



AWTORITÀ GHAS-SAHHA U S-SIGURTÀ FUQ IL-POST TAX-XOGHOL

**Report of Activities for the period**

**1<sup>st</sup> January 2018 - 31<sup>st</sup> December 2018**

**Budgeted Income and Expenditure Account**

**1<sup>st</sup> January 2019 - 31<sup>st</sup> December 2019**

**Financial Statements**

**1<sup>st</sup> January 2018 - 31<sup>st</sup> December 2018**

**Occupational Health and Safety Authority**

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

**2019**



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## Preface

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

The following is a report of the Authority's activities for the period 1<sup>st</sup> January 2018 to 31<sup>st</sup> December 2018, and is being published in terms of article 37 of the Act. It includes the Authority's Budgeted Income and Expenditure Account for the period 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019 (article 31 of the Act). The document includes the audited statement of accounts for the period 1<sup>st</sup> January 2018 to 31<sup>st</sup> December 2018.

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 OHS of administrative fines by persons who were intimidated that they are in breach of the law, and funds which are made available through foreign assistance.

OHS has ended its financial year with a surplus of €254,850 partly due to increases in the amount of fines collected during 2018. Primarily this surplus will be utilised against wage and salary increases resulting from the new collective agreement signed during the last quarter of 2018 for the bulk of OHS's employees, arrears due to a segment of professional and senior management employees, arrears to observer board members and recruitment carried forward to 2019. Further expenses expected to be part-financed by the surplus relate to a number of procurement projects, including a gradual financing of a Management Information System (MIS), a Business Plan and a PR Campaign and sharp tariff increases in contractual services.

## OHS Objectives

OHS'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 OHS

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 OHS 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

OHS's mission is concise and direct: 'Working with others' means that in fulfilling its role, OHS collaborates with, and involves other stakeholders including employers, workers, constituted bodies, and international organisations in order to gather feedback on policies, generate commitment and obtain consensus. This reinforces the image which OHS wants to project, namely that it is not solely a controlling, regulatory entity.

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

There are many indicators and statistics which can be cited to indicate the progress achieved in Malta in the field of occupational health and safety - the persistent downward trends in occupational injury rates, the small number of fatal accidents registered, the heightened awareness amongst society and stakeholders, the increased availability of information and knowledge to all who need it. These are all positive indicators, yet they remain mostly unacknowledged and unreported by the media, which often gives the impression that it is only interested in reporting, often in a sensational manner, those incidents about which it becomes aware.

This has led to a situation where OHSA's sterling work goes unnoticed, and is grossly unappreciated. A very active entity which has produced tangible results and achieved so much in a very short time is portrayed as an ineffectual organization.

In fact, it has long been felt that OHSA's greatest weakness lies in its PR, a situation which merits urgent rectification. For this reason, the Board of OHSA has decided that OHSA launches a PR campaign to inform the general public of OHSA's statutory functions and responsibilities, reinforce OHSA's professional and technical corporate image, create good perceptions regarding OHSA and dispel erroneous perceptions which are not based on facts. The campaign should emphasize OHSA's achievements in the field of occupational health and safety while helping to foster a solid relationship between OHSA and the media which is based on mutual respect and understanding of the respective roles.

Steps are already under way to issue the necessary calls to identify a suitable external contractor who would be tasked with devising a plan to be implemented over the next year.

The Board has also taken steps to ensure a scientific approach when determining OHSA's manpower needs, taking account of the current circumstances, as well as to anticipate future requirements. This will be achieved by carrying out an objective evaluation of OHSA's current HR Plan, formulate it within an HR planning framework and develop a three-year business plan. This ambitious project should identify indicators and references that point towards the requirement of additional head-count on the basis of business planning.

OHSA has already started working on the development of an integrated management system that should facilitate data collection, storage and analysis. The system is also intended to reduce paperwork and the manual inputting of data, so that employees, including those involved in enforcement, can focus on their core tasks and activities.

Finally, I must express my gratitude to all the hard working employees at OHSA who work tirelessly and often thanklessly, 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

### *Deputy Chairperson (ex officio)*

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

### Members

Mr. Edwin Balzan

Ms. Abigail Mamo

Mr. Victor Carachi

Mr. Joseph Delia

Dr. Zed Teebi

Prof. Stephen Montefort

### Observer members

Mr. Anthony Casaru

Mr. Michael Galea

### Secretary

Ms. Katya Mallan

### 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

Since starting its operations, the Authority has devoted a lot of time and resources to raise awareness and disseminate relevant, updated information. This was instrumental in bringing about a much desired change in the way by which OHS is collectively perceived, and in particular has helped to place OHS on the national agenda, and to get the message across that adequate levels of health and safety underpin the very essence of economic sustainability; conversely, poor general levels of health and safety increase the burden on social security, affect productivity and require huge treatment and rehabilitation costs - all this apart from the unquantifiable human misery that is caused to workers and their families.

Despite major advances, there is still considerable room for improvement - research carried out by OHSA in 2011 quantified the consequential cost of inadequate levels of occupational health and safety at around 0.5% of the GDP. Translated into 2017 figures, that equates to around €62 million, being lost annually in Malta, just because occupational health and safety are not safeguarded. One should also keep in mind that the 0.5% of the GDP figure was a highly conservative estimate.

On a positive note, there has been a dramatic increase in information requests concerning occupational ill-health. The Authority has often commented in the past on the perceived lack of awareness regarding the associations between work and health, particularly the influence of work in the causation of disease or the aggravation of pre-existing medical conditions. Despite this obvious awareness, especially amongst workers, the Authority needs to draw attention, once again, to cases of suspected occupational diseases which remain unnotified by medical practitioners (in terms of the Social Security Act), and/or by employers in terms of various OHS regulations. These notifications are an important tool, when used effectively, in obtaining a reliable picture regarding the prevalence of occupational ill-health in Malta, which to date, remains very unclear. During 2018, OHSA worked on a number of initiatives targeting medical practitioners as part of its efforts to rectify the situation.

## 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

Knowledge empowers people. Some also posit that knowledge is power. Since it was established, OHSA has devoted a lot of time and resources to make more people, be they employers, employees or any other stakeholder, knowledgeable about the basic principles of occupational health and safety. OHSA's actions and initiatives did not only target legislative requirements, including rights and duties, but also included the provision of information and guidance on the technical means by which compliance could be achieved. In this manner, more people became 'knowledgeable' about what needs to be done, and how to go about it.

OHSA also devoted a lot of time and resources to raising awareness about the accruable benefits to society in general, the economy, and individual workers when adequate levels of occupational health and safety are achieved.

This in fact is an on-going activity of OHSA, which needs to ensure that the information available takes account 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. OHSA is increasingly making use of the social media to disseminate information and to engage with all stakeholders.

In addition to its website and Facebook page, OHSA launched a mobile app (*Bsafe@Work*) during 2018 to provide users up-to-date notifications and information regarding occupational health and safety. This app allows persons (whether workers or civic minded citizens) to lodge complaints and inform OHSA of situations of risk created by any work activity, so that they are immediately addressed by OHSA.

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 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.

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

In its role as a National Focal Point for the European Agency for Safety and Health at Work (EU-OSHA), OHSA has been actively involved in the organisation and management of a wide range of EU-OSHA activities. EU-OSHA was established with the aim of contributing to the improvement of working life in the EU. As an Agency, EU-OSHA develops, analyses and disseminates information on occupational health and safety. It also commissions and



publishes research and statistics on occupational health and safety risks. EU-OSHA has a focal point in each Member State as well as in the European Free Trade Association States and candidate and potential candidate countries. Through such focal points, EU-OSHA can easily disseminate good practices and reach workers and workplaces.

The role of National Focal Points cannot be underestimated - they are the primary contributors to the implementation of EU-OSHA's work programme. In a few words, National Focal Points are the long arm of EU-OSHA, and their role and participation are considered by the Agency as essential in achieving healthier and safer workplaces.

Throughout 2018, the National Focal Point has also been actively involved in a two-year campaign, which started during the year, entitled 'Healthy Workplaces Manage Dangerous Substances'. The objectives of this campaign are to raise awareness about the risks from dangerous substances, including carcinogens, which risks should be the focus of specific risk assessments. Vulnerable groups and the specific measures required to be taken to protect all workers are also the subject of this campaign.

Whereas OHS produced and published a number of guidance documents on this subject, it also organised a seminar as part of the campaign, when many examples of good practice were described. Further action will be taken during 2019 in the form of an inspection campaign targeting users of specific dangerous substances.

As highlighted by the European Agency for Safety and Health at Work (EU-OSHA), *"exposure to dangerous substances is much more common in Europe's workplaces than most people imagine"*.

OHS also took part in the European Week for Safety and Health at Work, which is organised every year in October. The theme chosen by EU-OSHA for 2017 and 2018 was 'Healthy Workplaces Manage Dangerous Substances'. Activities held before, during and after the Week focused on raising awareness about the need of managing the use of dangerous substances at work through a system based on the general principles of prevention. As in previous years, the Occupational Health and Safety Authority (OHSA-MT) helped other entities in their events and distributed a number of promotional and information material to different target groups.

### 3 General promotional activities

#### 3.1 Online interactive risk assessment (OiRA) tools

Micro and small enterprises face special challenges in achieving healthier and safer workplaces - they often 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 a low priority, and often fail to recognise the risks posed by their workplaces.

A very important tool which can be used to control risk is the risk assessment exercise, which when carried out in a suitable manner, should identify the hazards present at the place of work, quantify the resultant risks and identify the control (preventive and protective) measures). In fact this is a basic legal obligation in terms

of the principal Act itself as well as the General Provisions of the Health and Safety at Work Places Regulations, which requires employers and self-employed persons 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 a fundamental element for a successful health and safety management approach. Unfortunately, micro and small enterprises and self employed persons 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.

These challenges have also been recognised at an EU level, and over the years, ways to facilitate compliance have been sought including by assisting micro and small enterprises to carry out risk assessments at their respective places of work. On-line tools such as the Online interactive Risk Assessment (OiRA), encourage the carrying out of risk assessments as they are free, simple and practical, while at the same time being adapted to take into consideration the relevant OHS legislation of that country.

In the past, OHS has already assisted the European Agency for Safety and Health at Work in the development of one OiRA tool, covering office work. This tool was developed in the Maltese language and references Maltese OHS legislation.

