



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

Report of Activities for the period

1st January 2017 – 31st December 2017

Budgeted Income and Expenditure Account

1st January 2018 – 31st December 2018

Financial Statements

1st January 2017 – 31st December 2017

Occupational Health and Safety Authority

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

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Preface

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17th November 2000 and brought 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 2017 to 31st December 2017, 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 2018 to 31st December 2018 (section 31 of the Act). The document includes the audited statement of accounts for the period 1st January 2017 to 31st December 2017.

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 who were intimated that they are in breach of the law, and funds which are made available through foreign assistance.

OHSA has ended its financial year with a surplus of €158,061. Primarily this surplus will be utilised against wage and salary increases resulting from a new collective agreement expected to be signed during 2018 (which will also cover 2017), as well as recruitment scheduled for 2018. Further expenses which will be covered by the surplus relate to a number of procurement projects, including the replacement of OHSA's aging ICT hardware.

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

I would like to start this message by thanking my predecessor at OHSA, the Hon. Dr. Debattista for the sterling work that was carried out during his tenure. He has left a well-functioning, result-oriented entity.

Until I was appointed Chair to the Occupational Health and Safety Authority, my understanding of occupational health and safety was widely based on my experiences from the time when I practiced in my legal profession. Later on, I was made aware of specific situations brought to my attention by political constituents who approached me because they found themselves facing the wrong end of the stick following enforcement action being taken by OHSA.

My perceptions changed since my appointment as Chair to the Occupational Health and Safety Authority. I have come to realize that the safeguard of the health and safety of workers is no straightforward task – not only because of the variety of work activities that are performed daily, but also because of the sectoral interests which often go contrary to one another. Neither are the solutions as simple as one may think without having the necessary understanding of the currents at play, the legislative framework or the changing world of work.

One of the strengths of OHSA lies in the fact that it is a tripartite organization, where Government and the representatives of workers and employers can freely discuss and develop meaningful policies, strategies, targets and objectives which ameliorate the local situation for both sides of industry and society at large. Being tripartite also means that actions taken by OHSA are endorsed by Government and the social partners, having gone through a process which involves dialogue and consensus reaching – it is very encouraging that as I am in fact informed, there was never the need for a vote to be taken by the Board on any matter since OHSA was established.

Since I was appointed, I have also become aware of how active this small organization is. It is to the merit of its management and employees that so much is done by so few, who show dedication, motivation and a strong belief in the work which they do. It is a feather in OHSA's cap that its set-up and operations were very recently lauded by a group of European auditors. I regret that a lot of media criticism about OHSA is in fact unfair and

does not reflect reality. It also deflects attention from the duty-holder, who is therefore not held to account for any acts of omission or commission.

Despite improvements in the field, there is still much more required to be done. There remains a lot of scope for more meaningful and practical involvement by the social partners. There needs to be a fuller understanding of the real impact of poor levels of occupational health and safety on individuals who suffer injury or ill-health, their families, society as well as the national economy as a whole. Collectively we need to stop considering occupational health and safety as a cost or an unnecessary burden and forego any *laissez-faire* prevailing attitude.

OHSA needs to be substantially strengthened through the allocation of more resources and not giving it new roles or functions which are not related to the protection of workers' health and safety.

My commitment during this tenure, is to continue building on what has been achieved in the best interests of society and the nation.

On a final note, I must express my gratitude to all the hard working employees at OHSA who work tirelessly to improve the standards of occupational health and safety in Malta. I must also thank the other Board members for their incessant cooperation and commitment to the cause.

Emmanuel Mallia L.P., LL.D., M.P.

Members of the OHS Authority.

Chairperson

The Honourable Dr. Emmanuel Mallia (as of the 4th July 2017)

The Honourable Dr. Deo Debattista (until the 3rd July 2017)

Deputy Chairperson (ex officio)

Ms. Sandra Gatt, the Director of Industrial and Employment Relations

Members

Mr. Edwin Balzan

Ms. Carmen Borg (until the 5th August 2017)

Ms. Abigail Mamo (as of the 6th August 2017)

Mr. Victor Carachi

Mr. Joseph Delia

Dr. Zed Teebi

Prof. Stephen Montefort

Mr. Matthew Vella

Secretary

Dr. Gaynor Saliba (until the 5th August 2017)

Ms. Katya Mallan (as of the 6th August 2017)

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

The European Pillar of Social Rights was signed in November 2017 by the Council of the EU, the European Parliament and the Commission during the Gothenburg Social Summit for fair jobs and growth. The Social Pillar is intended to drive forward a social Europe for all European citizens and aims to strengthen the social *acquis* by focusing on employment and social aspects. It sets out 20 principles and rights related to equal opportunities and access to the labour market, fair working conditions, and public support, social protection and inclusion.

The principle concerning the right of workers to a high level of protection of their health and safety at work includes the right to a working environment adapted to the individual needs of workers, whether it be through the use of ergonomics, facilitating the return-to-work of employees with diseases or disabilities, or the carrying out of age-sensitive risk assessments. The principle of education, training and life-long learning is also addressed through the many practical tools and guidance material for employers and employees on training and learning.

However, the changing world of work is causing many new challenges if social protection is to be ensured for all, including the self-employed and workers under new forms of employment contracts (short-term, flexible or part-time jobs) and younger workers (increasingly exposed to precarious forms of employment and an ageing working population.

The work-life balance should also continue to be addressed and should aim at facilitating the increase of the number of women in employment, while reducing the number of workers leaving the labour market. Companies will also benefit from a wider talent pool, a more motivated and productive labour force, and less absenteeism.

These objectives of the Social Pillar are also found in OHSA's Strategic Policy Framework, 2014-2020.

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.

A Awareness building, information and education

Awareness building, information and education have always been at the core of the Authority's operations. Indeed, since it was established, OHSA always dedicated a lot of resources to disseminate information, raise awareness and increase the knowledge available about current and emerging 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.

The Authority therefore continues to provide information and to disseminate it as widely as possible through various means including through the issue of press releases and the preparation of feature articles which are published in the local media. OHSA is increasingly making use of the social media to disseminate information and to engage with all stakeholders. Following last year's Facebook page launch, OHSA has commenced work on the development of a mobile app, which is expected to be launched by March 2018. It is hoped that through this app, persons (whether workers or civic minded citizens) will be able to lodge complaints and inform OHSA of situations of risk created by any work activity, so that they are immediately addressed by OHSA. The app will also be used to raise awareness about the benefits associated with high levels of occupational health and safety. As in previous years, the Authority also organised a number of information campaigns,

some of which were linked with European initiatives, particularly those organized by the European Agency for Safety and Health.

1 Initiatives with schoolchildren – NAPO and NAPO for teachers

A culture of risk prevention in OHS requires the mainstreaming of OHS into education from as early an age as possible. To complement the various initiatives within the sector, OHSA has once again collaborated with a number of schools to further enhance the positive effects that such initiatives have.

In fact, OHSA has raised further awareness about the number of online education resources available for teachers featuring the popular character Napo. These resources are aimed at primary school children aged 7 to 11 years. A number of Napo DVDs were also distributed.

The online resources include lesson plans on a number of different subjects and scenarios that school children are bound to have come across in their daily lives. These 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 which are interdisciplinary in nature and can provide an additional tool for teachers of health and safety, PSCD, science and mathematics.

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, and has been actively involved in various radio and television programmes where participation is free of charge. During these programmes, members of staff from OHSA discussed a wide range of topics of general interest, reaching as wide an audience as possible. To complement these activities, OHSA has issued a number of press releases and letters to local newspapers, and developed a number of guidance documents covering various areas of occupational health and safety. As with other promotional, instructional or educational material, these guidance documents are made available free of charge to whosoever requires them.

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

In its role of 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 essential in obtaining the desired result of 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 and data collection.

Throughout this year, the Focal Point has also been actively involved in the two-year campaign 'Healthy Workplaces – Healthy Workplaces for All Ages'. This pan-European campaign had three main objectives. The first one was to promote sustainable work and healthy ageing and the importance of prevention throughout the whole working life. It also aimed to assist employers and workers (including those in SMEs) by providing information and tools for managing occupational health and safety in the context of an ageing workforce. Moreover, the campaign aimed to facilitate the exchange of information and good practice in this area.

4 General promotional activities

4.1 Provision of roll-up posters

An initiative which OHSA had started a number of years back was the provision of roll-up posters to companies to raise awareness and promote the importance of managing OHS effectively within workplaces. These posters were produced by OHSA in collaboration with the European Agency for Safety and Health at Work (EU-OSHA) and cover a number of different topics such as ergonomics, heat exposure, noise, the importance of risk

assessments, pregnancy, work-related stress, dangerous substances, safe use of work equipment, construction safety, manual handling and active ageing. A number of these posters were exhibited in seminars organised by OHSA as well as at a number of stakeholders' events and workplaces in both the public and private sector. This initiative is expected to continue in the future.

4.2 Online interactive risk assessment (OiRA) tool

Micro and small enterprises present special challenges in achieving healthier and safer workplaces. They experience difficulty in understanding their statutory roles and in implementing the legislation. 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. This 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), facilitate the provision of risk assessments – they are cost-free, simple and practical. Recognising the effectiveness of such tools, OHSA in collaboration with EU-OSHA, continued its promotion of this risk assessment tool, particularly the one catering for work within an office environment which had been adapted to the local scenario. This online tool is in Maltese and is based on Maltese occupational health and safety legislation. This will further facilitate the process and development of control measures by duty holders.

OHSA also participated in an OiRA seminar in Brussels which targeted the challenges in reaching Micro and Small Enterprises in order to help them fulfill their legal obligations regarding risk assessment. EU OSHA announced the launch of a pilot project and the

development of more interactive tools – OSHA is currently cooperating with the EU-Agency so that more tools could be developed.

According to statistics published by EU-OSHA, 387 accumulated assessments have been carried out using the Maltese OIRA Office Work tool since it was launched. In 2017 alone, 270 assessments were carried out by 256 users. Although this is an encouraging statistic, more people need to realize the value of this online interactive tool, which apart from assisting duty-holders to comply with their legislative obligations, can also be used at no cost to the enterprise.

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. This has become an annual event, held on the 28th 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 day has also entered the annual calendar of the International Labour Organisation and is also marked by OSHA each year.

The ILO estimates that over 2.3 million fatalities and 300 million accidents causing injuries occur in the workplace each year. However, these estimates do not properly reflect the magnitude of the problem, nor the real impact of occupational accidents and diseases on workers, families and economies. Better national data is needed for a better understanding of the dimensions and consequences of work-related accidents, injuries and diseases and to underpin effective policies and strategies for safe and healthy workplaces.

With this in mind, the theme for 2017 was ‘Optimize the collection and use of OSH data – a contribution to the implementation of sustainable development goal 8’, aimed at highlighting the urgent need for vastly improved national occupational safety and health data.

Indeed, reliable OHS data facilitates priority setting and gives the basis for measuring progress. It is indispensable for the detection of new hazards and emerging risks, the identification of hazardous sectors, the development of preventive measures, as well as the implementation of policies, systems and programmes at national and enterprise levels.

It also helps with the early detection and diagnosis of occupational diseases as well as with measures for their recognition and compensation.

