanations which I considered necessary in order to provide me with sufficient evidence to give reasonable assurance that the financial statements are free from material mis-statement, whether caused by fraud or other irregularity or error. In forming my opinion I also evaluated the overall adequacy of the presentation of information in the financial statements. I believe that my audit provides a reasonable basis for my opinion.

Opinion

The Authority made a deficit of income over expenditure of Eur 9,218 during the year under review.

In my opinion, except for the matter referred to in the preceding paragraph, the financial statements give a true and fair view of the state of the Authority's affairs as at 31st December 2015 and of the results of its operations and its cash flows for the year then ended and have been properly prepared in accordance with International Financial Reporting Standards as adopted by the EU and comply with the Occupational Health and Safety Act, 2000.

CHRISTOPHER SPITERI B.A. (Hons) Accty, F.I.A., C.P.A.
 Registered Auditor

Date: 18-Feb-16



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**Occupational Health & Safety Authority****Income and expenditure account**

Year ended 31st December 2015

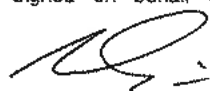
	<i>Note</i>	2015 Eur	2014 Eur
Income	3	<u>938,474</u>	<u>985,765</u>
Expenditure			
Staff costs	<i>Schedule a</i>	(786,791)	(685,191)
Other operating expenses	<i>Schedule b</i>	<u>(160,920)</u>	<u>(146,729)</u>
		<u>(947,711)</u>	<u>(831,920)</u>
Operating (deficit)/surplus for the year	4	(9,237)	153,845
Bank interest receivable		<u>19</u>	<u>7</u>
(Deficit)/Surplus for the year		(9,218)	153,852
Accumulated fund brought forward		394,387	234,871
Prior year adjustment	6	<u>0</u>	<u>5,664</u>
Accumulated fund carried forward		<u>385,169</u>	<u>394,387</u>

Occupational Health & Safety Authority**Balance sheet**

31st December 2015

	Notes	2015 Eur	2014 Eur
Fixed Assets			
Tangible assets	5	906,448	847,756
		906,448	847,756
Current assets			
Debtors	6	15,355	238,870
Cash in hand and at bank	7	241,288	75,327
		256,643	314,197
Creditors : amounts falling due within one year	8	(30,894)	(38,287)
Net Current Assets		225,749	275,910
Total assets less current liabilities		1,132,197	1,123,666
Deferred income - Government capital grants	9	(747,028)	(729,279)
Net Assets		385,169	394,387
Financed by:			
Accumulated fund		385,169	394,387
		385,169	394,387

Signed on behalf of the members on 18-Feb-16



Dr. Mark Gauci
Chief Executive Officer

by :



Dr. Deo Debattista
Chairperson

**Occupational Health & Safety Authority****Cash flow statement**

Year ended 31st December 2015

	<i>Note</i>	2015 Eur	2014 Eur
Cash flows from operating activities			
Operating (deficit)/surplus for the year		(9,237)	153,845
Adjustments for:			
Depreciation		16,318	14,653
Prior year		0	5,664
Operating surplus before working capital movements		7,081	174,162
Movement in debtors		223,515	(231,221)
Movement in creditors		(7,393)	14,109
Cash generated from/(used in) operations		223,203	(42,950)
Interest received		19	7
Net cash generated from/(used in) operating activities		223,222	(42,943)
Cash flows from investing activities			
Payment to acquire tangible assets		(75,010)	(6,260)
Net cash used in investing activities		(75,010)	(6,260)
Cash flows from financing activities			
Government capital grants		(16,318)	(14,653)
Government capital grants received		34,087	0
Net cash flows from financing activities		17,749	(14,653)
Movement in cash and cash equivalents		165,961	(63,856)
Cash and cash equivalents at the beginning of the year		75,327	139,183
Cash and cash equivalents at the end of the year	10	241,288	75,327

Occupational Health & Safety Authority

Notes to the financial statements

31st December 2015

Note

1 Legal Status

The Occupational Health and Safety Authority was established by Act No. XXVII of 2000 together with an Occupational Health and Safety Appeals Board. The provisions of the Act came into force on 3rd May 2001 by virtue of Legal Notice 121 of 2001 and 29th January 2002 by virtue of Legal Notice 9 of 2002. It is the duty of the Authority to see that the levels of occupational health and safety protection established by the Act and by regulations made under the Act are maintained.

2 Principal accounting policies

These financial statements have been prepared in accordance with the requirements of the International Financial Reporting Standards issued by the International Accounting Standards Board. A summary of the more important accounting policies which have been applied consistently, is set out below:

Accounting convention

These financial statements have been prepared under the historical cost convention.

Tangible assets

Tangible assets are stated at cost or revalued amounts less accumulated depreciation. The depreciation on the tangible assets is charged on the straight line method at the following rates :

Computer equipment	25%	Furniture & fixtures	10%
Office equipment	25%	Soft furnishings	10%
PABX system	16.67%	Motor vehicles	20%
Lift	10%	PV panels/EES system	16.67%

It is the Authority's policy not to charge depreciation on property and property improvements.

Debtors

Debtors are stated at their net realisable values after writing off any known bad debts and providing for any debts considered doubtful.

Government grants

The Authority is funded by Central Government Grants, which are voted separately for recurrent and capital expenditure. The recurrent grants are recognised in the income statement on a systematic basis over the periods necessary to match them with related costs which they are intended to compensate. The capital grants are treated as deferred income in the year in which they are voted in the National Estimates.