During 2018, OHS continued its cooperation with the European Agency by assisting the Agency's appointed contractor to develop four more OiRA tools based on local OHS legislation. These four tools which have now been published on the Agency's OiRA portal (OHS's website also includes links to the portal) address psychosocial risks, office work and the catering industry. OHS also developed a generic tool which can be used in a number of work settings.

According to statistics published by EU-OSHA, 744 accumulated assessments have been carried out using the Maltese OiRA Office Work tool since it was launched. In 2018 alone, 380 assessments were carried out by 376 users, using the new tools. 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.

#### 3.2 Building in safety

Since the introduction of Council Directive 92/57/EEC on the implementation of minimum safety and health requirements at temporary or mobile construction sites, there has been an increasingly popular approach to address hazards and risks through the design process. The said Directive was transposed into Maltese regulations through the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations. The Directive and subsequently the Maltese Construction Safety Regulations, emphasize the importance of the design process - which must be an integral part of OHS considerations.

As clearly highlighted by the legislation, the general principles of prevention must be considered during the various stages of the design and preparation of the project. Architects play an important role in such process. To highlight the important role which



Architects have in design safety, OHS has been holding an annual seminar with the aim of raising awareness on the importance of mainstreaming occupational health and safety at the design phase. The seminar, which is organized in collaboration with EU-OSHA and the Chamber of Architects and Civil Engineers of Malta, is an opportunity for new Architects and students in this field to discuss the principles of safe design and their role in securing an improvement in occupational health and safety levels in Malta. In addition to their role in preparing construction plans, drawings, other planning documentation, as well as monitoring the construction developments, *Periti* are appointed by employers / contractors to prepare *inter alia* safe method statements, determine safe working loads and the structure and solidity of buildings. The relevant duty holders are also required to follow the architects' directions.

During the seminar, participants also discussed case studies prepared by OHS, based on real-life situations.

In conclusion, the seminar demonstrated the importance of having the necessary preventive and protective measures to ensure healthy and safer workplaces and that promotional initiatives between OHS and relevant stakeholders is one of the ways forward to secure an improvement in OHS levels.

### 3.3 Dangerous substances at work

The management of dangerous substances at work is crucial for ensuring healthier and safer workplaces. The risks associated with dangerous substances at the place of work cannot be underestimated - exposure to such substances may lead to a wide range of health problems and diseases. In addition, dangerous substances may also pose safety risks. As explained previously, EU-OSHA commenced a two-year campaign (2018-19) entitled 'Healthy Workplaces Manage Dangerous Substances' to raise awareness about the risks posed by dangerous substances and to promote a culture of risk prevention. One of the initiatives taken by OHS during this campaign, was to organise a seminar dealing with 'Dangerous Substances at Work' in collaboration with EU-OSHA to raise awareness of the importance of preventing risks from dangerous substances and to provide information on how to manage such risks. During the seminar, speakers stressed the importance of having appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures to ensure a healthy and safe workplace. Other topics discussed were the management of asbestos risks in the workplace, the Control of Major Accidents Hazards (COMAH) Regulations and the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) regime.

### 3.4 The role of Local Councils in safeguarding OHS

Local Councils have an important role in the management of occupational health and safety. They carry out a wide range of activities, some of which may be high-risk. They also carry out work in different scenarios ranging from office work to performing outdoor duties. Such a wide range of activities necessitate the implementation of a successful occupational health and safety management system.

Local Councils also assume a dual role, that of employers and, where construction projects are carried out on their behalf, that of clients. Besides having various onerous duties in terms of occupational health and safety legislation, Local Councils also have specific obligations pertaining to public health and safety. The Occupational Health and Safety Authority (OHS) strongly believes that by protecting the health and safety of their workers, Local Councils will also be protecting the wider community and further enhancing their reputation as good employers. To this end, the Occupational Health and Safety Authority (OHS-MT) organized a seminar for which Mayors and Executive Secretaries of all Local Councils were invited.

The seminar also addressed the findings of the inspection campaign carried out by OHS over the previous two years. Participants were provided with legal and practical solutions on how to address occupational risks. The seminar also served as a platform for the exchange of ideas concerning issues on which OHS-MT and Local Councils may collaborate.

The seminar was organized by the OHS-MT in collaboration with the European Agency for Safety and Health at Work.

### 3.5 Development of guidance material

During 2018 OHS issued a number of guidance documents to raise awareness on OHS matters among different parties. These guidance documents concerned the new construction OHS regulations, the use of solvents, workers' rights and duties, and the duties of employers. 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 OHS are being increasingly used and even referenced in Court sentences, which recognise OHS's standing as a national point of reference on all aspects relating to occupational health and safety.

OHS also developed another guidance document (Q&A format) regarding the implementation of the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations, S.L. 424.36. The document, entitled '*Regolamenti dwar is-Saħħa u s-Sigurtà waqt Xogħol ta' Kostruzzjoni - Mistoqsijiet Frekwenti*', seeks to address common questions and key topics such as the roles and duties of clients, project supervisors, employers, self-employed persons, and workers. Various topical issues, such as the measures required to prevent falls from height were also addressed.

The guidelines on *Employers' Duties* highlight the salient duties of employers found in various regulations, which were consolidated into a single guidance document. Through such guidelines, employers can easily understand their duties imposed by occupational health and safety regulations. The *Workers' Rights and Responsibilities* guidelines follow a similar approach.

The fourth guidance document produced by OHS concerns the '*Safe Use of Solvents*'. Solvents are ubiquitous chemical agents used by many industrial sectors and are also found in a wide variety of everyday product applications including paint, personal care products, pharmaceuticals, pesticides, cleaners and inks. The main topics highlighted in

this document include the different classes of solvents and their use solvents in different industries, the routes of entry and the health effects due to solvent exposure, and the required health and safety measures according to the hierarchy of prevention.

An analysis of the sectoral occupational injury rates for the past few years shows that the construction industry remains associated with high figures. This makes occupational health and safety in the construction industry a matter of high concern for OHS, with various actions being taken to address this situation. Apart from organising regular inspections, OHS has developed suitable guidance material which addresses specific situations to assist employers, employees and professionals alike, working in the construction industry, in taking the right measures in the interest of occupational health and safety. Work has already started on the development of further good practice guides addressing excavation and demolition works - it is anticipated that these will be launched during 2019.

It is important to point out that all the above-mentioned documents are available online, and can be downloaded free of charge from OHS's website.

### 3.6 Dangerous substances at work - Information point

OHS set up and manned an 'information point' at the University of Malta through which OHS Officers raised awareness on the management of dangerous substances at work. The 'information point' was organised in collaboration with the European Agency for Safety and Health at Work (EU-OSHA). The objectives of this 'information point' also included raising awareness of the European Agency for Safety and Health at Work 2018-19 Campaign: *Healthy Workplaces Manage Dangerous Substances*. Through this initiative, OHS Officers provided information on the ways occupational ill-health and, or accidents caused by dangerous substances can be prevented. Various leaflets pertaining to the management of dangerous substances were also distributed at the 'information point'.

### 3.7 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, ICT and iGaming, Armed Forces of Malta, the Public Service, P.A.R.K, and Local Councils.

The *Workers' Health and Safety Representative* course, which was organised 18 times and the *Principles of Risk Assessment* course (organised 5 times) remained the two most popular core topics for OHS's awareness-raising courses, followed by *First Aid and Safety at Work* - this latter course was organised in collaboration with St. John Ambulance.

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

OHS'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 3987 monthly page views, and 1158 monthly visitors.

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

### 3.9 Facebook page - OHS Malta

OHS uses its Facebook page 'OHS Malta' to upload information about topical issues and events to be organised, together with other information deemed as useful to users. This page has also been used by people to lodge complaints about unsafe practices and has enabled OHS to take timely action about situations otherwise difficult to tackle. This page has also assisted OHS in its investigations as members of the public could send photos of actual unsafe work practices observed. Since its launch, Facebook statistics show that it has averaged 22 weekly page visits and a weekly reach of 103 hits. The page garnered 701 likes.

### 3.10 Social Partners' Sponsorship Fund for OHS initiatives

The sponsorship fund, launched during 2014 to support social partners with OHS initiatives, remained open during 2018. 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 be consistent with the general principles of prevention as laid down in Act XXVII of 2000.



### 3.11 Faculty for the Built Environment, University of Malta

During 2018, OHSa continued its collaboration with the Faculty for the Built Environment at the University of Malta so that periti become more aware of their important role in the safeguard of occupational health and safety during construction projects. Lectures were delivered to final year students who enrolled in the Master of Engineering and Master of Architecture courses, as part of a study unit entitled Professional Studies. The topics tackled within this module included the mainstreaming of occupational health and safety in design features in order to enable safer buildings, the provision of guidance on good practice as well as a review of the legal framework in maintaining health and safety in the construction industry. The lectures included a number of practical examples and case studies of good and bad practices on site which were shared with students. The objective behind this initiative is to prepare students who will successfully complete the Masters degree programmes, for professional status in Malta, and, by extension, in the European Union.

### 3.12 Instigating a culture change in OHS - A German perspective

During October, OHSa participated in an OHS awareness raising activity organised by the Embassy of the Federal Republic of Germany in Malta, the German Maltese Business Council and the local business community, namely, the GRTU and the Gozo Business Chamber. The event discussed ways through which a culture change could be instigated in the field of occupational health and safety by providing insights into German and Maltese perspectives. The key speaker at this event was Dr. Ulrike Bollmann from the German Social Accident Insurance (DGUV) who focused on the cultural shift needed in the prevention of accidents. This activity was held both in Malta and in Gozo.

## 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 any 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

As in previous years OHSa 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. During 2018 OHSa tackled the gaming industry, insurance offices as well as printing presses, whereas the construction sector continued being given attention throughout the year. This sector was in fact the subject of an intensive campaign organised in the first semester; it was encouraging to note that this campaign seemed to have achieved its objectives, since the number of complaints and reports of unsafe work practices reaching OHSa concerning construction activities during the second semester were substantially lower, when compared to the first months of 2018.