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 2016 and 2017 was 'Healthy Workplaces for All Ages'. Activities held before, during and after the Week focused on raising awareness about the need of life-long training, safeguarding OHS from the first to the last day at work as well as the importance of eradicating age discrimination. As in previous years, OSHA helped other entities in their events and distributed a number of promotional and information material to different target groups.

4.5 Information material for schools

During 2017, the information campaign involving the various colleges in Malta and Gozo was continued. Each college had received a campaign large exhibition frame with the slogan "Healthy Workplaces for All Ages" which has been going round the various schools within each college as a roving exhibition. Hence throughout the 2 year campaign, each public school in Malta and Gozo could host this exhibition.

Information material was also given to the Colleges for distribution which included booklets, leaflets, posters and DVDs. The campaign was in line with the theme of the European Agency for Safety and Health's campaign on 'Healthy Workplaces for All Ages' and was deemed very positive by the participating colleges.

4.6 Vibrations at Work

The exposure to vibrations at work is an area that OSHA felt required specific attention during 2017 - a large number of workers in a wide array of industries are in fact exposed to vibrations during their daily operations – OSHA, in collaboration with the European Agency for Safety and Health at Work and the Faculty of Engineering at the University of Malta, organised a seminar on the legal and various practical aspects of exposures to vibrations at work. Given the highly technical subject, the target audience were practicing engineers.

Participants at the seminar were given an overview of the legal OHS provisions concerning the control of vibrations at work, as well as the health effects of exposure to vibrations. The monitoring, measurement and assessment of exposure to human vibration were also explained in detail. The participants were also able to witness first-hand how these criteria could be put into practice through a practical session utilising equipment commonly found at workplaces, and the monitoring equipment and software used to measure actual vibrations. Ample time was also given to discussion. This seminar was deemed very positive by participants and has given rise to requests for a follow-up event during 2018.

4.7 Construction Safety

The construction sector is inherently a high risk one when it comes to occupational health and safety and OHSA always gives it due importance during its annual events. Indeed, during 2017, OHSA organised a seminar entitled 'Building in safety'. The main aim of this event was to raise awareness amongst newly graduated architects and civil engineers about the importance of OHS in general and specifically in the construction sector. OHSA is of the belief that architects are important stakeholders and are accountable for their actions or lack thereof. This event was organized in collaboration with the *Kamra tal-Periti* (Chamber of Architects).

The participants were given an overview of the main principles of occupational health and safety. The key players and main obligations enshrined within the OHS construction regulations were explained in detail together with an overview of proposed amendments. The safe use of work equipment on site was explained from the theoretical and practical side together with an overview of what working safely on site involved. A case study was then explored with the participants. Ample time was given for questions and discussion. OHSA has received very favourable feedback from the participants, as well as from the *Kamra tal-Periti*, and discussions are underway so that this becomes an annual event for all newly-graduated architects.

4.8 Exposure to Carcinogens and Mutagens at Work

During 2017, OHSA organised a seminar targeting industrial chemists, scientific officers and other technical persons who handle carcinogens and mutagens at work. The main aim of this event was to provide information about practical aspects of limiting

exposure to mutagens and carcinogens in both the public and private sector. A comprehensive overview of the existing legislation about carcinogens, mutagens and asbestos were outlined by the speakers. Occupational cancer was delved into in some detail as was the national cancer plan for Malta. The current ongoing developments at both the European and international level in the area were also discussed. This seminar was organised in collaboration with the European Agency for Safety and Health at Work.

4.9 Development of guidance material - vehicle tail lifts, electricity, asbestos and Asbestos Containing Material (ACM)

During 2017 OHSA issued a number of guidance documents. These documents all have the aim of raising awareness about the safe use of various materials and/equipment in a bid to increase OHS standards at the workplace and to reduce the number of accidents and cases of ill-health at work. The guidance documents published last year concerned the safe use of vehicle tail lifts, electricity, asbestos and ACM.

This latter publication in fact consolidated all existing documentation published by OHSA over the previous years into one document and updated the information to reflect and incorporate recent legislative changes.

Guidance documents are important tools which aid compliance. However their development is a very resource-intensive activity requiring research in both the technical aspects as well as the legal context. It is extremely encouraging to note that guidance documents produced by OHSA are being increasingly used and even referenced in Court sentences, which recognise OHSA's standing as a national point of reference on all aspects relating to occupational health and safety.

4.10 Dissemination of information material

Material about OHS was sent to a number of entities in both the private and public sector for distribution amongst their employees. This initiative was usually but not exclusively part of a specific OHS-themed event at the workplace.

The material distributed varied from general to very topical OHS subjects. DVDs were also distributed as part of this initiative. These initiatives are envisaged to continue relative to the demand in the future.

4.11 Awareness-raising amongst stakeholders

In line with its business plan, the Authority retained its core awareness raising activities. The beneficiaries of these awareness raising events were workers and representatives of management from companies covering most of the gainfully occupied spectrum. The participating sectors and professions included manufacturing, hotel and catering establishments, construction, transport, shipping, entertainment, engineering, audit firms, retail and marketing, teachers, ICT and iGaming, lift installers, dental practitioners, fisheries and aquaculture, farmers co-operatives, Armed Forces of Malta, Civil Protection Department, the Public Service, Oncology Centre, Gozo General Hospital, P.A.R.K, Malta Air Traffic Services Ltd, Detention Services, milk producers, Local Councils, Department of Probation & Parole, NGO's Commission for the Rights of Persons with Disability, Agenzija Support, union representatives and HR managers.

The 'Workers' Health and Safety Representative Course' and the 'Principles of Risk Assessment Course' remained the most popular topics for OHSA's awareness-raising sessions, followed by the 'Introduction to Occupational Health & Safety' and 'First Aid and Safety at Work' and 'Basic Industrial Radiation Protection'.

4.12 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 6577 monthly page views, and almost one thousand monthly visitors.

The pages relating to online risk assessment tools (OiRA) and Maltese legislation remain the two highest-visited pages. OHSA also maintains and updates the Malta portal of EU-OSHA¹. OHSA's website includes a number of links to external sites, including ILO's OSH Information Centre, and other pages of EU-OSHA.

¹ <https://osha.europa.eu/en>.

4.13 Facebook Page – OHSMA Malta

Towards the end of 2016, OHSMA launched its Facebook page ‘OHSMA Malta’. Through this page topical issues are uploaded together with events and other information deemed as useful to users. This page has also been used quite extensively by people to lodge complaints about unsafe practices and has enabled OHSMA to take timely action about situations otherwise difficult to tackle. This page has also assisted OHSMA in its investigations due to the fact that people could send photos of the actual unsafe work being carried out. Since its launch, Facebook statistics show that it has 21 daily page visits, a weekly reach of 159, and 564 page likes.

5 Social Partners’ Sponsorship Fund for OHS Initiatives

The sponsorship fund, launched during 2014 to support social partners with OHS initiatives, remained open during 2017. 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 2000.²

Following a Board resolution, and in consideration of the fact that the funds for 2016 remained unutilised, OHSMA decided to make available a total of €15,000 for 2017 – these funds were in fact awarded to a trade union to organise an international conference addressing Carcinogens at Work, as part of the Presidency activities. To maximise attendance, the conference was organised as a back-to-back activity to OHSMA’s Conference

² More details about this fund may be obtained from:
<http://ohsa.org.mt/Portals/0/Docs/SocialPartnersFundingCriteria.pdf>

on Occupational Health and Safety, so that a number of foreign participants could also attend the Union Conference. Apart from its monetary contribution, OHSA also provided speakers for the well-attended conference.

6 The introduction of Skills Cards for the construction sector

The Building Industry Consultative Council (BICC) was set up by Government to ameliorate the performance of the local construction industry as well as to serve as a forum for discussion on matters that affect the construction industry. OHSA is represented by a full member as well as by an alternate member and takes an active participatory role in matters that concern the relationship between the construction industry and Occupational Health and Safety. During 2017, OHSA continued with its participation in the Council and on a number of discussions held in particular to the Building regulations and EU Directives. OHSA also participated actively on the introduction of skill cards for workers in the construction sector, through which the skills of construction workers are certified and recognized. The Skill Cards Initiative is intended to continue in the coming years, by including other trades in the construction industry – during 2018, the scheme will be extended to cover project management, masons, lift installers, rubble wall builders, excavation and demolition, concreters, brick layers, scaffolding erectors, carpenter shutter/form-workers, gypsum installers, drainage workers, marble layers, aluminium workers and waterproofing.

7 ESF 02.062: Unions for Health and Safety

During 2017, OHSA participated in the launch of a project partially funded by the European Social Fund, which project is being run by the General Workers Union and UHM – Voice of the Workers.

The scope of this project is to raise awareness on health and safety issues at the place of work as well as to empower workers and employers to implement health and safety policies. The project aims at delivering a national awareness campaign using different media; it also focuses on training shop stewards on health and safety issues as well as producing a research on health and safety in Malta aimed at producing recommendations for further legislative and regulatory improvements.

OHSA's main role in this project is to guide the lead organisation on sound principles of a technical and legal nature to ensure that participants of this training receive correct information, and to assist the applicant organisations and the selected contractor/s during the research phase of the project.

Besides OHSA, the other project partners are the Church of Malta, the Malta Employers Association (MEA), the Confederation of Malta Trade Unions (CMTU), and Forum Unions Maltin (ForUM).

B 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 takes legal action or any other action permitted by law.

It remains the Authority's current policy to focus on those work activities that give rise to the greatest risk. Activities which give rise to a lesser degree of risk are also subject to monitoring, including through the organisation of periodical information/inspection campaigns.

1 Organisation of campaigns

OHSA as in previous years organised a number of campaigns which focus on a particular sector or on a specific activity which is associated with a high degree of risk. The objective of these campaigns is to continue to disseminate information while ensuring compliance within the sector targeted.

1.1 Hard stone quarries

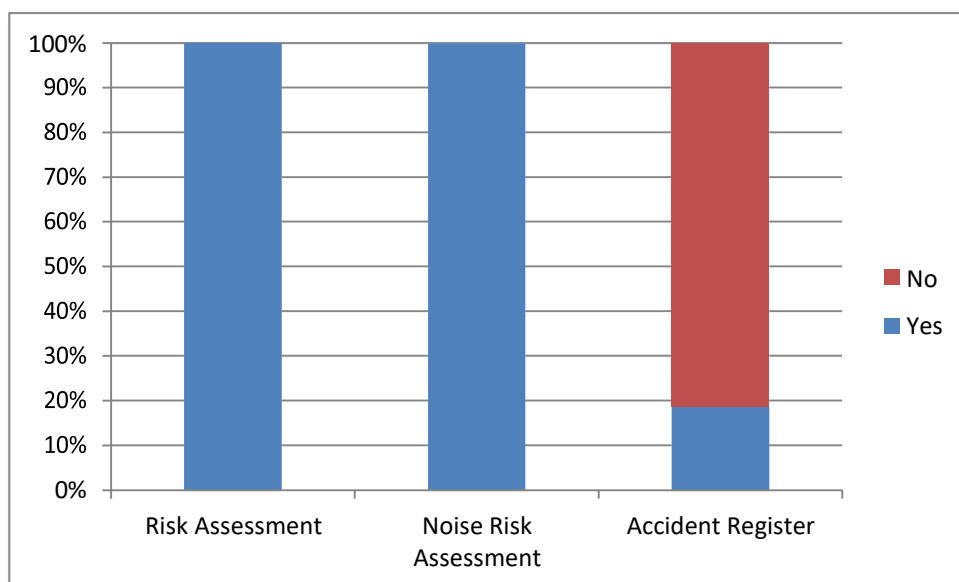
OHSA continued with its inspection campaign targeting quarries, this time focusing on hard stone quarries. This followed past inspection campaigns targeting the soft stone quarries.