Occupational Health & Safety Authority

Notes to the financial statements

31st December 2015

Note

3 Income

Income receivable is represented by :

	2015	2014
	Eur	Eur
Government recurrent grants	787,500	900,000
Recharges and miscellaneous income	134,656	71,112
Government capital grants (note 9)	16,318	14,653
	<u>938,474</u>	<u>985,765</u>

4 Operating (deficit)/surplus for the year

	2015	2014
	Eur	Eur
The (deficit)/surplus on operations is stated after charging:		
Members' remuneration	35,804	36,336
Auditor's remuneration	1,098	1,098
Depreciation	<u>16,318</u>	<u>14,653</u>

Occupational Health & Safety Authority

Notes to the financial statements
31st December 2015

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5	Tangible assets	Property Eur	Property improvements Eur	Computer equipment Eur	Office equipment Eur	PABX system Eur	Furniture & fixtures Eur	Motor vehicles Eur	Soft furnishings Eur	Lift Eur	PV panels /EES system Eur	Total Eur
	Cost - beginning of year	373,760	463,853	199,290	4,695	15,667	25,891	36,369	5,558	46,268	0	1,171,351
	Additions new this year	0	0	6,219	0	0	0	0	0	0	68,791	75,010
	Additions second hand this year	0	0	0	0	0	0	0	0	0	0	0
	Revaluations	0	0	0	0	0	0	0	0	0	0	0
	Disposals this year	0	0	0	0	0	0	0	0	0	0	0
	Cost - at end of year	373,760	463,853	205,509	4,695	15,667	25,891	36,369	5,558	46,268	68,791	1,246,361
	Acc.depreciation - start of year	0	0	198,010	4,541	15,667	20,909	36,369	5,431	42,568	0	323,595
	Charge for the year	0	0	1,992	54	0	838	0	127	1,850	11,467	16,318
	Disposals	0	0	0	0	0	0	0	0	0	0	0
	Acc.depreciation - end of year	0	0	199,992	4,695	15,667	21,747	36,369	5,558	44,418	11,467	339,913
	Net book value end 2014	373,760	463,853	1,280	54	0	4,982	0	127	3,700	0	847,756
	Net book value end 2015	373,760	463,853	5,517	0	0	4,144	0	0	1,850	57,324	906,448

Occupational Health & Safety Authority

Notes to the financial statements

31st December 2015

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6 Debtors	2015	2014
	Eur	Eur
Debtors	5,886	940
Prepayments	1,649	1,616
Accrued income	7,820	230,299
Payments in advance	0	6,015
	<u>15,355</u>	<u>238,870</u>

Prior year adjustment - In 2013 an amount of Eur 5,664 was spent on consultation services relating to a project which was capitalised during the year under review once approval for the transfer from the recurrent to the capital vote was obtained. During 2014 this amount was hence reclassified from Accumulated fund to Payments in advance.

7 Cash in hand and at bank	2015	2014
	Eur	Eur
Bank	241,122	75,055
Petty cash	166	272
	<u>241,288</u>	<u>75,327</u>

8 Creditors : amounts falling due within one year	2015	2014
	Eur	Eur
Suppliers	10,179	15,922
Accruals	14,669	16,766
Advance deposits	5,202	5,202
VAT payable	844	397
	<u>30,894</u>	<u>38,287</u>

9 Deferred income - Government capital grants

Government capital grants represent funds available to the Authority for the purchase of tangible fixed assets as follows:

	2015	2014
	Eur	Eur
Received from Central Government - beginning of year	1,061,097	1,061,097
Received from Central Government this year	34,067	0
Government capital grants available to date	1,095,164	1,061,097
Transfer to income - beginning of year	(331,818)	(317,165)
Transferred to income this year	(16,318)	(14,853)
	<u>747,028</u>	<u>729,279</u>

Government capital grants have been utilised as follows:

	2015	2014
	Eur	Eur
Capital expenditure - beginning of year	1,061,097	1,061,097
Capital expenditure during the year	34,067	0
Unutilised funds	0	0
	<u>1,095,164</u>	<u>1,061,097</u>

10 Cash & cash equivalents as at the end of the year

	2015	2014
	Eur	Eur
Cash in hand	166	272
Net bank balance	241,122	75,055
	<u>241,288</u>	<u>75,327</u>

Occupational Health & Safety Authority

Schedule a ; b

Schedule

Year ended 31st December 2015

	2015	2014
	Eur	Eur
<u>Schedule (a) - Staff costs</u>		
Members' remuneration & allowances	35,804	36,336
Staff salaries	747,387	647,027
Staff uniforms	1,367	857
Staff training	1,000	0
Staff welfare	1,233	971
	<u>786,791</u>	<u>685,191</u>
<u>Schedule (b) - Other operating expenses</u>		
Advertising	1,503	330
Car hire	19,789	20,761
Travelling expenses	15,678	10,927
Rent	28	28
Legal & professional fees	28,026	27,373
Stationery, printing and postage	9,865	7,853
Telecommunications	9,378	9,155
Water & electricity	13,799	17,004
Repairs & maintenance	28,771	17,342
Motor vehicles running expenses	15,267	16,999
Transport expenses	28	1,019
Audit fee	1,098	1,098
General expenses	722	1,539
Depreciation	16,318	14,653
Bank charges	618	616
Subscriptions	32	32
	<u>160,920</u>	<u>146,729</u>







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