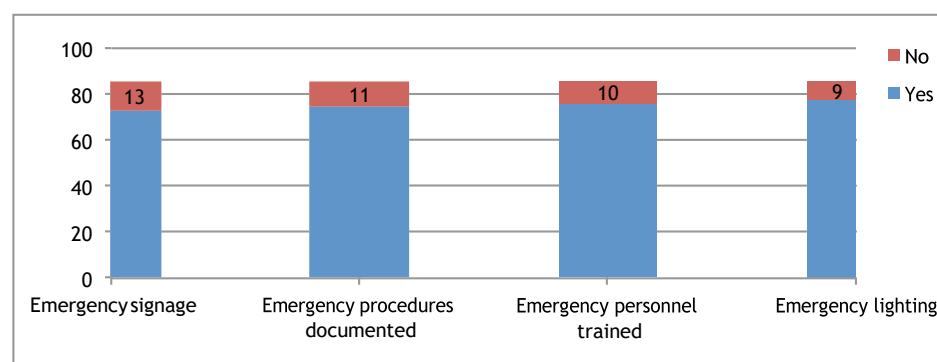
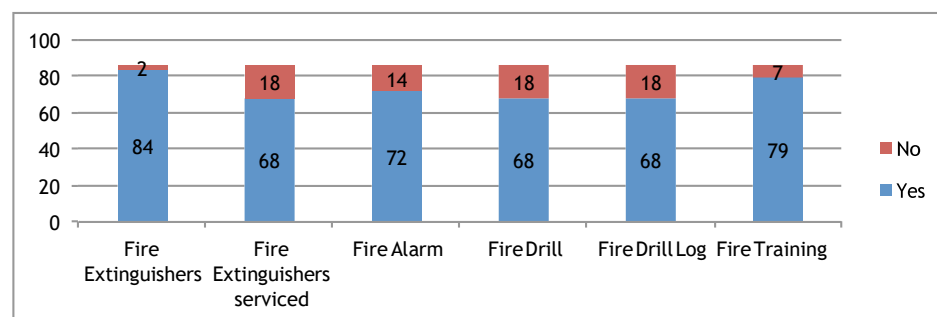
### 1.1 Follow up campaign: insurance companies

OHSa revisited insurance companies operating in Malta, as a follow-up to an inspection campaign carried out in previous years. Following the initial visits, letters were sent by OHSa to all those insurance companies which were found non-compliant with regards to several minimum requirements, including the carrying out of risk assessments (which *inter alia* should have taken into consideration pregnant workers and young persons), the appointment of workers' health and safety representatives, preparedness for fire, emergencies and first aid.

In total, 86 companies were visited, of which 40 employed five or more workers and therefore have the obligation to keep a written record of their risk assessment - 73% of these were found to be compliant. 88% of the companies visited ensured the appointment of workers' health and safety representatives as required by law. In those companies where pregnant workers were present, 66% of the companies had carried out a specific risk assessment. Moreover, from the total of 86 offices inspected, 60 (69%) had identified their workers as VDU's habitual users and 58 (97%) sent their workers for an ophthalmological eye test.

The majority of insurance companies were found to be fulfilling their legal obligations regarding training requirements, the provision of supervision and first aid arrangements. The tables below show the compliance found within these Insurance companies specifically with regards to other legal requirements regarding emergency procedures.

Of the 86 insurance companies visited, 26 were in breach of the legislation in one way or the other. These were all issued with letters of intimation for the payment of administrative penalties.

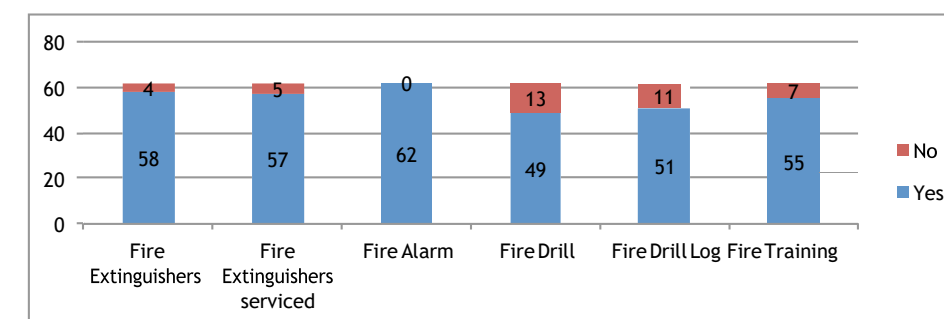
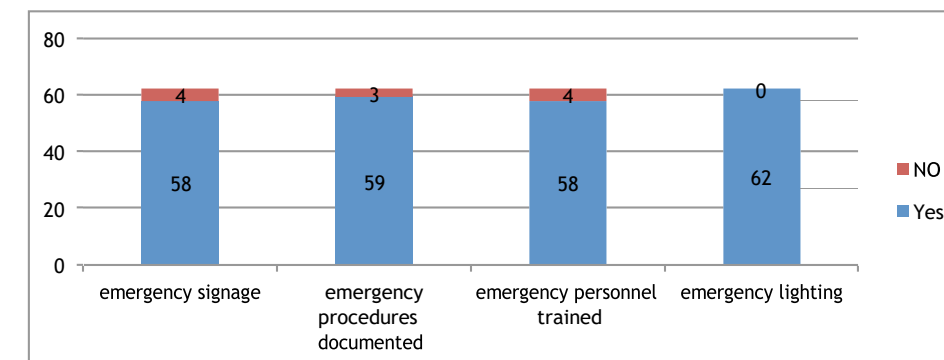


## 1.2 Follow up campaign: gaming companies

OHSA also continued with its inspection campaign in the gaming sector by carrying out follow-up visits having originally visited all operators in this sector over the previous two years. A total of 62 companies were visited during the course of the campaign. The scope of the campaign, similar to the one targeting insurance companies, focused on minimum health and safety requirements including the requirement to have carried out risk assessments, which also consider pregnant or young workers, the appointment of workers' health and safety representatives, and emergency procedures, including firefighting equipment, fire and emergency drills and first aid arrangements.

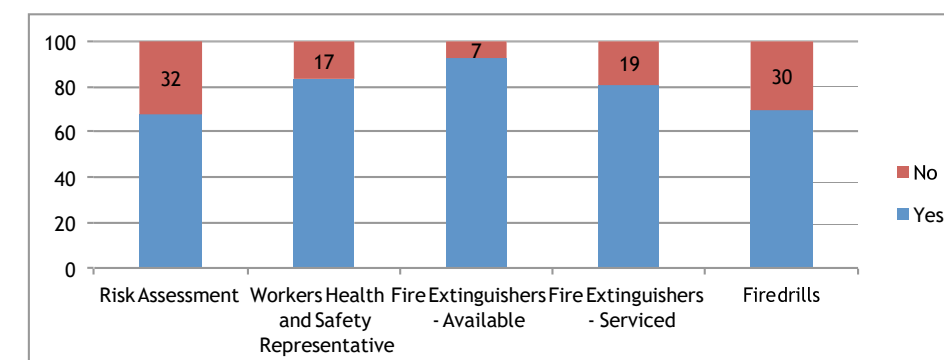
Of the companies visited, 55 employed five or more workers and thus were obliged to keep a written record of their risk assessment. 68% of these 55 offices were found to be compliant with this obligation. In those companies where pregnant workers were present, 43% had carried out a specific risk assessment. Most of the companies (80%) had appointed a workers' health and safety representative. Around 74% of the companies had sent their workers for an ophthalmological eye test. Acceptable standards were noted with regards to lighting, ventilation, temperature and humidity, and general housekeeping. In 98% of all cases, the welfare facilities offered to workers were also adequate. The tables below indicate the degree of compliance found within these gaming companies with regards to other legal requirements concerning firefighting and emergency procedures.

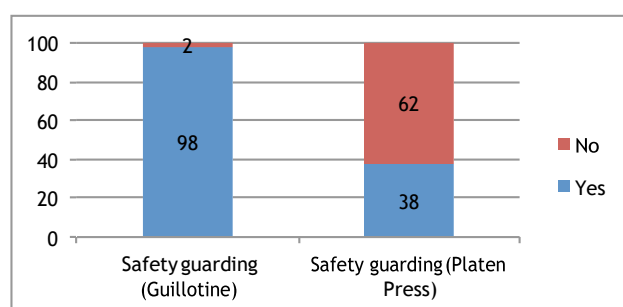
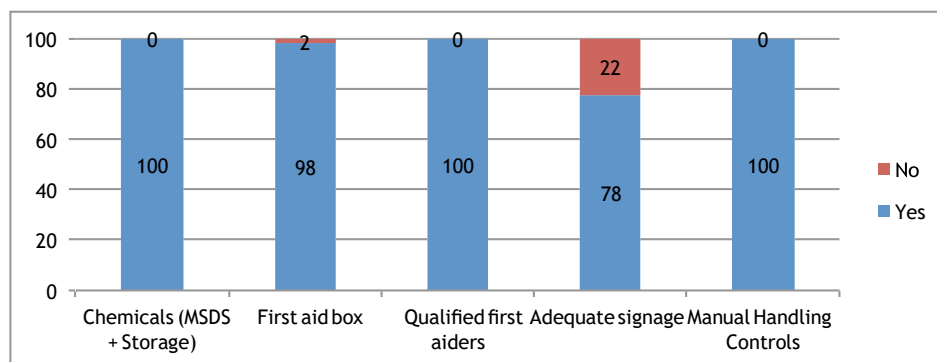
Out of the 62 gaming companies visited, 14 were found to be in breach of the legislation, and were issued with administrative fines, the value of which depended on the list of contraventions noted.



## 1.3 Follow up campaign: printing presses

Yet another follow-up campaign involved printing presses. Most of the companies visited are small establishments which employ less than 10 workers. It was noted that 32% of the companies had not carried out a risk assessment, while 17% did not appoint a health and safety representative. Moreover, 7% of the companies had no fire extinguishers available while 19% of those having suitable fire-extinguishers installed, had failed to service them. A total of 30% of the companies did not carry out fire evacuation drills, 2% had no first aid box and 22% had insufficient signage. On the other hand, all companies had appointed first-aiders, had implemented adequate manual handling procedures and chemicals in use at the workplace were adequately stored. In the case of chemicals, the OHS Officers also verified whether Material Safety Data Sheets with regards to the chemicals in use were available. With regards to machinery, only 38% of the companies that used a platen press had sufficient guarding, but almost all companies (98%) made use of a guillotine which incorporated all the required health and safety features.





#### 1.4 Injection moulding systems campaign

Towards the end of the year, OHS officials carried out inspections in companies that are known to use injection moulding machines in their day-to-day operations. The scope of these inspections was to highlight amongst others, the health and safety requirements to prevent workers' exposure to volatile organic compounds (VOCs) emitted from injection moulding machines. A total of 16 companies were visited.