Of the 29 registered hard stone quarries (24 in Malta, 5 in Gozo), 16 were found to be operating and were inspected, whilst no quarrying activity was noted in the remaining 13 quarries (several of these in fact found to have been rendered inactive since they were beyond extraction potential, and were found to have been converted to dumps, converted into agricultural holdings, or were simply abandoned).

During these inspections, an initial interview was carried out with the employer, followed by a site inspection of the site. OHS Officers verified compliance with a number of important statutory obligations including risk assessments, workers' health and safety representatives, personal protective equipment, certification of equipment, first aid arrangements as well as the adequacy of the work environment and of the welfare facilities.

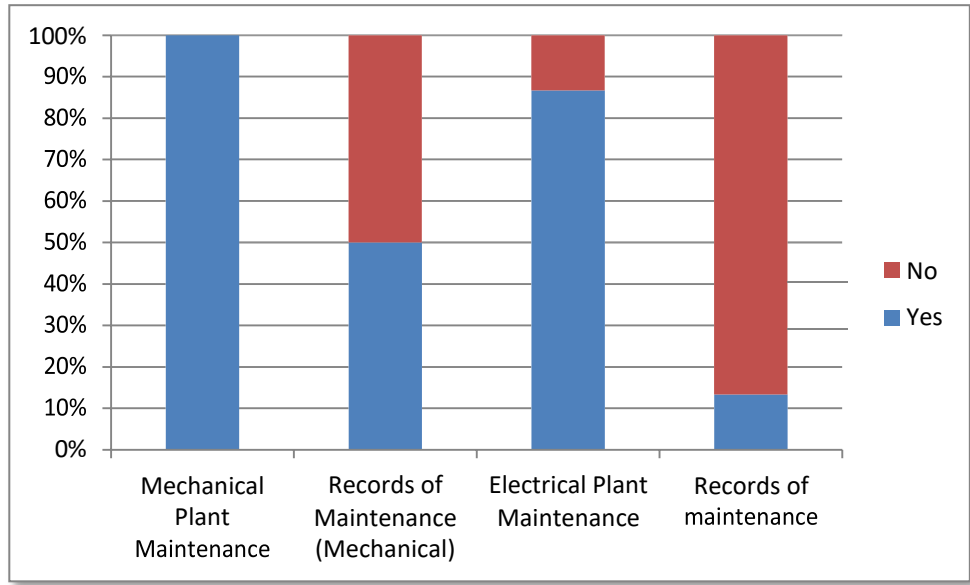
All workers found in quarries were males, and in all cases but one, less than 10 workers were in employment. The quarry with more than 10 workers incorporated a concrete batching plant within the quarry curtilage.

The 16 quarries in operation were found to have carried out suitable, systematic and sufficient risk assessments, including the appropriate noise assessments; out of the 16 inspected quarries, only 3 kept an accident record register.

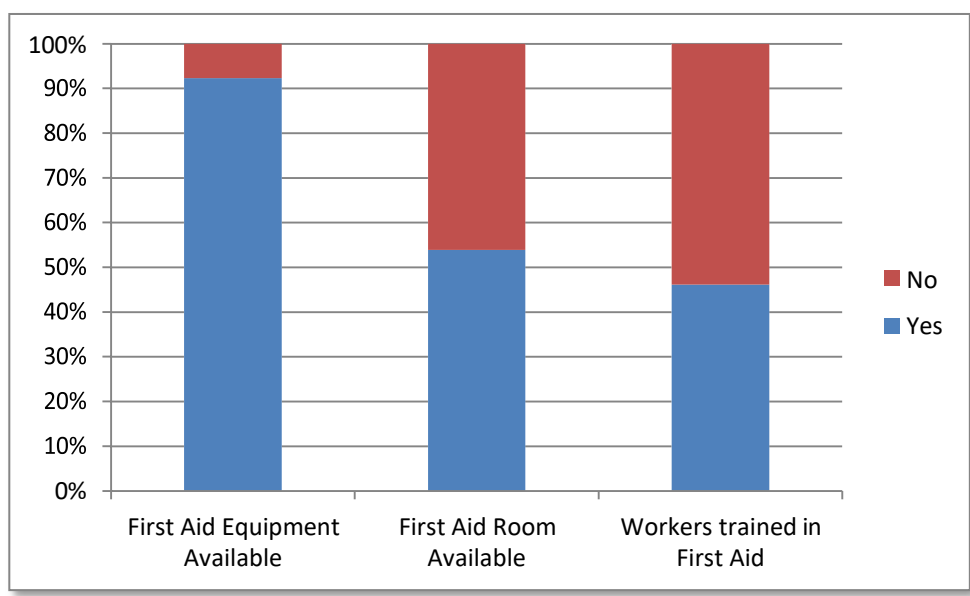


However, in several instances, the findings of the risk assessment were not followed up by the duty holders, including with regards to the provision of training and information

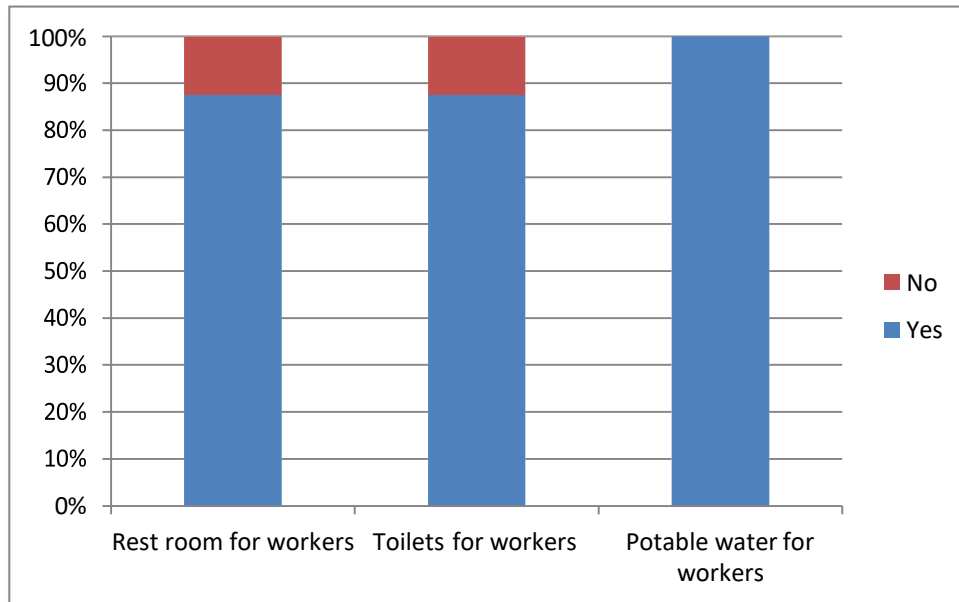
to workers, the implementation of suitable systems of maintenance (including, where appropriate the testing of mechanical and electrical equipment and plant), and the maintenance of updated maintenance logs. Poor record keeping was also noted with regards to medical examination and health surveillance.



Similarly, deficiencies were also noted with regards to the provision of first aid facilities and first aiders or appointed persons.



On a positive note, quarries in operation had installed adequate measures against falls from heights and provided adequate welfare facilities in the majority of cases and suitable personal protective clothing.



OHSA has already commenced legal action against all defaulters in this economic sector.

1.2 Hotels

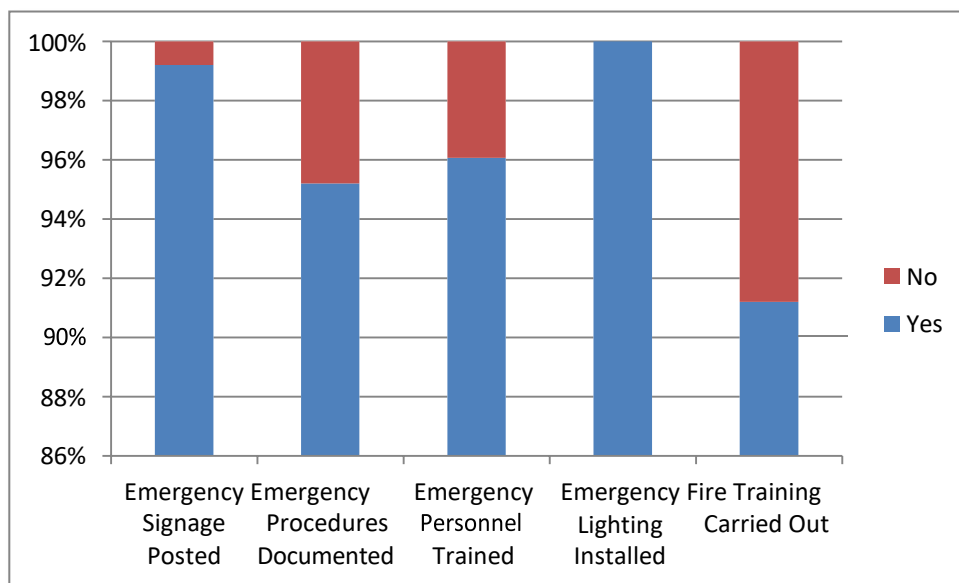
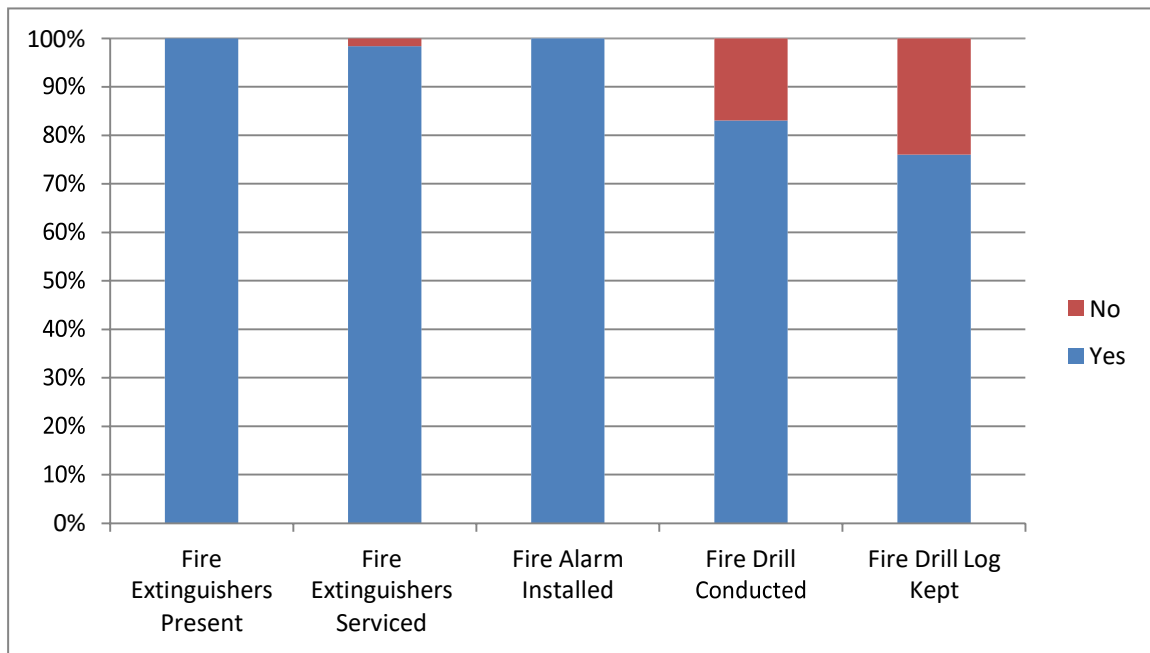
Another inspection campaign targeted the hotel industry as a follow up to a campaign carried previously by OHSA in the same sector. During the second phase of last year's campaign, OHS Officers focussed on a number of employer's obligations, including the carrying out of risk assessments, especially with regards to pregnant workers and young persons, the appointment of workers' health and safety representatives, and overall preparedness for emergencies, including evacuation procedures.

In total, 125 hotels (5-star and boutique) were visited during the course of the campaign, out of which, 101 employed five or more workers and thus had the obligation to keep a written record of their risk assessment. 83% of these 101 hotels were found to be compliant with this obligation.

A total of 87 hotels employed 10 or more workers and thus had an obligation to ensure the appointment of at least one workers' health and safety representative, a requirement which was observed in 82% of the hotels in this category.

In those hotels where pregnant workers were present, 56% had included specific references to the potential risks to that pregnancy in their risk assessment. During the time of the inspections only 6 hotels employed young workers out of which 50% had carried out a specific risk assessment.

The vast majority of hotels were found to be fulfilling their legal obligations regarding training requirements and the provision of supervision. Most of the hotels complied with other legal requirements concerning fire fighting and emergency preparedness.



At the end of the campaign, OHSA initiated enforcement action against all those hotels found in breach of the legislation.

1.3 Local council administration offices

During 2017 OHSA revisited all of the administrative offices used by Local Councils in Malta and Gozo. This campaign was a follow-up to several information raising initiatives targeting Local Councils, which amongst others included the organisation of two seminars, the development of an extensive guide of good practice specifically targeting local councils and an information campaign. This latter initiative involved a site visit where the most important occupational health and safety obligations were explained to the Executive Secretary (in several instances, Mayors were also in attendance). Letters were sent by OHSA to all those Local Councils which were not compliant with the legal obligations, highlighting the deficiencies noted. Follow-up meetings were also held with regional executive secretaries to explain and further highlight the findings of the inspection campaign. The 2017 campaign had the scope of verifying compliance following all the initiatives taken by OHSA throughout the past two years.

OHS Officers focused on a number of important statutory obligations including the obligation to carry out a risk assessment exercise, the appointment of workers' health and safety representatives, fire-fighting 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 visual display terminals.

Of the 68 Local Councils visited, 62 were in breach of the legislation. These were all issued with letters of intimation for the payment of an administrative penalty. To date, 20 Local Councils paid the fine imposed; judicial action will be initiated by OHSA against those Local Councils which have contravened the provisions of the Act and which do not pay the fine.

1.4 Ship repair yards

During 2017, inspections were carried out in all ship repair yards. The findings showed that all the companies had the required documentation regarding risk assessments, and work equipment certification. Compliance with other health and safety requirements

regarding statutory training, fire safety, first aid, welfare and the appointment of worker's health and safety representatives was also noted.

2 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 24hours beyond the period for observation.

3 The construction sector

The construction sector is highly regulated. This notwithstanding, it remains associated with the highest risk of accidents, with more than 1300 people being killed in construction accidents every year across all of the European Union. Worldwide, construction workers are three times more likely to be killed and twice as likely to be injured as workers in other occupations. Comparative sectoral statistics compiled by OHSA show that this sector, as in the rest of the European Union, is often associated with the highest accident rate.

The problems encountered in this sector are not unique to Malta – construction activities are by their very nature temporary (the term used in the EU Directive is 'temporary and mobile construction sites'), the sector relies on low-skilled, migrant workers, while most contractors are often small and are involved in multiple construction projects at the same time (therefore difficult for OHSA to reach them). In view of the legal interpretation given to the term 'construction', many construction-related activities are carried out by part-time or unregistered workers (that is workers, who may or may not be legally registered employees or self-employed persons, or who have a different, registered occupation with the Employment and Training Corporation).

For this reason, the construction sector remains a focus of attention for OHSA, with the majority of inspections (both proactive inspections and reactive ones) being carried out in this sector.

Invariably, construction site inspections are routinely followed up by further inspections to ensure compliance with the law and with any Order that may have been

issued. Apart from carrying out strict enforcement action, OHS Officers also hold meetings with the duty holders in order to outline the shortcomings noted and ask for remedial measures to be taken.

Despite emphasizing its statutory role, many still expect OHS to remedy situations which are beyond its legal remit as they relate to situations which fall outside the applicability of the OHS Authority Act. These situations involve inconveniences, civil rights, damage to third party property, hours of work, traffic management and road closures – it remains OHS policy to investigate those sites which give rise to unrelated complaints to ascertain compliance with occupational health and safety legislation, whilst officially referring the original complaint to the responsible entity.

3.1 Lectures at the Faculty for the Built Environment

Following discussions held between OHS and the Faculty for the Built Environment within the University of Malta, OHS delivered a number of lectures in Occupational Health and Safety in the building and construction industry as part of the study unit entitled Professional Studies. These lectures were delivered to final year students who enrolled in the Master of Engineering and Masters of Architecture course. The subject areas covered within this module included the concept of Occupational Health and Safety in design features in order to enable safer buildings. Guidance was provided with respect to on-site good practice as well as giving an insight of the legal framework in maintaining health and safety in the construction industry. A number of practical examples in a number of different construction sites as well as case studies were shared with students. The rationale behind this initiative is to mainstream basic concepts of Occupational Health and Safety into the formal training of architectural students who in the very near future, following fulfilment of warrant requirements, shall themselves be practicing their profession and offering services in the construction industry.

3.2 Construction notification forms

OHS processed 1526 Construction Notification Forms received in accordance with Legal Notice 281 of 2004 for projects which require 500 man days or where there are more than 20 workers working on any particular site for more than 30 days. OHS operates a

sampling strategy to identify sites in respect of which a Prior Notice has been received and which will be the subject of an inspection.

4 Commission for the Control of Noise

OHSA was invited by the Ministry for Sustainable Development, Environment and Climate Change to participate in the work of the Commission for the Control of Noise, which one of its main tasks is the development of legislation by which to control noise pollution, and its effects on people and the environment.

OHSA continues to emphasize the fact that the scope of the OHS Authority Act is the protection of workers' health and safety while at work, which with regards to noise (specifically Legal Notice 158 of 2006 – the Workplace (Minimum health and safety requirements for the protection of workers resulting from exposure to noise) Regulations), establishes occupational exposure limit values and exposure action limit values in respect of the daily noise exposure levels and peak sound pressure which are of relevance ONLY to the protection of workers. These values in fact range from 80 dB(A) (lower exposure limit value) to 87 dB(A) (exposure limit value for eight hours), which values cannot be used to control environmental or neighbourhood noise, since they are considerably higher.

During the ongoing discussions, OHSA has forwarded several suggestions, which in its opinion will add further value to the proposed legislation.

5 Radiation protection

The Radiation Protection Board (RPB) was set up by virtue of Legal Notice 44 of 2003 to act as the national regulatory authority to deal with all regulatory aspects of the EURATOM Treaty (one of the founding Treaties of the European Union). 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, radioactive waste programmes, and the protection and monitoring of the environment. RPB also fulfils Maltese obligations under the nuclear related treaties and conventions of the International Atomic Energy Agency (IAEA).

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. Two formal RPB meetings were held during the 2017.

The focus of the work carried out by OHSA during 2017 was related to preparing amendments to Maltese radiation legislation to be totally in line with the country's obligations to the EU, in line with recommendations made by IAEA. The most important pending legislative issue is the enactment of a new dedicated Act for radiation protection and nuclear issues – RPB drafted the legal text which underwent an extensive consultation process with all stakeholders.

Additionally, amendments to the Convention on Nuclear Safety Regulations (SL 365.26) were prepared and brought into force to transpose the requirements of directive 2014/71/EURATOM “Amendments to the Nuclear Safety Directive”. These regulations had been planned to be issued under the new Radiation Act but were issued under the National Interest (Enabling Powers Act) to meet the transposition deadline of August 2017.

Regulations to transpose Malta's obligations under 2013/59/EURATOM, The EU Basic Safety Standards have similarly been prepared and issued for consultation, with the final draft being prepared ahead of the relevant Directive transposition deadline.

RPB is currently looking into the long term management options of Maltese radioactive waste, and to this end is looking into the possibility of setting up a centralized storage facility.

The Radiation Protection Board received the report conducted by the European Commission prepared in terms of articles 35 and 36 of the EURATOM Treaty concerning environmental monitoring for radioactivity. The RPB is coordinating the action which is required to be taken by those constituent entities responsible for the protection of the environment.

As part of Malta's on-going collaboration with the IAEA, the Radiation Protection Board hosted an IAEA Interregional Workshop on the Implementation of International Radioactive Material Transport Requirements. This was held in October 2017 and was attended by 26 overseas participants from 21 different countries. Members of RPB have also been active in various IAEA overseas meetings on transport, disposal and security of

radioactive material. Such participation is made possible through the ongoing support provided by IAEA through its technical cooperation which also finances equipment as well as provides any technical advice which is required.

RPB presented the national report for the Convention on Nuclear Safety at the Seventh Review Meeting, held in March 2017 at the IAEA headquarters in Vienna. RPB also submitted the national report for the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management ahead of the Sixth Review Meeting, to be held end of May 2018 at the IAEA headquarters.

OHSA's radiation protection section performed 84 inspections of medical, industrial, veterinarian and security screening facilities. Currently the national inventory of users of all sources of ionizing radiation, currently includes 224 users. In order to maintain regulatory control of radioactive material in Malta all imports of radioactive material need to be cleared by the Radiation Protection Section – there were 353 such imports during 2017. Using the information on imports allows the Radiation Protection Section to update the national data base of radioactive material.

6 Machinery, equipment, plant and installations

OHS Officers carry out regular inspections of workplaces where machinery, lifts, boilers, cranes and other lifting equipment are in use. Moreover a number of complaints, mainly about crane operations, were received throughout the year and every effort was made to address them immediately. OHSA maintains and regularly updates its database of work equipment which contains records of all examination reports received. Currently this database holds a total of 7374 entries divided into 3401 lifts, 933 cranes, 485 boilers, 1220 forklift trucks and 1335 other equipment. The number of examination reports received in 2017 amounted to 5042 which included 3609 lift reports, 209 cranes, 72 boilers, 341 forklift trucks and 811 reports concerning other equipment. It should be noted that following the publication of the consolidated Work Equipment regulations (published as Legal Notice 293/2016), only reports concerning lifts and escalators are required to be sent to OHSA. In the case of other work equipment regulations, whereas the obligation to examine and certify remains, the obligation to forward a copy to OHSA has been removed, thus reducing

an administrative and bureaucratic burden without in fact reducing occupational health and safety standards.