From these inspections it has been transpired that 2 companies who employ 5 workers or more failed to compile a risk assessment as required by law, while 54% of the companies that carried out a risk assessment did not include the risk of workers' exposure to VOCs. 57% of the companies that employ 10 workers or more had appointed a workers' health and safety representative. Only 31% sent workers for health surveillance. The majority of the companies (94%) had suitably guarded equipment, and 84% had material safety data sheets available for every chemical used. Only 2 companies did not have their fire-extinguishers serviced, while 53% carry out fire drills every 6 months. All companies have adequate manual handling controls in place and provide training to workers. Enforcement action was taken against all defaulters.

## 2 Notification of injuries and accident investigation

A total of 664 injury notifications from employers were received at OHS during 2018. Employers are duty bound to notify the OHS with workplace accidents which resulted in a worker being incapacitated for work for more than three consecutive days or which resulted in the injured worker being hospitalised for more than 24 hours beyond the period for observation. OHS Officers investigated all notified accidents which resulted in serious injury.

## 3 The construction sector

Contrary to common perception, 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. 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 these reasons, the construction sector remains a focus of attention for OHS, with the majority of inspections (both proactive inspections and reactive ones) being carried out in this sector.

Almost all 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.

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 nuisances and inconveniences, civil rights, damage to third party property, hours of work, traffic management and road closures - whenever OHS receives a complaint which falls outside its remit, it is OHS's policy to carry out an inspection at the site giving rise to the complaint to ascertain compliance with occupational health and safety legislation, whilst officially referring the original complaint to the responsible entity.

### 3.1 Construction notification forms

OHS processed 1858 Construction Notification Forms received in accordance with Legal Notice 281 of 2004 / LN 88 of 2018 for projects on which work is scheduled to last longer than 30 working days and on which more than 20 workers are occupied simultaneously, or on which the volume of work is scheduled to exceed 500 person-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 Radiation protection

In 2018, a new radiation/nuclear regulatory structure was created through the enactment of a dedicated Nuclear Safety and Radiation Protection Act and Basic Safety Standards for Ionising Radiations Regulations. As a result, existing regulations on occupational and medical exposure were repealed in 2018.

In October 2018 the Radiation Protection Commission (RPC) was constituted by virtue of the new Act to take over the role of the Radiation and Nuclear regulator from the



RPB. The work of the radiation/nuclear regulator 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. The radiation/nuclear regulator needs to deal with all regulatory aspects of the EURATOM Treaty (one of the founding Treaties of the European Union) as well as fulfilling Maltese obligations under the nuclear related treaties and conventions of the International Atomic Energy Agency (IAEA).

Until such time as the new Nuclear Safety and Radiation Protection Commission started functioning, the Radiation Protection Board (RPB) remained active, with OHSA as its lead entity, and providing administrative support and coordinating the activities of the constituent entities through the work of its Radiation Protection Section. During 2018 the inspections on the medical use of ionising radiation focused on the legal requirement that patient radiation doses were being recorded and compared to reference values.

The Radiation Protection Board also started considering all options regarding the long-term management options of Maltese radioactive waste, including the possibility of setting up a centralized storage facility. As part of this initiative revised radioactive waste management regulations have been prepared. RPB also arranged for the supply of radioactive waste handling equipment and two expert missions to Malta from the IAEA in 2018.

In 2018 the RPB also prepared revised draft regulations to transpose Malta's obligation to the EU and the IAEA on nuclear safety issues.

As part of RPB's on-going collaboration with the IAEA, in 2018 two IAEA international workshops were held in March and October concerning the Detection of radioactive material out of regulatory control at point of entry, and the Role, duties and qualifications of radiation protection officers and qualified experts.

The RPB presented the national report for the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management at the Sixth Review Meeting, held in May 2018 at the IAEA headquarters in Vienna.

OHSA's radiation protection section performed 77 inspections of medical, industrial, veterinarian and security screening facilities. Currently the national inventory of users of all sources of ionizing radiation, currently includes 227 users. 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 321 such imports during 2018. Using the information on imports allows the Radiation Protection Section to update the national data base of radioactive material.

## 5 Machinery, equipment, plant and installations

OHSA's MEPI section is mainly tasked with the implementation of OHS regulations related to work equipment, which amongst other duties, put certain obligations on employers to ensure that all work equipment is examined and inspected, repaired and maintained in good working order and used in a safe manner. Employers are also obliged to provide adequate training for their employees to ensure that they are competent to

use the equipment, while employees are required to use work equipment safely and for its intended purpose.

Employers are obliged to keep the examination report available for inspection by OHS officers, while in the case of lifts and escalators, employers are required to send a copy of the examination report to OHSA. These and other reports requested by OHS officers during their site visits are entered into a dedicated database. In 2018, a total of 5917 reports were entered into the database, as follows: 3941 lifts, 384 cranes (all types), 80 boilers, 398 forklift trucks and 1114 reports concerning other types of equipment. OHS Officers vet the contents of the report and take enforcement action as necessary.

The MEPI section also oversees the implementation of the Control of Major Accident Hazards (COMAH) regulations. OHSA forms part of the COMAH Competent Authority (CA) together with the Civil Protection Department and the Environment and Resources Authority. The CA carried out inspections in all lower and upper tier establishments classified as COMAH sites. Emergency planning exercises were carried out in three sites as required by the regulations. As the lead authority within the CA, OHSA organizes all the inspections, prepares reports, and communication with the operators.

As part of OHSA's policy of continued professional development, officials from this section were sent to take part in a technical visit of an LNG storage facility in Mugardos, Spain. This site is operated by the same company that operates part of the LNG facilities in Malta. The hosts provided detailed information on the operations and safety features of the plant and equipment.

## 6 Occupational health

During 2018, OHSA continued to raise awareness on the importance of the recognition and reporting of occupational diseases with various stakeholders. A seminar on occupational diseases was organized in collaboration with the Malta College of Family Doctors to increase awareness on occupational diseases and demonstrate the pathways to recognition and reporting. Unlike reporting of work injuries, underreporting of occupational diseases and work-related conditions is still a common occurrence. To this end, it is also planned that in the coming year, OHSA will be working on preparing amendments to current legislation to make it mandatory for medical practitioners to report occupational diseases to OHSA. Currently, the onus rests with the employer, who is only required to notify OHSA of any occupational disease about which the employer is informed by a medical practitioner - where for whatever reason the medical practitioner fails to inform the employer, then such an obligation does not exist, and OHSA remains unaware of such occurrences of occupational diseases.

OHSA has also worked intensively to make medical practitioners and practicing health and safety practitioners aware of the importance of suitable and adequate health surveillance. Apart from asbestos exposure and lead exposure of workers, where it is mandatory, health surveillance at regular intervals of workers exposed to other hazards such as noise, vibration and chemicals is indicated whenever the risk assessment required to be carried out by the employer reveals (i) an identifiable disease or adverse health conditions related to the work involved, and (ii) the likelihood that such disease or condition may occur under the particular conditions of work.



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.

## 7 Mental health strategy for Malta

Whereas the focus of occupational health and safety has traditionally been the recognition and control of physical and chemical hazards in the workplace, there has been a growing awareness that psychological, economic and social influences can have an impact on both physical and mental health, and workers' well-being. Many aspects of occupational health and safety are the subject of specific sets of regulations creating a common approach to physical hazards. However, ensuring a psychologically safe and healthy workplace is also a legal requirement under the OHSA Act. This obligation mirrors that established under Framework Directive 89/391/EEC and supported by the social partners' framework agreements on work-related stress (2004) and harassment and violence at work (2007).

The development of mental health problems is often the result of complex interactions between biological and psychosocial factors, which may include environmental influences. The workplace can play a significant role, since the poor organisation and management of work may lead to the development of mental health problems, including depression, anxiety, distress, fatigue, and burnout. All these may manifest themselves in poor health functioning, job dissatisfaction and increased sickness absences and turnover from work.

In view of the association between the workplace and mental health problems, it is widely recognised that the workplace can provide a social context in which to develop a mentally healthy environment that is supportive to all workers. In fact contemporary frameworks for mental health no longer concentrate on the prevention and management of mental illness, but advocate a holistic approach which includes the promotion of wellbeing paired with the preventative measures. Mental health promotion can be viewed as a process of enhancing the protective factors that contribute and support good mental health, paired with identifying and addressing key risk factors. It is important to note, that effective promotion of mental health in the workplace should be only one critical component of an overall strategy to improve wellbeing at work, while measures which promote mental wellbeing and prevent mental ill health and undue work-related stress need to be fully integrated into a framework encompassing wellness and workplace health promotion.

OHSA recommended a number of initiatives to be taken in addition to the ones identified in the Mental Health Strategy 2020-2030.

## 8 White Paper setting up a Building and Construction Regulator

OHSA participated in discussions setting up a new Building and Construction Regulator, which will absorb several existent entities including the Building Industry Consultative Council, the Building Regulations Board, the Building Regulation Office and the Masons Board. OHSA in fact, being cognizant of Government's better regulation drive notes that one of the stated objectives in setting up a new Regulator is the formulation of a consolidated approach towards the regulation of the construction industry. This is a positive step which if implemented correctly, will lead to the better coordination of the different stakeholders and ultimately, better control and greater compliance with regulatory obligations by dutyholders.

However, OHSA also notes that whereas there is a great scope for cooperation between it and the new entity, it also needs to stress that the safeguard of occupational health and safety should remain outside the new entity's terms of remit in its entirety. This in view of the fact that occupational health and safety within the construction sector is not subject to one dedicated set of regulations, but is regulated by the whole legislative framework dealing with occupational health and safety in general. This was stressed by OHSA in its comments sent in response to the published White Paper, while strongly advocating that the new legislation maintains a clear legal distinction between occupational health and safety, which should remain the responsibility of OHSA, and all other aspects, which should fall under the responsibility of the new Regulator.

## 9 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 itself, 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 2018 will be included in OHSA's 2019 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, OHSA refers to statistical trends, rather than the actual figures for any particular year.

During 2018, 4 fatal accidents at work were recorded, all of which were the subject of a Magisterial inquiry. OHSA carried out its own investigation in terms of article 9 (2) (j) of the Act. All fatal accidents (i) involved male victims (ii) occurred in the construction

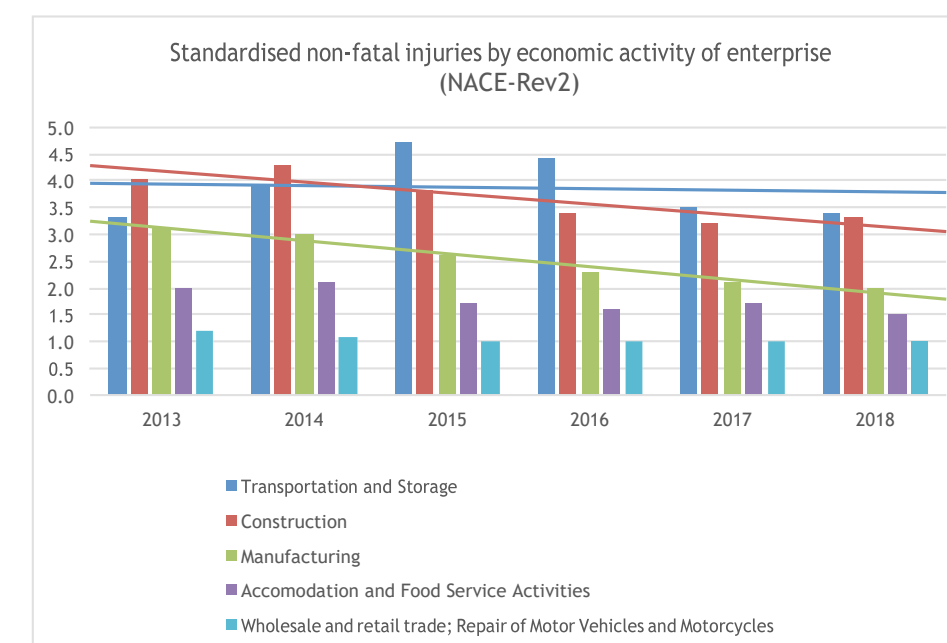
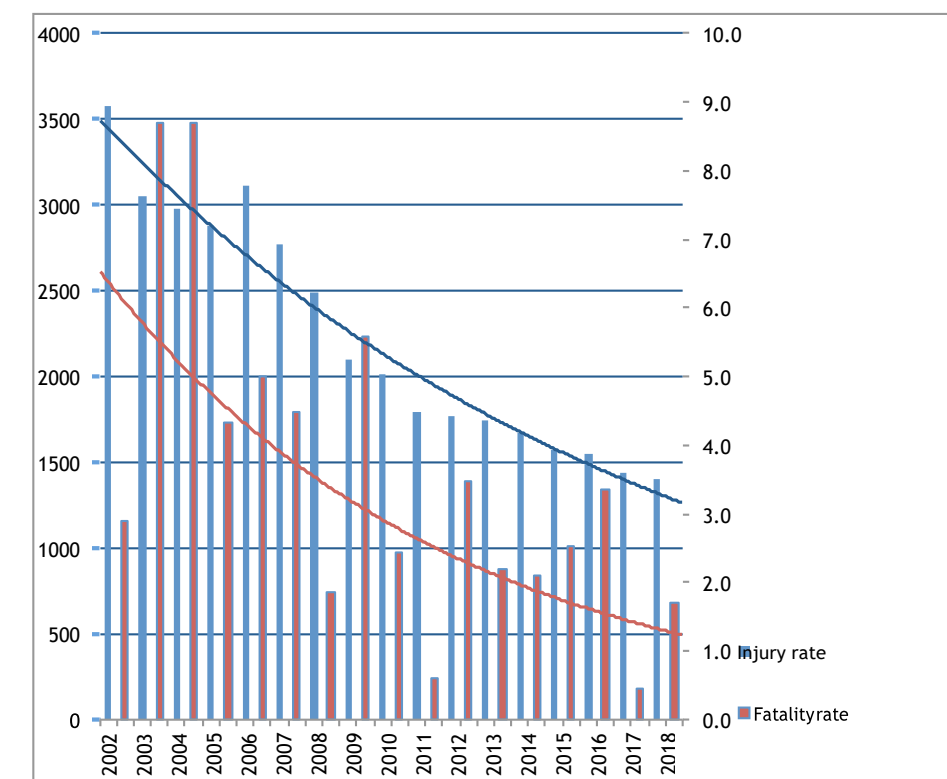
sector and (iii) were the result of falls from height. Two of the workers were self-employed, while the other two were employed with a small contracting company. Three of the workers were foreign. One of the fatalities occurred in the first semester and three in the second semester.

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

Injury and fatality rates have been showing persistent downward trends since 2002, OHSa's first full year of operations. In the case of fatal accidents at work, the rate obtained for 2018 was of 1.7 per 100,000 employees, while for injuries, the rate was of 1,400 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).

	Employed persons (Full and part time) <sup>1</sup>	Injuries <sup>2</sup>	Injury rate	Fatalities <sup>3</sup>	Fatality rate
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	156,303	4,328	2,769	7	4.5
2008	161,239	4,023	2,495	3	1.9
2009	160,771	3,366	2,094	9	5.6
2010	164,212	3,314	2,018	4	2.4
2011	168,711	3,024	1,792	1	0.6
2012	172,701	3,057	1,770	6	3.5
2013	181,614	3,176	1,749	4	2.2
2014	190,871	3,195	1,674	4	2.1
2015	198,322	3,112	1,569	5	2.5
2016	208,132	3,220	1,547	7	3.4
2017	220,489	3,182	1,443	1	0.5
2018	232,306	3252	1,400	4	1.7

<sup>1</sup>Source: ETC, <sup>2</sup>Source: DSS / NSO, <sup>3</sup>Source: OHSa.



Sectoral rates (per 100 workers) were obtained through an analysis of the number of injuries (taken from DSS data published periodically by the NSO) based on the number of workers in the five largest economic sectors (based on Labour Force Survey data).

For the past four years, the transport and storage sector (which incorporates land, air and water transport, warehousing and support activities for transportation and postal and courier activities) has been associated with the highest rate of claims (number of injuries per 100 workers) for injury benefits in terms of the Social Security Act. However,



the rates obtained for those three sectors reporting the greatest number of social security claims, indicate downward trends, with the construction and manufacturing sector having the steepest decline. For the second year running, no sector experienced more than 3.5 injuries per 100 employees.

Considering the relatively short time period, caution in interpreting these results is advised before making any statistically robust conclusions.

## 10 Discussions with the National Statistics Office

OHSA initiated discussions with representatives of the National Statistics Office regarding the timely exchange of quality data between the two entities. Whereas both entities already collaborate extensively in sharing data, it has long been felt that a more timely delivery of relevant information is necessary. Whereas NSO requires quality data for onward transmission to other data-collecting centres, chief amongst which is EUROSTAT, OHSA needs this data for analytical purposes and to identify areas which warrant early action on matters before they become matters of concern. Following the commencement of discussions, both entities agreed on the data fields which could be shared.

## 11 Administrative fines

During 2018, OHSA issued 591 letters of intimation for the payment of fines amounting to €205,400, of which €151,350 have been collected. According to OHSA's Standard Operating Procedure regulating OHSA action, fines may continue being received until the date of hearing of the judicial case appointed in the case of non-payment. Furthermore, the same SOP provides for the payment of staggered payments, so that there are also fines which although issued in a particular year, will be collected in the subsequent year.

Year	Value of fines imposed	Value of fines collected
2015	€121,965	€121,965
2016	€136,800	€136,800
2017	€177,750	€166,000
2018	€205,400	€151,350

The values of fines indicated in the above table exclude those fines which were not paid and which were referred to Court - in such instances, the pecuniary penalties imposed by the Courts are not collected by OHSA.

## 12 Judicial action

During 2018, four Court sittings were appointed, as opposed to two from the previous year. It is very positive to note that the number of Court sittings will be increased to eleven as of 2019. During the year, the Courts delivered judgement in 58 cases, and imposed pecuniary fines amounting to €44,000.

Apart from being involved in criminal procedures, OHS Officers have also been called to testify in several cases before the civil courts.

## 13 Asbestos in workplaces

In total, documentation relating to forty-seven notifiable asbestos-removal projects was submitted to OHSA during 2018. 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.

## 14 Biological agents

A new notification form for the use of Group 2, 3, or 4 Biological Agents was uploaded on OHSA's website. This form is required to be submitted to OHSA 30 days prior to the commencement of work involving the first time use of a group 2, 3 or 4 biological agent or for the first time of each subsequent group 3 and 4 biological agent. Biological agents are micro-organisms and include bacteria, viruses, fungi and their associated toxins. These are classified into different risk groups, according to their level of risk of infection. Work activities that may result in the workers being exposed to a biological agent, include work in agriculture and food production plants, work in healthcare and in clinical, veterinary and diagnostic laboratories, work involving contact with animals and/or products of animal origin, as well as work in refuse disposal plants and in sewage purification installations, amongst others.



## 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.

During 2018, OHSa prepared two legislative drafts - one concerning amendments to 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 - the Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work Regulations.

Both sets of regulations were published during 2018.

### 1 Construction site regulations

OHSa is committed to the principles of better regulation and it strongly believes that legislation must be easy to understand and implement. On the other hand, regulations in force need regular review and updating to remove obsolete and, or conflicting provisions.

The new regulations concerning construction activities are intended to lay down a new regulatory framework which provides duty holders with clear and identifiable obligations.

Clients' new obligations under the construction safety regulatory regime have been rendered easier to comprehend, while the role of the project supervisor has been strengthened to reflect the daily challenges faced during construction works. The new regulations impose a general duty of care on project supervisors to take all the necessary measures for the safeguard of occupational health and safety. Project supervisors are thus expected to take steps, including the stoppage of unsafe work practices, to ensure that risks are reduced so far as is reasonably practicable. Project Supervisors are also expected to ensure proper coordination of health and safety matters during the project preparation and execution stages. To achieve the desired results, project supervisors must be competent to carry out their role and devote the necessary resources.

The new regulations also introduced the concept of the 'domestic client'. The term 'domestic client' refers to the client for whom a project is being carried out which is not in the course or furtherance of a business of that client. Domestic clients are exempt from appointing a project supervisor for the design and execution stage if a number of specified criteria are satisfied. These changes simplify the national legislative framework by eliminating certain bureaucratic measures on domestic clients without in any way reducing the standards of protection for workers.

### 2 Risks related to chemical agents at work

OHSa also amended the Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work Regulations, 2003 to transpose the provisions of Directive 2017/164 establishing a fourth list of indicative occupational exposure limit values (OELVs), pursuant to Council Directive 98/24/EC and amending Commission Directives 91/322/EEC, 2000/39/EC and 2009/161/EU. These amendments resulted in the inclusion of additional chemicals to Schedule V attached to LN 227 / 2003, in the form of new OELVs for a number of chemical agents and revises the OELVs for six chemical agents. These amendments further improve the protection of workers against the health risks arising from exposure to hazardous chemicals and accounts for the possibility of penetration through the skin, for certain substances, to ensure the best possible level of protection.