An inspection campaign carried out recently by OHSA concerning tail lifts showed that less than half of the companies visited had a specific risk assessment for the operation of this equipment. For this reason, OHSA compiled a leaflet on the safe use of tail lifts for employers and employees, which was published on the OHSA website and circulated to duty holders. OHSA also prepared and published another guidance document on workplace electrical safety, which is also freely available on OHSA's website. Work also started on the development of another guidance document concerning the safe use of cranes – this document will also serve the purpose of bringing together all guidance issued by OHSA over the years while updating all legislative references.

OHSA continued with the process of digitalization of the certification reports in its possession; from now on, duty holders have also been given the possibility of sending equipment examination reports in an electronic form. This process has greatly reduced the need of printing and paper filing. To date, around 65% of all paper files have been digitalized.

The LNG terminal at Delimara Power Station was completed at the beginning of the year and the operator commenced the commissioning of the whole plant. As the lead Authority within the Control of Major Accident Hazards (COMAH) Competent Authority (CA), OHSA, with the assistance of its foreign consultants, continued to monitor the operator's adherence to the regulations. In addition, a team of foreign consultants was engaged to carry out an official regulatory inspection required by the COMAH regulations together with the CA. The results of this inspection were communicated to the operator.

As part of its professional development programme, OHSA, in collaboration with Enemalta, participated in a familiarization visit to and LNG floating storage and regasification unit in Klaipeda, Lithuania. The company that operates the Klaipeda LNG terminal delivered presentations focusing on the operations and safety features of the facilities. This terminal is similar to the one in Delimara with the exception that regasification is carried out on the ship.

At least one inspection was carried out in each COMAH establishment in conformity with the Competent Authority's legal obligation. Two COMAH establishments were reclassified as they are no longer considered as COMAH sites due to a decrease in the inventory of dangerous substances. There are now eight upper tier and two lower tier COMAH establishments in Malta. These changes were communicated to the EU Commission through the Seveso Plants Information Retrieval System (SPIRS).

7 Occupational health

During 2017, OHSA continued to highlight the link between work and health, and emphasized the overall impact of occupational diseases at a number of activities throughout the whole year. The particular needs arising out of infirmity or associated with disability in workers require greater consideration and attention, and are therefore highlighted by OHSA.

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. OHSA plans to take a number of initiatives targeting Family Practitioners throughout 2018, and for this reason has already commenced discussions with the Malta College of Family Doctors. These activities will not only provide participants with information about occupational diseases, but are also intended to increase the notification rate from practicing practitioners.

OHSA is represented on the Advisory Committee for Safety and Health at Work's Working Group on Occupational Diseases. It is also represented on an expert group developing diagnostic criteria of occupational diseases.

OHSA is currently cooperating with the Department of Health to implement those provisions within the National Cancer plan targeting workplaces.

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. 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 2017 will be included in OHSAs 2018 activity report.

One should advise caution when trying to interpret results – valid conclusions could only be made if the data covers a period of time. This also implies that a positive result registered for one year, may not be repeated in the successive year. In fact, OHSAs refers to statistical trends, rather than the actual figures for any particular year.

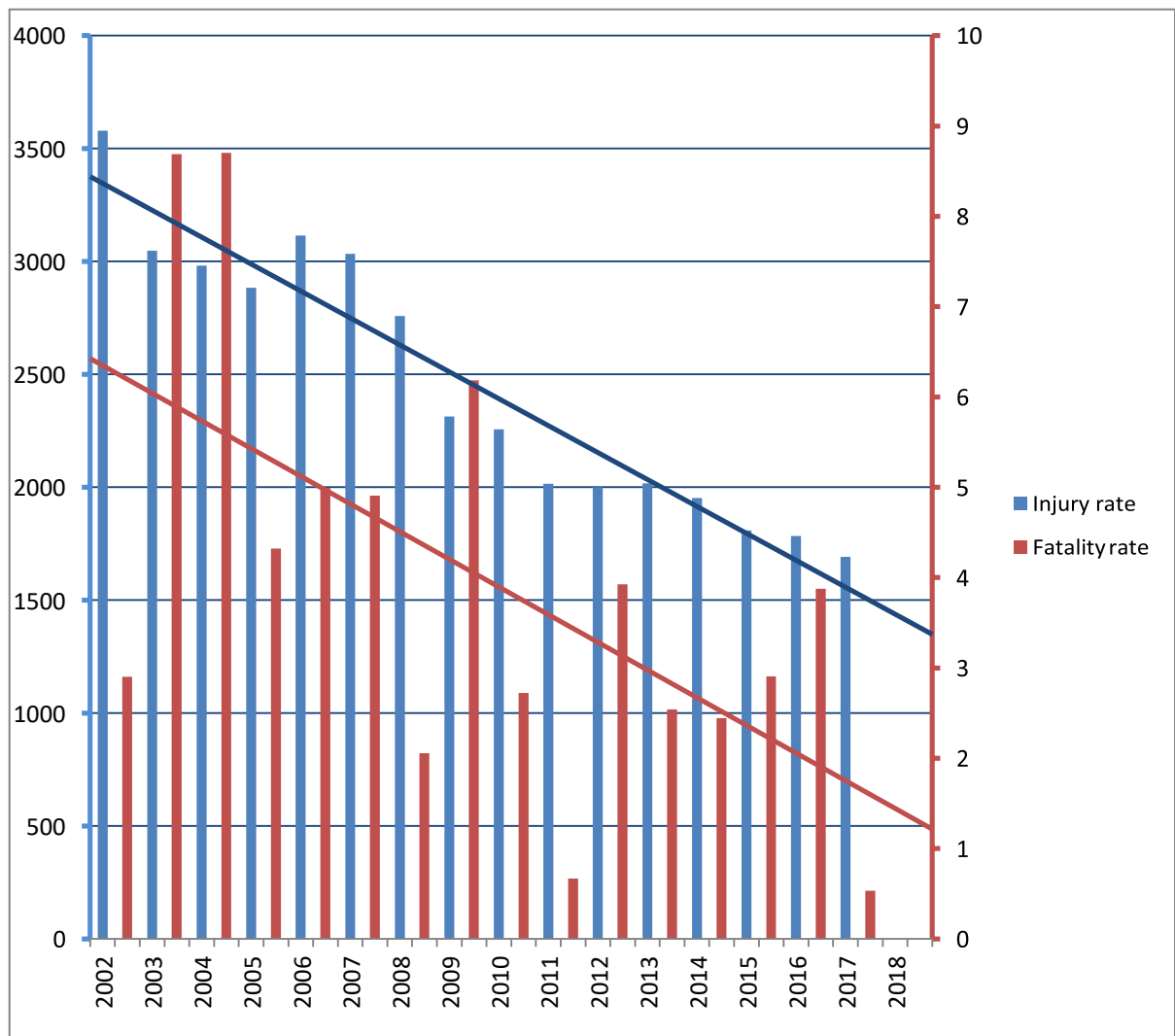
During 2017, 1 fatal accident at work was recorded, which was the subject of a magisterial inquiry. OHSAs carried out its own investigation in terms of article 9 (2) (j) of the Act.

The following table shows a comparative overview of the basic statistical trends over the past years. The table has been reviewed extensively to include part-time workers (whose part-time job is the main source of income) within the gainfully occupied population. The data has been obtained from ETC records, which are significantly lower than the data obtained from the Labour Force Survey – were OHSAs to use the Labour Force Survey data as the denominator, the rates obtained would be significantly lower than those being reported here.

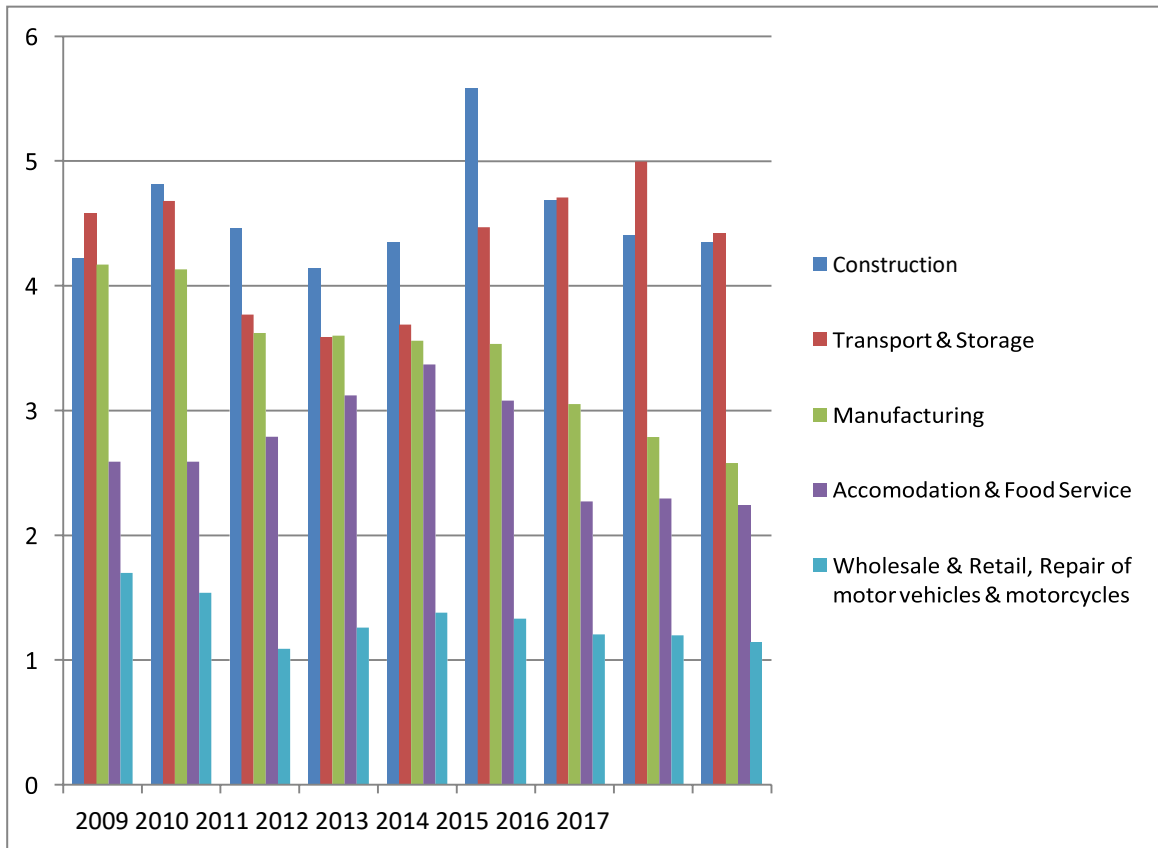
Injury and fatality rates have been showing a persistent downward trend since 2002, OHSAs first full year of operations. In the case of fatal accidents at work, the rate obtained for 2017 was less than 1 fatal accident per 100,000 employees (0.5), while for injuries, the rate was of 1692 injuries per 100,000 employees. This rate refers to all injuries at work which resulted in any period of sick leave (one day and over).