## D Consolidating the Authority's resources

### 1 Staff development

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 was found to enhance the staff member's skills and abilities in line with the holder's job description. This was also complemented through qualification allowances and part-sponsorships to pursue further studies in OHS. By virtue of the new collective agreement, besides other improved salaries and conditions of work, OHSa has boosted the collective training fund to a maximum of €6000 per annum.

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, and well-being at work.

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 2018 the subject areas covered included fire safety, occupational health and the new construction safety regulations. All members of staff continuously receive ICT updates and guidelines for a more efficient and secure use of ICT.

### 2 Recruitment

As at 31<sup>st</sup> December 2018, 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). Two were employed as persons of trust with the office of the Chairperson.

Excluding the Office of the Chairperson, the work force consists of twenty persons in professional and technical grades, ten engaged in administration and support, while three persons constitute top management. Contrary to previous years, OHSa did not manage to benefit from the paid deployment of any participants from the MITA's Student Placement Programmes. Early in 2018 the board decided to bring to a halt the recruitment plans about to be executed until a business analysis of HR planning was undertaken. A leading service provider was asked to compile a snapshot of the situation and the terms of reference for a tender to commission a more detailed study have been prepared for the Board's consideration. The call for tender is expected to be issued during Q/1 of 2019. The suggested timeframe to conclude this initiative has been set at 10 - 12 months.

### 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. A new collective agreement covering five years (2017-2021) was signed on the 16<sup>th</sup> of October 2018. Furthermore, a new salary package is under review for the remaining employees who occupy senior managerial and managerial grades.

### 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 as scheduled was finalised during 2018, through which all stations are now running on MS Office 365 ProPlus. In addition, all users shifted to *Windows Enterprise Upgrade Edition* licenses and *MS Core CAL* per user in line with Government's Modern Workplace Initiative.

File sharing and enhancements to protocols and the templates in use, has enabled easier access to documentation in most technical and support areas. The accounting software dating back to 2010 was also upgraded to the latest version. These developments continue to provide for an adequate, systematic and secure backup of OHSa's data.

OHSa converted all its online and other downloadable application forms to eforms to facilitate electronic submissions by the general public and stakeholders.

Towards Q4, OHSa commissioned a Business Analysis on the development of a Management Information System (MIS), which will enable OHSa to issue a tender for the implementation of such a system. With this MIS, OHSa will as far as possible, automate the majority of its business, increase the efficiency and effectiveness of the current work processes, give management a tool to monitor internal and external performance and in the long term, while OHSa will be encouraged to move towards a less paper-based environment. It is intended that the tender for MIS development will be issued by Q2/2019.

### 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 still 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. 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. Registration procedure at point of entry/exit was further strengthened also in respect of GDPR. Eight members of staff received training to act as Fire Wardens in Q2/2018.

## 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 address 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%) were female. 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, and flexitime. One member of staff was released to attend to post-natal examinations, as required.

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 Commission for the Rights of Persons with Disability (CRPD). Seven of nine female personnel at OHSA are benefitting from Family Friendly Measures flexitime and reduced hours.

## E External relations

OHSA actively participates 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 out 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.

## 1 Senior Labour Inspectors Committee

The Committee of Senior Labour Inspectors (SLIC) set up by Commission Decision of the 12 July 1995 (95/319/EC), is a forum for discussion between the European Commission and the representatives of the Member States' national authorities who are, amongst other things, responsible for monitoring the enforcement of 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 2018 under the auspices of the Bulgarian and Austrian Presidencies. The Thematic Day held in Sofia focused on how to fine-tune interventions through the use of better targeting of inspections, while the Austrian Thematic Day addressed the challenges in dealing with carcinogenic substances.

### 1.1 SLIC WG Strategic Management

OHSA took part in two meetings of SLIC's Working Group on Strategic Management which not only serves as a forum for the rapid information exchange between inspectorates, but also gives proposals to the SLIC plenary on possible initiatives that can be taken by the Member States. The WG also serves as a forum where labour inspectors share good practice and initiatives, such as inspection campaigns' learning points and outcomes, development in legislation or in the organisational structures or operations, and serves as the preliminary point of contact between Member States for the exchange of labour inspectors, before this is officially announced and launched by SLIC.

In previous years, this WG, which was previously known as SLIC WG Enforcement, set up a number of sub working groups to focus on different challenges to SLIC and/or the national labour inspectorates. The sub working groups formed were tasked with

proposing amendments to the current format of SLIC evaluation reports to ensure consistency of reporting. Other topics discussed included the training of OHS inspectors across Member States and on planning national inspectorates' activities. The Maltese representative participated in the sub-working group on improving consistency of the SLIC evaluation reports which focused on the review of the SLIC evaluation reports of the different Member States, to highlight the lessons learned from previous SLIC evaluations and identify good practice, trends and innovation.

## 1.2 SLIC Labour Inspector exchange

During 2018 OHSa sent two OHS officers to Germany as part of SLIC's Labour Inspector Exchange programme. These officers visited the Authority for Health and Consumer Protection, Occupational Safety Office, Ministerial and Legal Affairs, in Hamburg. The purpose of this exchange was to enable OHSa Officers to get a better understanding of the methodology of monitoring compliance by duty holders when handling asbestos containing material at places of work. The OHS Officers were also shown laboratory monitoring of potentially asbestos samples retrieved from places of work and accompanied German inspectors during field inspections.

## 1.3 SLIC Evaluation - Labour Inspectorate of the Slovak Republic

An OHSa representative formed part of a group of nine evaluators from different EU countries in the evaluation of the Labour Inspectorate of Slovakia. As is customary the evaluators hold an initial meeting in Luxembourg to outline the strategy and methodology to be used during the evaluation period. The Evaluation team visited a wide range of workplaces in four different regions, essentially to evaluate whether the Inspectorate conforms to established common principles in fulfilling its role. The report of the evaluation is currently being finalised prior to it being first sent to the Slovak inspectorate for its comments before being finally presented to the Commission. It is pertinent to point out that Malta has been chosen by the Commission to Chair an evaluation team to visit the Inspectorate of the Grand Duchy of Luxembourg, envisaged to take place during 2020.

## 1.4 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.

Apart from providing information to all Labour Inspectorates as and when required (30 questions were raised by different countries throughout the year), OHSa also sought information about the examination and certification of lifts used in workplaces, and the lifting of rebar bundles, which is a highly technical issue which if addressed incorrectly, could result in huge financial consequences for some operators. The information about lifts was sought in the light of the review which has already been started of the Examination of Lifts Regulations, which regulations are issued under the Product Safety Act and the OHS Authority Act. The information about the securement of rebar bundles while lifting was sought in the light of different systems being used in Maltese ports, some of which could give rise to serious risks to occupational safety. In the light of the information obtained, OHSa issued its orders and recommendations concerning the lifting of rebar bundles and the manner in which they are secured during lifting operations.

## 2 European Agency for Safety and Health at Work

The Agency is a tripartite European Union organisation and brings together representatives from three key decision-making groups in each of the EU's Member States - governments, employers and workers' organisations. The Administrative Board sets the Agency's goals and strategy, including the identification of priority OSH issues where further information or activity is required, it appoints the Director, adopts the Work Programme, the Annual Report and the Agency's budget, and authorises the Director to 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. During 2018, OHSa organised a number of activities in Malta concerning Dangerous Substances.



### 3 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, based on 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.

#### 3.1 ACSH WG Enforcement

The Advisory Committee for Safety and Health set up a Working Party with the mandate of carrying out a desk analysis of existing information sources regarding activities and models of enforcement within the Member States. The WP's mandate will be fulfilled once it drafts an opinion on the impact, effectiveness and efficiency of enforcement activities in the Member States, and make appropriate recommendations.

OHSa was asked by the EU Commission to form part of this WP, in view of its practical and sensible approaches towards enforcement, as highlighted in the report of the Senior Labour Inspectors Committee Evaluation of OHSa. Amongst other things, the WP will look at the different strategic approaches by the Inspectorates, the effectiveness of actions taken, and the autonomy of the LIs, their level of transparency and equitability of enforcement.

### 4 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 256 reports were received during 2018 from the IAEA. None were required to be sent from Malta.

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.

### 5 Seveso III Committee of Competent Authorities (CCA) and Seveso Expert Group (SEG)

Meetings of the CCA and SEG were held back to back in March. Amongst the topics discussed, the issue of security of Seveso establishments was raised. Examples of such issues included bomb threats and cyber attacks which resulted in complete plant shut downs. Other presentations dealt with the socio-economic impacts of chemical accidents which may include reputational, morale, and economic losses. It was stressed that those who create the risks are responsible for managing them. From the Buncefield accident report it emerged that failing to replace a padlock resulted in damages worth over £1 billion. In the UK, a Seveso establishment operator contracted a software company to hack its systems. This was accomplished in less than eight hours and the software company had control over all systems. Delegates attending the meeting were made aware of the serious threat of cyber attack and to take it into consideration during inspections.

In the Seveso Expert Group meeting the Commission announced that the next MJV (Mutual Joint Visit) will take place in Malta in 2019. A representative from DG Home delivered a presentation on the European Programme for Critical Infrastructure Protection (EPCIP). This is limited to the energy and transport sectors. There are many Seveso establishments which are also part of the Critical Infrastructure (CI). Delegates raised the issue of conflicting requirements regarding access to information between the Seveso III and the CI Directives.

The Seveso Technical Working Group (TWG) on inspections was held in September. The upcoming MJV in Malta in 2019 was confirmed and a steering group was set up to plan the meeting. The main theme of this meeting will be 'Ageing of Equipment'. The TWG focused mainly on the various Common Inspection Criteria (CIC) being prepared or finalized. These are documents aimed at both Seveso inspectors and operators to provide information and guidance for inspection topics. This reduces waste of time and resources because both parties are prepared for inspections. The OHSa representative actively participated in the workshop on Maintenance of Primary Containment Systems. Some of the other CIC topics include, Management of Change, Permit to Work, Pressure relief systems, Internal Emergency Planning, and Safety Performance Monitoring.

Participants delivered various presentations on temporary storage in marshalling yards, safety reports, accidents and closure of Seveso sites. The OHSa delegate gave a presentation on the legislative process for construction of a new Seveso establishment outlining the legal requirements under the Seveso III Directive and other legislation requiring permitting and licensing of such an establishment.



## 6 Carcinogens and Mutagens Directive

Discussions have been going on for quite some time at a European level regarding amendments to Directive 2004/37/EC on the protection of workers from the risks related to exposure to carcinogens or mutagens at work. These amendments include additions to the current lists of carcinogens and mutagens which fall within the scope of the Directive and, more importantly, to specify occupational exposure limit values for the newly-added chemical agents. In view of the large list of chemicals involved, a staggered approach was used, so that chemical agents started being included in batches.

The whole discussion and negotiation process was lengthy and exhaustive, and was, for a long time, hampered by the European Parliament's insistence that diesel engine exhaust emissions are included in the Directive. In the light of this, the Commission initiated a consultation process whereby the views of a select number of countries, including Malta, were sought - in fact this consultation process was kickstarted in Malta, when the Director (Employment) at DG Employment, Social Affairs and Inclusion discussed this issue with OHSa and MEAE representatives.

Currently, the Commission is discussing a fourth batch of agents, while discussions are underway to determine which other carcinogens need to be included in a fifth batch. Discussions are being held within the Advisory Committee, for Safety and Health, the Senior Labour Inspectors Committee, the Social Questions Working Party, and a Technical Progress Committee - OHSa takes an active part in all fora.

The national legislation on the protection of workers from the risks related to exposure to carcinogens or mutagens at work (S.L. 424.22) will start being amended to take account of all new developments during 2019.

## 7 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.

OHSa nominated one person to serve as the national expert assisting the Commission in the development of an ICT-based OSH Information System, with the help of a contractor. The integrated system, has already started collecting information from the Member States on all the main structural elements of national OSH systems, including national strategies. This system relies 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.

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 being inputted into the System.

## 8 Practical implementation report of the OHS Directives

According to article 17(a)(1) of the Framework Directive, Member States are required to submit a report to the Commission every five years, on the practical implementation of this Directive and of all other individual Directive. By means of Council Decision C2011/9200, the Commission had defined the structure and content of a standard questionnaire to be used by all the Member States. The second report to be submitted to the Commission covers the years 2013 to 2017, and includes answers to questions concerning the implementation of 24 directives in Malta. A previous report submitted by OHSa covered the period 2007 - 2012.

OHSa worked extensively to provide all the requested information, and managed to submit the replies to the questionnaire in good time before the deadline established by the Commission. In drawing up the replies, OHSa sought the views of the social partners represented in its Board, who signified their acceptance thereof. OHSa also coordinated the replies from various entities who share responsibility for the implementation of some of the Directives listed, or parts thereof.

OHSa will now need to defend its replies with the Commission, which once it appoints a contractor to analyse the reports from all the Member States, may seek clarifications or further information.

## 9 Participation in local boards and committees

The Authority is also represented in a number of local boards and entities, most of which have a legal standing. These include:

- **Radiation Protection Board.** This Board, replaced towards the end of 2018 by the Commission for the Protection from Ionising and Non-Ionising Radiation, used to be chaired by the OHSa and included members from OHSa, the Department for Environmental Health (within the Ministry for Health), the Environment Protection Directorate (within the Environment and Resources Authority) and the Civil Protection Department.
- **The Commission for the Protection from Ionising and Non-Ionising Radiation** was setup during 2018, and one member of OHSa was appointed on this Commission. The previous executive Chairperson of RPB has been appointed as Executive Secretary to the Commission, while another OHSa employee has been assigned to the Secretariat.
- **COMAH Competent Authority (CA)**, which is made up of 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. OHSa is the lead Authority and coordinates the functions of the COMAH CA.



- Building Industry Consultative Council (BICC)

OHSA is represented by a full member as well as by an alternate member. It takes an active participatory role in matters that concern the relationship between the construction industry and Occupational Health and Safety. During 2018, OHSA continued with its participation in the Council and in the Building Regulation Working Group. During 2018, OHSA participated in BICC meetings to assist in the drawing up of criteria for the scheme to cover workers involved in project management, excavation and demolition.

- **Commission for the Control of Noise.** OHSA continued to participate in the work of the Commission for the Control of Noise, which has as one of its main tasks the drafting of legislation for the control of noise pollution, in view of its effects on people's health and the environment. Whereas the control of noise generated at work and its effect on workers is already adequately regulated under occupational health and safety legislation, OHSA provided recommendations based on its experience in the field. Draft legislation has been developed and presented to the Ministry for Sustainable Development, Environment and Climate Change.

## F Freedom of information, corporate governance and corporate social responsibility

### 1 Freedom of information Act

In furtherance of the scope of the said act and to increase transparency and accountability in operations, OHSA maintains the necessary structures, including 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).

### 2 Corporate governance

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

In so far as employment issues are concerned, OHSA remains guided by those policies established by the Office of the Prime Minister and the 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.

### 3 General Data Protection Regulation

Following the introduction of the General Data Protection Regulation (GDPR), (Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016) on the protection of natural persons with regard to the processing of personal data and the free movement of such data, OHSA embarked on a process to review its procedures and policies concerning data collection and storage. Such data, including data pertaining to individuals, is collected in fulfilment of OHSA's statutory functions as laid down in the Occupational Health and Safety Authority Act, Chapter 424 of the Laws of Malta. This notwithstanding, OHSA is committed to ensure data privacy and to manage its data in accordance with the GDPR requirements.



## G Financial outlook

During the year ended 31 December 2018, OHSA registered a positive balance of €254,850 and has a net asset position of €879,916.

Delayed recruitment, delayed payment of arrears (resulting from renegotiated collective agreements) and savings on operational expenditure contributed to the surplus (€129,603).

OHSA generated more funds from administrative fines and from the organisation of awareness raising courses.

It is forecasted that a number of initiatives as well as an increase in professional and operational costs will force OHSA to register an overall shortfall of €270,744 in 2019 which will be compensated from the Accumulated funds carried forward throughout the years, which as at 31 December 2018 stood at €879,916. The projected deficit caters for an increase of €288,934 (over the actual 2018 expenditure) in personal emoluments payable to its employees in terms of its new collective agreements and anticipated recruitment (postponed to the 1<sup>st</sup> quarter of 2019). The Authority will need to make representations for additional funds to ensure that the initiatives it is about to embark upon will be executed within the timeframe allocated in its workplan.

## Annex 1:

### Key activities carried out by the Authority

#### January 2018 - December 2018

	Total
Workplace visits	3738
Equipment certificates vetted	5917
(3941 lifts, 384 cranes (all types), 80 boilers, 398 forklift trucks, 1114 reports concerning other types of equipment)	
Construction site notifications	1858
Asbestos removal project notifications	47
Radioactive material cleared for import	321
Staff development (person hours)	161
Number of administrative fines issued	591
Monetary value of fines issued	€210,400
Judicial proceedings initiated	206
Seminar events	4
Seminar attendees	210
Awareness raising courses delivered	29
Course participants	348



## Annex 2:

## List of OHS legislation in force

Occupational Health and Safety Authority Act	Cap. 424
Dock Safety Regulations	S.L. 424.03
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 <sup>*</sup>	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 <sup>*</sup>	S.L. 424.34
Work Equipment (Minimum Safety and Health Requirements) Regulations	S.L. 424.35
Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations	S.L. 424.36
Public Health Act: Prevention of Sharp Injuries in Hospitals and Health Care Establishments Order	S.L. 465.11

\* S.L. 424.32 and S.L. 424.34 are to be reissued under the Nuclear Safety and Radiation Protection Act, 2018(Cap. 585).

## Annex 3:

## Budgeted Income and Expenditure Account

1<sup>st</sup> January 2019 – 31<sup>st</sup> December 2019

Income	€	€
Government recurrent grant	1,250,000	
Awareness raising campaigns	10,000	
Competent person register	2,262	
Administrative fines	150,000	
<b>TOTAL</b>	<b>1,412,262</b>	

Personal Emoluments	€	€
Staff Salaries		1,033,347
Honoraria to OHSA members		59,710
NI Contributions		76,363
Overtime / Allowances / Statutory Bonuses		220,241
<b>TOTAL</b>		<b>1,389,662</b>

Operational Expenses	€	€
Utilities		21,600
Material & Supplies		13,800
Repair & Upkeep		26,968
Rent		28
Subscriptions		100
Office Services		11,600
Transport		56,590
Travel		19,000
Information Services		41,400
Contractual Services		74,044
Professional Services		12,050
Training and CPD		6,000
Hospitality		1,500
Incidental Expenses		2,500
Depreciation		72,999
Transfers from government capital grants		(72,999)
<b>TOTAL</b>		<b>287,179</b>

Contributions and Initiatives	€	€
Appeals Board		1,165
Social Partners' Fund		5,000
<b>Total Budget Cost</b>		<b>1,683,006</b>
<b>Budgeted Surplus/(deficit)</b>		<b>(270,744)</b>
<b>Transfer from Accumulated Funds</b>		<b>270,744</b>

The Audited Financial Statements of the Authority for the period ending 31<sup>st</sup> December 2018 are being included in Annex 4.





## Annex 4:

### Financial statements 1st January 2018 - 31st December 2018

Christopher Spiteri  
B.A. (Hons) Accty, F.I.A., C.P.A.  
Registered Auditor

The Chief Executive Officer  
Occupational Health & Safety Authority  
17,  
Edgar Ferro Street,  
Pieta' – PTA 1533

31<sup>st</sup> January 2019

**Re: Audited financial statements for  
the year ended 31<sup>st</sup> December 2018**

Dear Sir,

Following our audit for the year ended 31<sup>st</sup> December 2018, we have reviewed the audit file in order to find weaknesses which we could include in a management letter. Our scope of reference is the financial aspect of the Authority, any weaknesses as regards organization, administration and policy is beyond our scope of reference. Hence in our opinion no management letter is necessary for the year ended 31<sup>st</sup> December 2018 since we are happy as regards the financial aspect of the Authority. In particular the Authority ended the year with a surplus of Eur 254,850 and a net assets position of Eur 879,916.

Yours faithfully

Mr. Christopher Spiteri

## Occupational Health & Safety Authority

### Financial Statements

Year ended 31st December 2018

#### Contents:

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#### Schedule :

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

**Occupational Health & Safety Authority****Chief Executive Officer's Report**

Year ended 31st December 2018

The chief executive officer presents herewith the annual report together with the audited financial statements for the year ended 31st December 2018.