	Gainfully occupied (Full and part time)¹	Injuries at work²	Injuries per 100,000 workers	Fatalities at work³	Fatalities per 100,000 workers
2002	137,900	4,936	3,579	4	2.9
2003	138,100	4208	3,047	12	8.7
2004	137,900	4,111	2,981	12	8.7
2005	138,800	4,002	2,883	6	4.3
2006	140,200	4,366	3,114	7	5.0
2007	142,700	4,328	3,033	7	4.9
2008	145,900	4,023	2,757	3	2.1
2009	145,500	3,366	2,313	9	6.2
2010	146,900	3,314	2,256	4	2.7
2011	150,100	3,024	2,015	1	0.7
2012	152,900	3057	1,999	6	3.9
2013	157,500	3176	2,017	4	2.5
2014	163,700	3195	1,952	4	2.4
2015	172,100	3112	1,808	5	2.9
2016	180,500	3220	1,784	7	3.9
2017	188,100	3182	1,692	1	0.5

⁽¹⁾Source: ETC, ⁽²⁾Source: DSS / NSO, ⁽³⁾Source: OHSA.

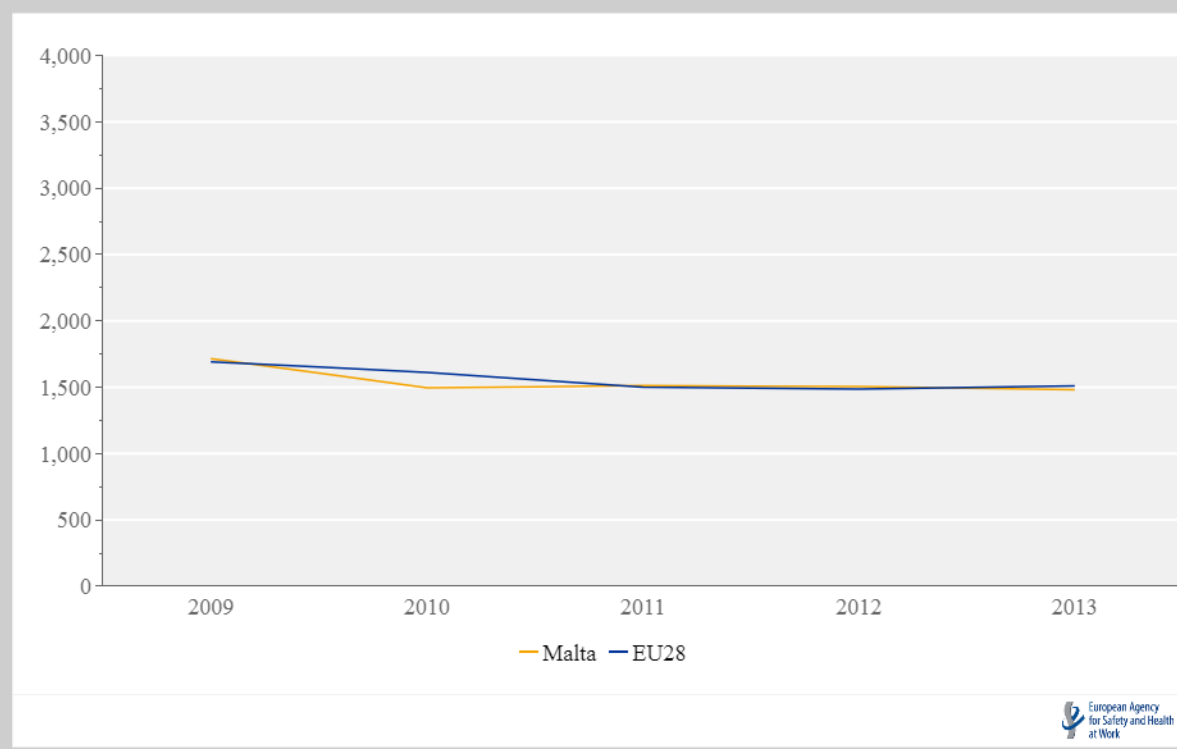


Sectoral rates (per 100 workers) were obtained through an analysis of the number of injuries occurring in each of these sectors, which was then divided by the number of workers in the same sector (based on the Data for Gainfully Occupied published periodically by the NSO).



For the past three years, the transport and storage sector (which incorporates land, air and water transport, warehousing and support activities for transportation and postal and courier activities) is associated with the highest rate of claims (number of injuries per 100 workers) for injury benefits in terms of the Social Security Act. Considering the relatively short time period, caution in interpreting these results is advised before making any statistically robust conclusions.

Total work accidents reported to Eurostat per 100,000 workers



One should also consider how the data obtained in Malta compares with the rest of the European Union. The European Agency for Safety and Health recently published data collated for all Member States – despite problems of comparability (Malta’s data collection is amongst the most comprehensive in Europe, since the published data includes accidents suffered by self-employed workers - otherwise excluded from the applicability of the legislation in around half the Member States, foreigners, while also including accidents which result in even one day of sick leave - data published by EUROSTAT refers to those accidents which result in more than 3 days of sick leave).

The average rate of fatal work accidents reported for the EU28 is 1.88 per 100,000 employed workers – this figure is an average calculated over 5 years (2010-2014). During 2017, the fatal accident rate for Malta was of 0.5 per 100,000 employed workers.

9 Administrative fines

During 2017, 555 letters of intimation were issued by OHSa with a total value of €184,250. During the same year, OHSa managed to collect €123,500. 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.

Where for some reason the intimated party does not pay the fine, the regulations require judicial action for the contravention/s relating to occupational health and safety.

10 Judicial action

During 2017, four Court sittings were appointed, as opposed to two from the previous year. Apart from the various pecuniary fines awarded, the Courts also imposed a suspended prison sentence, whilst in another case, the guilty party was released in terms of the Probation Act and bound not to commit another crime.

Apart from being involved with the criminal courts, OHS Officers have also been called to testify in several cases before the civil courts. OHSA itself was also involved in a number of civil suits which were filed against a number of government agencies (including OHSA) concerning asbestos exposure received during the period 1940 to 1980. All the cases presented against OHSA were either withdrawn or OHSA was declared to be not liable. A number of these judgements were also confirmed by the Superior Court of Appeal.

11 MicroInvest: Tax Credits for Micro Enterprises 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.

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

12 Asbestos in workplaces

In total, documentation relating to thirty-eight notifiable asbestos-removal projects was submitted during 2017 (an increase of eight notifications over those received in 2016). 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.

During 2017, OHSA published a technical guidance document outlining the legal responsibilities as well as the technical measures which are required to be in place when handling asbestos or asbestos-containing material. This consolidated document, which brought together all previously published guidance also includes all recent legislative updates.

13 Technical Committees

Following its participation in a number of Technical Committees set up by the Malta Consumer Affairs and Competition Authority (MCCAA), which were tasked with the development of various national standards, OHSA has once again suggested the setting up of another standard, this time relating to Child Care Centres. It is positive to note that MCCAA has signified its agreement with OHSA's proposal, but the process can only start once there is a definite commitment from the Education Division to participate and indeed, to spearhead the process, since this Division is the one currently responsible for issuing licenses and ensuring adherence to license conditions.

C Legislative Reform

The legislative framework for the promotion and protection of occupational health and safety is continuously evolving and reflects emerging trends, risks and technological innovation. Since Malta's accession to the European Union, the Authority has continued the exercise of harmonization of all new occupational health and safety legislation, while at the same time reviewing existing legislation to ensure that there are no regulatory gaps, and to identify any conflicting or burdensome legislation, with the scope of simplifying it. In fact,

OHSA is a firm believer in, and actively subscribes to the concept of 'better regulation' which aims to simplify legislation and remove unnecessary burdens, without in any way reducing standards.

In recognition of OHSA's commitment and ongoing programme to improve legislation, OHSA was invited to participate in the Directors and Experts of Better Regulation (DEBR) Meeting, held in January 2017 held in Malta as one of the Presidency events being organised. The meeting brought together senior officials and experts responsible for promoting Better Regulation in the EU Commission, the Council, the 28 Member States, other countries such as Iceland, Norway, Turkey, and other organisations such as the OECD and BusinessEurope. During the meeting, the sharing of better practices in regulatory policy, simplification, impact assessment, inspection and enforcement were discussed. The OHSA representative also moderated one of the workshops.

During 2017, OHSA also prepared two legislative drafts – one concerning a repeal of Legal Notice 281 of 2004 – the Workplace (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations, and another concerning an amendment to Legal Notice 227 of 2003 (as amended) – the Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work Regulations.

Both sets of regulations are expected to be published early in 2018.

1 Work Equipment (Minimum H&S Requirements) Regulations, 2016

During 2016, amendment regulations to the Work Equipment Regulations were published in the form of Legal Notice 293 of 2016. The publication was preceded by a lengthy process of review and consultation with the scope of repealing old regulations that were no longer applicable and relevant, ensuring that the minimum number of regulations concerning work equipment are in force through a process of consolidation, and to remove unnecessary bureaucratic and administrative burdens.

Following the publication of the amended and consolidated regulations, OHSA was informed that the Chamber of Engineers was registering an objection to several provisions of the regulations. In view of this, OHSA immediately sought the advice of the Office of the Attorney General.

On this point, OHSA would like to stress that, being a tripartite organisation, it decides on its policies in full consideration of the social and economic impact of its decisions. It is also committed to ensuring better regulation while maintaining the highest levels possible of occupational health and safety.

D Consolidating the Authority's resources

1 Staff development

A number of OHSA employees attended conferences and seminars organised locally and overseas covering a wide range of OHS areas, including occupational diseases, the prevention of industrial accidents, as well as well-being at work. Other events included participation by specialised personnel in High level EU Scenario-based exercise on Nuclear Security and training in LNG inspections.

Continuous development for all its members of staff remains a priority. This entails the organisation of regular information sessions held at OHSA premises during which topics of interest are discussed. During 2017 the subject areas covered included OHSA's technical operations and legislation concerning the safe use of work equipment. All members of staff continuously receive ICT information for the better use of ICT equipment and software made available within OHSA.

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 2017, a number of employees continued to benefit from the award of such a qualification allowance whilst three others have been awarded a part-sponsorship to pursue further studies in OHS.

2 Recruitment

As at 31st December 2017, the total human resource complement stood at 35 employees, including three persons seconded from Engineering Resources Ltd (ERL) and one person on loan from Resource Support & Services Ltd (RSS). One other was employed at the office of the Chairperson. OHSA was also seeking the Minister's authorization to employ another person within this office.

Excluding the Office of the Chairperson, the work force may be categorised as twenty one persons in professional and technical grades, ten engaged in administration and support, while three persons constitute top management. During the period under review, one professional member of staff reached retirement age, a clerical member of staff returned from parental leave and another went out on maternity leave. OHSA continued to experience the vacuum created by serving female members of staff who avail themselves over the years from family friendly measures.

Contrary to previous years, OHSA did not manage to benefit from the paid deployment of any participants from the MITA's Student Placement Programmes however it has secured the services of a student through IMU for early Q1/2018.

Implementation of family-friendly measures, tough as they might be to implement (considering the size and composition of the organization), consisted amongst others of staff benefitting from reduced hours, urgent leave, flexitime. Two members of staff were released to attend to ante-natal examinations, as required.