**1 PRINCIPAL ACTIVITY**

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

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

**2 RESULTS**

The results for the year ended 31st December 2018 are shown in the income and expenditure account on page 4. The surplus for the financial year was Eur 254,850.

**3 POST BALANCE SHEET EVENTS**

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

**4 CHIEF EXECUTIVE OFFICER**


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

**5 AUDITOR**

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

Signed on behalf of the members on 31-Jan-19  
by :

  
Dr. Mark Gauci  
Chief Executive Officer

  
Hon. Dr. Emmanuel Mallia  
Chairperson

17, Edgar Ferro Street,  
Pieta - PTA 1533

**Occupational Health & Safety Authority****Statement of Authority's Responsibilities**

Year ended 31st December 2018

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

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

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

Signed on behalf of the members on 31-Jan-19 by:

  
Dr. Mark Gauci  
Chief Executive Officer

  
Hon. Dr. Emmanuel Mallia  
Chairperson



**Auditor's Report**

To the members of **Occupational Health & Safety Authority**  
Year ended 31st December 2018

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

**Respective responsibilities of the authority and the auditor .**

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

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

**Basis of opinion**

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

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

**Opinion**

In my opinion, the financial statements give a true and fair view of the state of the Authority's affairs as at 31st December 2018 and of the results of its operations and its cash flows for the year then ended and have been properly prepared in accordance with International Financial Reporting Standards as adopted by the EU and comply with the Occupational Health and Safety Act, 2000.

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

Date: 31-Jan-19

'Crossbow House', 78,  
Cospicua Road,  
Paola - PLA 1902  
Tel : 21486229 / 21493759  
Fax : 21495573  
E-mail: chris\_spiteri@meihs.com

**Occupational Health & Safety Authority**

**Income and expenditure account**  
Year ended 31st December 2018

	Note	2018 Eur	2017 Eur
<b>Income</b>	3	1,566,205	1,309,949
<b>Expenditure</b>			
Staff costs	Schedule a	(1,100,728)	(907,547)
Other operating expenses	Schedule b	(210,627)	(244,348)
		(1,311,355)	(1,151,895)
<b>Operating surplus for the year</b>	4	254,850	158,054
Bank interest receivable		0	7
<b>Surplus for the year</b>		254,850	158,061
<b>Accumulated fund brought forward</b>		625,066	467,005
<b>Accumulated fund carried forward</b>		879,916	625,066



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## Occupational Health &amp; Safety Authority

## Balance sheet

31st December 2018

	Notes	2018 Eur	2017 Eur
<b>Fixed Assets</b>			
Tangible assets	5	901,409	899,165
		901,409	899,165
<b>Current assets</b>			
Debtors	6	121,452	73,434
Cash in hand and at bank	7	659,475	404,542
		780,927	477,976
<b>Creditors : amounts falling due within one year</b>	8	(120,827)	(44,838)
<b>Net Current Assets</b>		660,100	433,138
<b>Total assets less current liabilities</b>		1,561,509	1,332,303
<b>Deferred income - Government capital grants</b>	9	(681,593)	(707,237)
<b>Net Assets</b>		879,916	625,066
<b>Financed by:</b>			
Accumulated fund		879,916	625,066
		879,916	625,066

Signed on behalf of the members on 31-Jan-19

Dr. Mark Gauci  
Chief Executive Officer

by :

Hon. Dr. Emmanuel Mallia  
Chairperson

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## Occupational Health &amp; Safety Authority

## Cash flow statement

Year ended 31st December 2018

	Note	2018 Eur	2017 Eur
<b>Cash flows from operating activities</b>			
Operating surplus for the year		254,850	158,054
Adjustments for:			
Depreciation		25,644	19,557
<b>Operating surplus before working capital movements</b>		280,494	177,611
Movement in debtors		(48,018)	(17,252)
Movement in creditors		75,989	18,153
<b>Cash generated from operations</b>		308,465	178,512
Interest received		0	7
<b>Net cash generated from operating activities</b>		308,465	178,519
<b>Cash flows from investing activities</b>			
Payment to acquire tangible assets		(27,888)	(7,581)
<b>Net cash used in investing activities</b>		(27,888)	(7,581)
<b>Cash flows from financing activities</b>			
Government capital grants		(25,644)	(19,557)
<b>Net cash flows from financing activities</b>		(25,644)	(19,557)
<b>Movement in cash and cash equivalents</b>		254,933	151,381
<b>Cash and cash equivalents at the beginning of the year</b>		404,542	253,161
<b>Cash and cash equivalents at the end of the year</b>	10	659,475	404,542



**Occupational Health & Safety Authority****Notes to the financial statements**

31st December 2018

**Note****1 Legal Status**

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

**2 Principal accounting policies**

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

**Accounting convention**

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

**Tangible assets**

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

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

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

**Debtors**

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

**Government grants**

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

**Occupational Health & Safety Authority****Notes to the financial statements**

31st December 2018

**Note****3 Income**

Income receivable is represented by:

	2018	2017
	Eur	Eur
Government recurrent grants	1,321,667	1,124,989
Recharges and miscellaneous income	218,894	165,403
Government capital grants (note 9)	25,644	19,557
	<u>1,566,205</u>	<u>1,309,949</u>

**4 Operating surplus for the year**

	2018	2017
	Eur	Eur
The surplus on operations is stated after charging:		
Members' remuneration	40,531	30,783
Auditor's remuneration	1,098	1,098
Depreciation	<u>25,644</u>	<u>19,557</u>



## Occupational Health &amp; Safety Authority

Notes to the financial statements  
31st December 2018

Note

5 Tangible assets	Property Eur	Property improvements Eur	Computer equipment Eur	Office equipment Eur	PABX system Eur	Furniture & fixtures Eur	Motor vehicles Eur	Soft furnishings Eur	Lift Eur	PV panels/ EES system Eur	AC compressor Eur	Total Eur
Cost - beginning of year	373,760	463,853	216,820	4,695	19,888	38,146	36,369	5,558	46,268	68,791	4,721	1,278,869
Additions new this year	0	0	19,393	0	0	2,927	0	0	0	0	0	22,320
Additions second hand this year	0	0	5,568	0	0	0	0	0	0	0	0	5,568
Revaluations	0	0	0	0	0	0	0	0	0	0	0	0
Disposals this year	0	0	0	0	0	0	0	0	0	0	0	0
Cost - at end of year	373,760	463,853	241,781	4,695	19,888	41,073	36,369	5,558	46,268	68,791	4,721	1,306,757
Acc.depreciation - start of year	0	0	209,011	4,695	16,940	24,888	36,369	5,558	46,268	34,401	1,574	379,704
Charge for the year	0	0	10,623	0	704	2,063	0	0	0	11,467	787	25,644
Disposals	0	0	0	0	0	0	0	0	0	0	0	0
Acc.depreciation - end of year	0	0	219,634	4,695	17,644	26,951	36,369	5,558	46,268	45,868	2,361	405,348
Net book value end 2017	373,760	463,853	7,809	0	2,948	13,258	0	0	0	34,390	3,147	899,165
Net book value end 2018	373,760	463,853	22,147	0	2,244	14,122	0	0	0	22,923	2,360	901,409

## Occupational Health &amp; Safety Authority

## Notes to the financial statements

31st December 2018

## Note

<b>6 Debtors</b>	<b>2018</b>	<b>2017</b>
	<b>Eur</b>	<b>Eur</b>
Debtors	1,047	52,172
Prepayments	18,546	5,588
Accrued income	100,509	14,512
Payments in advance	1,350	1,162
	<u>121,452</u>	<u>73,434</u>
<b>7 Cash in hand and at bank</b>	<b>2018</b>	<b>2017</b>
	<b>Eur</b>	<b>Eur</b>
Bank	659,352	404,141
Petty cash	123	401
	<u>659,475</u>	<u>404,542</u>
<b>8 Creditors : amounts falling due within one year</b>	<b>2018</b>	<b>2017</b>
	<b>Eur</b>	<b>Eur</b>
Suppliers	3,013	8,002
Accruals	112,362	31,113
Advance deposits	5,202	5,202
VAT payable	250	521
	<u>120,827</u>	<u>44,838</u>
<b>9 Deferred income - Government capital grants</b>		
Government capital grants represent funds available to the Authority for the purchase of tangible fixed assets as follows:		
	<b>2018</b>	<b>2017</b>
	<b>Eur</b>	<b>Eur</b>
Received from Central Government - beginning of year	1,095,164	1,095,164
Received from Central Government this year	0	0
Government capital grants available to date	1,095,164	1,095,164
Transfer to income - beginning of year	(387,927)	(368,370)
Transferred to income this year	(25,644)	(19,557)
	<u>681,593</u>	<u>707,237</u>
Government capital grants have been utilised as follows:		
	<b>2018</b>	<b>2017</b>
	<b>Eur</b>	<b>Eur</b>
Capital expenditure - beginning of year	1,095,164	1,095,164
Capital expenditure during the year	0	0
Unutilised funds	0	0
	<u>1,095,164</u>	<u>1,095,164</u>
<b>10 Cash &amp; cash equivalents as at the end of the year</b>	<b>2018</b>	<b>2017</b>
	<b>Eur</b>	<b>Eur</b>
Cash in hand	123	401
Net bank balance	659,352	404,141
	<u>659,475</u>	<u>404,542</u>



Schedule a ; b

## Occupational Health & Safety Authority

### Schedule

Year ended 31st December 2018

	2018 Eur	2017 Eur
<b>Schedule (a) - Staff costs</b>		
Members' remuneration & allowances	40,531	30,783
Staff salaries	1,055,994	873,519
Staff uniforms	1,139	839
Staff training	1,789	1,000
Staff welfare	1,275	1,406
	<u>1,100,728</u>	<u>907,547</u>
<b>Schedule (b) - Other operating expenses</b>		
Car hire	20,542	20,542
Travelling expenses	15,297	17,700
Rent	23	28
Legal & professional fees	42,225	31,487
Stationery, printing and postage	16,914	13,454
Telecommunications	9,841	9,530
Water & electricity	13,712	11,942
Repairs & maintenance	34,932	34,512
Motor vehicles running expenses	19,732	16,005
Transport expenses	1,483	1,602
Audit fee	1,098	1,098
Social partners events & conferences	0	14,045
Other events & conferences	8,671	51,918
Depreciation	25,644	19,557
Bank charges	505	881
Subscriptions	8	47
	<u>210,627</u>	<u>244,348</u>