3 Internal industrial relations

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. The collective agreement regulating the core of the entity's workforce expired during December 2016. A number of meetings presided by the Industrial Relations Unit (IRU) within the People and Standards Division at OPM were held with the Union representing the majority of OHSA's employees with a view to conclude negotiations by Q1/2018. The PACBU salary structure in respect of Directive 7 to cater for Senior Managerial grades is also up for renewal.

4 ICT infrastructure

Considerable improvement in terms of administration, data storage and infrastructure continued during the period under review. OHSA continued replacing its hardware, a project which is expected to be finalised during the first quarter of 2018, when all stations will also be running Microsoft's 365 Office. File sharing and enhancements to protocols and the templates in use, has enabled easier access to documentation in most technical and support areas. These developments continue to provide for an adequate, systematic and secure backup of OHSA's data.

OHSA started work to convert to an electronic format, all forms appearing on its website, which so far required users to download, print and forward by postal mail. This process will facilitate interaction with members of the general public and dutyholders – some of the forms being converted include the Prior Notification for construction projects, notifications of occupational injuries, complaints form, and the COMAH notification form.

OHSA also started work on the development of a mobile app platform, and in collaboration with the line ministry's Information Management Unit, a task force was set up to procure the services of a provider, engaged a number of beta users and set up focus groups with a view to have its own app by March 2018. This app is intended to facilitate the exchange of information between OHSA and its clients – whereas persons will have the opportunity to lodge reports of unsafe work practices (which will include a geo-location facility so that the location can be readily identified), OHSA will also be transmitting short awareness-raising messages to those who download the app.

5 Use of premises

The Authority tries to maximize the use of its premises – apart from welcoming participants at courses organised by OHSA, the building welcomes a considerable number of visitors, some seeking advice while others, including young persons, seek information and data for research purposes. 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 here.

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, the cash point structure at Reception was moved to a more secure location. This was carried out as a control measure to reduce the risk of abuse and aggression to members of staff from visitors to the premises.

6 Equal opportunities and gender mainstreaming

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.

During the period under review, the OHSA had a staff complement of 35, of whom 9 (26.5%) were female, an increase of 3% points over 2016. 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 Nazzjonali Persuni b'Diżabilita'* (KNPD). Five of eight female personnel at OHSA are benefiting from Family Friendly Measures - parental leave, flexitime and reduced hours.

E External relations

OHSA is extremely active through its participation in several international fora. However it is pertinent to point out that manpower and financial limitations, restrict such participation to events where attendance is obligatory, as in the case of the Advisory

Committee for Safety and Health, the Senior Labour Inspectors Committee, the Administrative Board of the European Agency for Safety and Health, the International Atomic Energy Agency and the Committee of Competent Authorities (in relation to the Seveso Directive).

Whereas participation at meetings organized by these bodies is essential, it needs to be pointed that apart from the Plenary sessions, the bodies are empowered to set up further Working Groups to act and, or investigate specific matters. The lack of resources means that OHSA is not in a position to be represented in the majority of these Working Groups, despite the importance and relevance of the subject matter. It is hoped that as of 2018, OHSA will be in a position to start participating in meetings of SLIC's Working Group Machex, which is tasked with discussing issues relating to the use of machinery and equipment at the workplace.

1 The Presidency of the Council of the European Union

On the 1st January 2017 Malta assumed the Presidency of the Council of the European Union and organised three events in Malta related to occupational health and safety.

1.1 Tripartite Conference

OHSA organized a tripartite conference on the 26th and 27th April 2017 entitled 'Safeguarding Vulnerable Groups', with the aim of promoting and raising awareness on the importance of safeguarding the health and safety of such groups. The importance of addressing the specific vulnerabilities of particular groups of workers has long been recognised and nowadays, it can be safely said that it forms one of the most important and highly developed aspects of EU law. The protection afforded to sensitive groups is embedded in 'Council Directive 89/391/EEC of 12 June 1989 (the Framework Directive), as reflected in Maltese OHS legislation - the legislation provides for particularly sensitive groups to be protected against the dangers that specifically affect them. In the light of these legislative requirements, OHSA has over the years been mainstreaming the concept of targeted approaches to the specific vulnerabilities, and in particular has been organizing inspection campaigns which target specific vulnerable groups. A number of awareness raising initiatives, including media interventions, have already been taken to address the challenges faced while providing practical solutions.

The conference brought together a number of experts, academics and practitioners from a wide range of disciplines. Various topics were discussed, including foreign and temporary workers, migrants, disabled workers, young workers, older workers and self-employed persons. Areas pertaining to the European legislative and policy framework, research and statistical analysis of vulnerable groups, actions arising out of international strategies, protection against discrimination, the gender perspective and the role of social partners were also addressed.

The OHS Tripartite Conference received financial support from the European Union Program for Employment and Social Innovation “EaSI” (2014-2020).

1.2 Healthy Workplaces - Good Practice Awards Ceremony

The OHS Tripartite Conference was preceded by the European Agency’s ‘Healthy Workplaces Good Practice Awards Ceremony’ which formed part of the ‘Healthy Workplaces for All Ages 2016-2017 Campaign’. The campaign promoted sustainable work and healthy ageing right from the start of working lives. During the ceremony, EU-OSHA presented leading examples of good practice taken by organisations which are actively involved in the promotion of OHS within the context of an ageing workforce and which adopted a life-course perspective to the prevention of risks with the aim of ensuring healthy ageing at work. Representatives from the award winning organisations also shared the good practices they adopted at their respective places of work.

The Awards Ceremony was the culmination of a year-long campaign organized by EU-OSHA and which included an evaluation of the entries submitted for consideration for the award. The Evaluation Committee included a representative of OSHA-MT. ⁴

1.3 SLIC Thematic Day and Plenary

OSHA also hosted participants at the SLIC Thematic Day and the 72nd meeting of the Senior Labour Inspectors Committee. The Thematic Day addressed the measures required to be taken by the Inspectorates (as ‘employers’) to safeguard the occupational health and safety of their inspectors’.

⁴ Full details about the Good practice Award ceremony may be accessed from:

<https://osha.europa.eu/en/highlights/innovative-solutions-sustainable-working-lives-showcased-eu-osha-good-practice-awards>

The aims of the Thematic Day meeting were to raise awareness among Members States' National OHS enforcing bodies on the challenges faced by the Labour Inspectors (LIs) when performing their duties and to share good practice and information on methods already in place to protect the personnel involved in the enforcement of OHS regulations.

The Thematic Day included presentations made by OHS inspectors from different Member States who shared their personal experiences while performing mundane inspections, including descriptions of high risk situations, and encountering threatening or violent behaviour. The potential psychological *sequelae* which may arise when attending major accidents, together with the logistic challenges while working in isolated locations were also described.

The event itself was preceded by research being carried out by OHSA-MT regarding the measures being taken by the National OHS enforcing bodies to protect their OHS inspectors. During the event, the results of this survey were disseminated with the participants. The research identified a number of areas where European Inspectorates are failing their employees, the national guardians of occupational health and safety standards, and in some instances, 30% of national Inspectorates were failing in their various statutory obligations towards their own employees (including the obligation to develop an overall ohs policy and to carry out a risk assessment). Interestingly, 70% of national inspectorates report work-related injuries and cases of ill-health amongst their employees, while almost all reported instances of threatening or aggressive behaviour against their employees.

The value of this research carried out by OHSA was primarily linked to identifying problem areas, so that remedial action could be taken by the respective Inspectorate.

The Thematic Day meeting also included the presentation of examples of good practice being taken by various national OHS enforcing bodies (including OHSA-MT) to protect their OHS inspectors. Such good practice examples include training of Inspectors, the development of Standard Operating Procedures on how to act in situations of risk, cooperation with other enforcement bodies, psychological support, management support initiatives, and employee support programmes.

OHSA-MT prepared a short documentary showing photographs which portray Health and Safety Inspectors in real-life situations and which show the different scenarios

to which these Inspectors are exposed as part of their work, and in particular, to highlight the wide range of work settings and dangers in which they are expected to work. This short documentary was aired during the meeting and posted on YouTube.

The statutory SLIC Plenary meeting held in Malta on the 9th June 2017 was organised by the Commission and the SLIC Bureau and facilitated by OHSa-MT.

The SLIC Thematic Day and Plenary meeting received financial support from the European Union Program for Employment and Social Innovation “EaSI” (2014-2020).

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 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, the various SLIC Inspection Campaigns and in the exchange of Labour Inspectors’ initiative.

Two thematic days took place in 2017 under the auspices of the Maltese and Estonian Presidencies. The Thematic Day held in Estonia focused on new forms of work and the possible associated risks to occupational health and safety.

2.1 SLIC Labour Inspector exchange

During 2017 OHSa sent one of its Officers to Finland as part of SLIC’s Labour Inspector Exchange programme. The Officer visited the Finnish Health and Safety Authority to obtain firsthand experience in Finland’s approach to several new and emerging risks, including stress at work, atypical work relationships, violence and harassment at work, age-

related issues and working time. The Officer also experienced the systems in place behind the organisation of inspections investigating such risks.

2.2 SLIC Evaluation – Greece Labour Inspectorate

OHSA also formed part of a group of evaluators from different EU member states in the evaluation of the Greek Labour Inspectorate. Inspections were held in four districts, namely Athens, Piraeus, Elefsina and Chalkida and covered a broad range of industries from ship repair, woodworking, construction, pharmaceutical and food preparation. The Evaluators' final report has been presented to the Commission.

2.3 Labour inspection network and information exchange system (KSS)

Last year OHSA continued with its participation in SLIC's information exchange network between Member States which is currently being used by the EU 28 and 3 other EFTA countries and which is part of the CIRCA (Communication & Information Resource Centre Administrator) extranet tool. It enables Member States to confidentially share documents, exchange information and also to participate in discussion forums on selected topics.

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 and nuclear issues)

OHSA's Radiation Protection Section acts as the focal point for the International Atomic Energy Agency's (IAEA) Incident and Trafficking Database. A total of 173 reports were received during 2017 and one report was sent.

Radiation Protection Section also acts as the contact point for nuclear safeguards activities which includes the obligation to send the necessary reports.

The Radiation Protection Section also processes environmental monitoring data received from ERA and the Department for Environmental Health and transmits it to the European Commission on an annual basis.

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

During the CCA meeting held in Brussels in January 2017 the issue of LNG storage was discussed for the first time. This is becoming more relevant as an increasing number of cruise and container ships are using LNG. The applicability of the Seveso III Directive was questioned as ports need to cater for increasing demands for LNG. The Commission said that the Seveso III directive is not limited to land based activities, thus barges supplying ships in port would fall within the remit of the directive once the lower threshold is exceeded. The Commission reported that there was a significant decrease of major accidents in the EU. In a comparative exercise, it resulted that more accidents are reported in Europe, primarily because there is a definition of a major accident in the directive, whilst in other countries outside Europe, this definition does not exist.

During the Chemical Accident Risks Seminar held at the Joint Research Centre in Ispra in June a number of presentations were delivered. These were divided into different sessions which included the measurement of safety performance, integrity of installations and equipment, security and safety challenges, automation in major hazards industries,

organisational change, influence on enforcement and substance classification. Representatives from industry, regulatory authorities and consultants provided different perspectives on these subjects.

It was pointed out that enforcement and inspection is much more intensive and effective in Europe than in the United States and in fact statistics show that the safety record in Europe is better. One subject particularly relevant to the local scene was the 'Ageing of Equipment'. This does not only concern the chronological age but also the condition of equipment and how it is changing with time. Another issue which was dealt with in depth was Cyber security. This is an emerging risk in today's computerised automated systems where one can have entire plants running without human presence.

In September a Mutual Joint Visit was held in Nicosia Cyprus. This workshop focused mainly on LPG and LNG storage sites and inspections. Various scenarios and case studies were presented by the Member States' representatives and by representatives from industry, dealing with safety management systems, best practices, safety reports and emergency planning. The delegates participated in breakout sessions to discuss challenges faced by Seveso inspectors. These ranged from training and competency, security, domino effects, management of contractors, emergency response and primary containment systems.

7 Working Party to amend the Carcinogens and Mutagens Directive

Discussions on the first batch of carcinogens in the proposal amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work, started in 2016 and continued in 2017 under the Maltese Presidency. In 2016, most Member States showed a positive inclination to approve the limit values of all the chemical substances, with the exception of the Chromium (VI) compounds which required further discussions. There was also a general agreement with regards to the recitals and the articles of the proposed directive.

In 2017, trialogues were held under the Maltese Presidency regarding the 1st batch of carcinogens. Trialogues involve representatives of the European Parliament, the Council and the Commission - a total of three trialogues were held and on 28th June, 2017 the Maltese Presidency and the European Parliament reached a provisional agreement on this

new directive and some changes to the initial proposal were made. The main elements of this agreement are:

1. **Reprotoxic substances:** By 31st March, 2019 the Commission shall, taking into account latest developments in scientific knowledge, assess the option of amending the scope of this Directive to include reprotoxic substances.
2. **Chromium(VI):** It was agreed to have an exposure limit value of 0.010 mg/m³ for a period of 5 years after the date of transposition, which limit will subsequently be lowered to 0.005 mg/m³. A derogation was introduced for welding and plasma cutting processes or similar work processes that generate fumes, with an exposure limit value of 0.025 mg/m³ for a period of 5 years after the transposition date, and 0.005 mg/m³ thereafter.
3. **Hardwood dust:** The Council and the European Parliament agreed on an exposure limit value of 3 mg/m³ for five years after the entry into force of the directive and thereafter to 2 mg/m³.
4. **Respirable crystalline silica dust:** The Commission committed itself to evaluate the need to modify the limit value for respirable crystalline silica dust as part of the next evaluation of the implementation of the Directive.
5. **Health surveillance:** The doctor or authority responsible for the health surveillance of workers may indicate that health surveillance must continue after the end of exposure for as long as they consider it to be necessary to safeguard the health of the worker concerned.

During 2017, OHSa also participated in a number of Social Questions Working Parties held under the auspices of the Maltese Presidency, to discuss the second batch of chemicals in the proposal amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work. This second batch addresses 7 other carcinogenic substances and follows the work concluded during the Slovakian Presidency on a first batch of carcinogenic substances.

During these working parties, delegations expressed the will to proceed as quickly as possible given the importance of the matter and the Maltese Presidency was able to finalise

the technical discussions in four meetings. The last working party on the second batch of carcinogens and the informal consultation, showed a broad support for the Presidency's compromise, and a balanced compromise was presented. The new compromise text was discussed during Coreper on the 31st May and the Council reached a general approach on the text on 15th June, 2017. A third batch of substances is planned out for 2018.

8 4th list of Indicative Occupational Exposure Limit Values

The Commission has been working on a proposal for a Directive establishing a 4th list of indicative occupational exposure limit values for the implementation of the Directive 98/24/EC regarding the protection of workers' health and safety from the risks related to chemical agents at work. Whereas the Commission started its work in 2013 and considered a total number of 123 chemicals, this 4th batch is made up of 31 chemicals. All these chemicals have been thoroughly examined by the Scientific Committee on Occupational Exposure Limit Values (SCOEL) and involved consultation with the Working Party on Chemicals (WPC). Following these discussions, the Advisory Committee on Health and Safety released a favourable opinion having assessed also the economical viability of the proposal.

Pursuant to Article 17 of the Framework Directive, the Commission is empowered to make purely technical adjustments to the individual directives in the field of technical harmonisation and standardisation, technical progress, changes in international regulations or specifications and new findings. Those measures, designed to amend non-essential elements of the individual directives, are to be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 17 (2).

During 2016 OHSAs participated in a technical progress committee established by the European Commission to discuss the 4th list of indicative occupational exposure limit values proposed by the Commission for the implementation of the Directive 98/24/EC regarding the protection of workers' health and safety from the risks related to chemical agents at work. All Member States agreed on the draft Directive, and during 2017, work commenced to amend LN 227 of 2003 - Protection of the health and safety of workers from the risks related to chemical agents at work regulations (S.L 424.24) to include this new list of

chemicals as agreed at EU level. The draft legal notice is expected to be published during 2018.

9 EU OSH Information System

The EU OSH Strategic Framework on Health and Safety at Work (2014-2020) highlights the need to improve statistical data collection and to develop the information base to better compare OSH performances across Member States so as to facilitate evidence-based policy conclusions. Doing so would also provide the common structural background to compare OSH national systems with a view to developing a more complete understanding of the EU situation as regards occupational health and safety. This “EU OSH profile” could be used not only as a means to identify priorities for future policy action in this area, but also to develop – based on a specific set of indicators - a permanent monitoring tool for the assessment of OSH achievements at Member States level, including the impact of EU policy initiatives (programmes / strategies) on their respective national systems.

During 2016, the Commission requested the Member States to appoint national experts (in the case of Malta, the expert comes from OHSA) to assist in the development of an ICT-based OSH Information System, with the help of a contractor. The integrated system, once fully developed, will collect information from the Member States on all the main structural elements of national OSH systems, including national strategies. This system should rely on a set of both quantitative and qualitative indicators to describe and monitor the state of national OSH systems and allow comparisons and evidence-based policy conclusions.

During 2017, two meetings of the national experts and representatives of the Commission were held with the contractor. Despite the progress registered, there are still a number of pending issues still to be resolved, relating to the relevance, quality, reliability, comparability and availability of the data to be inputted to the System. Other issues relate to the future management on a tripartite basis of the system, monitoring its implementation and the need to clarify the role of national contact points and whether (depending on their mandate) there will be a need for adequate resourcing.

Once operational, the system will be placing increased demands on OHSA in view of the large amount of information required to be collected and vetted before it is inputted into the system at a European level.

10 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:

- **Radiation Protection Board** The Radiation Protection Board is chaired by the OHSA and has members from OHSA, the Department for Environmental Health (within Ministry for Health), the Environment Protection Directorate (within the Environment and Resources Authority) and the Civil Protection Department.
- **COMAH Competent Authority (CA)** - This is made up of the OHSA, ERA (Environment and Resources Authority) and the CPD (Civil Protection Department) and oversees the implementation of the Control of Major Accidents Regulations, L.N. 179/2015. The OHSA is the lead Authority and coordinates the functions of the COMAH CA.
- **Building Industry Consultative Council (BICC)** – The BICC was set up by the Government to ameliorate the performance of the local construction industry and to serve as a forum for discussion on all matters that affect the construction industry. OHSA is represented by a full Member and by an alternate Member and takes an active participatory role, especially on matters that concern the relationship between the construction industry and occupational health and safety. During 2017, 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 skill cards initiative.

F 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, OHS Authority remains guided by those policies established by the Office of the Prime Minister and the People and Standards Division from time to time, including on matters concerning salaries (these are determined by OPM's Industrial Relations Unit with reference to equivalent public service salary scales) other conditions of employment and recruitment, finances, information systems and public procurement.

G OHS Authority's financial situation

During the year ended 31 December 2017, OHS Authority registered a positive balance of €158,063, mostly due to savings of €138,098 on personal emoluments which had been earmarked for increases associated with a renegotiated collective agreement. Discussions on a new agreement are expected to be finalized during the first quarter of 2018, when arrears for 2017 will have to be paid.

Other significant savings of €87,352 were registered from a decreased operational expenditure due to lower actual costs associated with Malta's Presidency of the EU Council.

OHS Authority also generated more funds from administrative fines and from the organization of awareness raising courses.

OHS Authority is expecting to register an overall shortfall of €41,956 in 2018 which will be mitigated by the surplus registered during 2017. The projected deficit caters for an increase of €287,860 (over the actual 2017 expenditure) in personal emoluments mostly due to the yearly increments payable to its employees in terms of its collective agreement, and as a result of the anticipated recruitment of additional personnel (which has been postponed to the 2nd quarter of 2018). This expected increase in personal emoluments is partially

mitigated by a reduction in operational expenditure of €47,404 (from the actual 2017 expenditure). During 2018 OHSA is expected to finalize its programme of upgrading its workstations at an estimated cost of approximately €16,000.

Annex 1: Key activities carried out by the Authority

January 2017 – December 2017

	Total
Workplace visits	3012
Equipment certificates vetted *	5042
Radioactive material cleared for import	353
Asbestos removal projects	38
Number of administrative fines issued	555
Monetary value of fines issued	€184,250
Judicial proceedings initiated	176
Contact hours - awareness raising	3356
Staff development (person hours)	213

*Including 3609 lift certificates, 209 crane certificates, 341 forklift truck certificates, 72 boiler certificates, and 811 certificates for other equipment.

Annex 2 : List of OHS legislation in force

Occupational Health and Safety Authority Act	Cap. 424
Work Places (Extension of Definition) Order	S.L. 424.02
Dock Safety Regulations	S.L. 424.03
Building (Safety) Regulations	S.L. 424.06
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 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
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Electromagnetic Fields) Regulations	S.L. 424.34
Work Equipment (Minimum Safety and Health Requirements) Regulations	S.L. 424.35

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 (as amended)	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 Account

1st January 2018 – 31st December 2018

	€	€
Income		1,332,000
Government recurrent grant		1,220,000
Awareness raising campaigns		10,000
Competent person register		2,000
Administrative fines		100,000
Personal Emoluments		1,192,161
Staff Salaries	893,730	
Honoraria to OHSA members	45,019	
NI Contributions	71,636	
Overtime / Allowances / Statutory Bonuses	181,776	
Operational Expenses		180,630
Utilities	21,100	
Material & Supplies	8,800	
Repair & Upkeep	24,268	
Rent	28	
Subscriptions	100	
Office Services	11,600	
Transport	43,731	
Travel	18,000	
Information Services	3,368	
Contractual Services	43,885	
Professional Services	3,500	
Training and CPD	1,000	
Hospitality	750	
Incidental Expenses	500	
Depreciation	23,108	
Transfers from government capital grants	(23,108)	

(Continued from the preceding page).

	€	€
Contributions and Initiatives		1,165
Appeals Board	1,165	
Total Budget Cost		1,373,956
Budgeted deficit for 2018		(41,956)
Anticipated surplus after incorporation of 2017 surplus		116,105

The Audited Financial Statements of the Authority for the period ending 31st December 2017 are being included in Annex 4.

Annex 4: Financial statements 1st January 2017 – 31st December 2017