



AWTORITÀ GĦAS-SAĦĦA U S-SIGURTÀ FUQ IL-POST TAX-XOĠHOL

Report of Activities for the period

1st January 2019 – 31st December 2019

Budgeted Income and Expenditure Account

1st January 2020 – 31st December 2020

Financial Statements

1st January 2019 – 31st December 2019

Awtorità għas-Saħħa u s-Sigurtà fuq il-Post tax-Xoġhol

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2020



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Preface

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

The following is a report of the Authority's activities for the period 1st January 2019 to 31st December 2019 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 1st January 2020 to 31st December 2020 (Article 31 of the Act). The document includes the audited statement of accounts for the period 1st January 2019 to 31st December 2019.

The Authority has two major sources of revenue - the annual grant made by the Ministry of Finance, and the collection of fines from persons who were informed by OHSA that they were in breach of the law. OHSA also generates some funds from the organisation of services for which a fee is charged.

OHSA has ended its financial year with a surplus of €46,100 and a net asset position of €903,616.

OHSA Objectives

OHSA's overall objectives are:

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

Vision of the OHSA

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

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

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

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

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

Mission Statement

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

Mission analysis

OHSA's mission is concise and direct: 'Working with others' means that in fulfilling its role, OHSA collaborates with, and involves other stakeholders 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 OHSA 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

In its almost twenty-year history, OHSA has managed to substantially improve the prevailing levels of occupational health and safety. That is not an idle claim, but is a statement supported by facts. Fatality rates are often used as the paramount measure of whether progress has been achieved – a rate of almost 9 fatal accidents for every 100,000 employees has been brought down to just over 1 fatality for every 100,000 employees.

OHSA is not an entity which rests on its laurels. At times, it is important to stop and review – to look at how you carry out your business and consider whether it can be performed more efficiently and more effectively. This is exactly what OHSA is doing and has commissioned an external review of its personnel, the skills required, its operations and its processes to find what can be improved.

Whereas OHSA often refers to numbers and statistics, it does so because analyses of data permit the identification of trends and give an indication of whether any major changes in direction are warranted. One must always keep in mind that there is a human side behind these numbers, and every death, injury or case of ill-health means that a number of victims have been created. Inadequate health and safety measures also effect economic sustainability, increase health care demands and loss of reputation for individuals, companies and ultimately the nation.

Unfortunately, the subject of occupational health and safety has not been spared the ravages of 'fake news', which ignore reality and emphasize negativity and sensationalism. Fake news finds a fertile ground in people who are not able to distinguish between fact and fiction, the latter often being peddled by persons who are set to gain from the dissemination of false information. I cannot emphasize enough the role of the media in combating the spread of false information through careful and responsible editing and the moderation of unverified claims.

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

Chairperson, OHSA

Members of the OHS Authority

Chairperson

The Honourable Dr Emmanuel Mallia

Deputy Chairperson (Director of Industrial and Employment Relations, *ex officio*)

Ms Diane Vella Muscat

Members

Dr Zed Teebi

Prof Stephen Montefort

Ms Sharon Galea Iriele

Mr Edwin Balzan

Mr Victor Carachi

Mr Joseph Delia

Ms Abigail Mamo

Observer members

Mr Anthony Casaru (FORUM)

Mr Michael Galea (Gozo Business Chamber)

Secretary

Dr Marouska Debono

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

This year marks the 20th anniversary since the publication of the OHS Authority Act, an important law which led to major improvements in the standards of occupational health and safety in Malta. The publication of the Act, and the sterling work carried out by OHSA after the Act was brought fully into force, resulted in major changes in the prevailing culture – until the end of the last century, society valued the creation of work as an end in itself without giving much consideration to the consequences of unsafe and unhealthy work practices. Over time, priorities started to change as the burden of poor occupational health and safety standards became more apparent and understood. Hence the shift towards ensuring decent work for all workers in all occupations.

Over these past twenty years, OHSA has been a key player in bringing about a change in the way society perceives work. Work remains a necessity for most people, but it can still be carried out safely and without causing harm.

Since starting its operations, the Authority has devoted a lot of time and resources to raise awareness and disseminate relevant, updated information and continues doing so regularly. Apart from using traditional methods, OHSA has also worked with the European Agency for Safety and Health to develop and produce several electronic tools to facilitate compliance and reduce the costs for duty holders to achieve compliance. It is currently exploring further possibilities of cooperation with the Agency in this area.

Review of Activities

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 must be fulfilled within the parameters of the general national policy established by the Minister.

A Awareness building, information and education

It is a well-established fact that awareness raising enhances knowledge. This is of course also true in the case of occupational health and safety. With this in mind, OHSA has since its inception always embarked on a number of awareness-raising initiatives and campaigns specifically aimed at increasing society's knowledge about the social and business case for occupational health and safety.

Regrettably, not all stakeholders abide with their basic legal requirements, and do not pro-actively endorse this safety culture. Despite this, awareness raising remains a fundamental component of the process to bring about this much-needed upgrade both in mentality as well as in practical on-the-job measures and behaviour.

OHSA believes that once stakeholders fully understand this, it will stimulate self-regulation and action, and mobilise local knowledge and resources at all levels – from employees to employers to policy makers and politicians.

In fact, during 2019 OHSA has continued to devote time and resources in its awareness raising initiatives with as wide a target audience as possible. OHSA is also increasingly making use of the social media to disseminate information and to engage with all stakeholders, particularly to raise more awareness about emerging risks and the ever-changing workplaces and work practices. More awareness was also generated about the mobile app 'Bsafe@Work' and OHSA's Facebook page, while traditional means of awareness raising were again utilized including seminars, media initiatives and other information campaigns including several which were linked to European initiatives.

1 Media initiatives – Getting the message across

Media interventions are powerful tools by which to raise awareness and promote the importance of managing OHS. This is especially so for those programmes which include participation by members of the public, as it gives the opportunity to OHS Officers to disseminate information and provide guidance. Such participations also serve the purpose of dispelling wrong public perceptions about the precise role of OHSA as prescribed by law and about the prevailing standards of occupational health and safety.

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

Besides being the national regulatory entity responsible for ensuring the promotion and safeguard of healthier and safer workplaces, OHSA is also the National Focal Point for the European Agency for Safety and Health at Work (EU-OSHA). EU-OSHA was established with the aim of encouraging improvements in the working environment and thus making Europe's workplaces safer, healthier and more productive. Being an information and networking organisation, EU-OSHA provides Member States with technical, scientific and economic information of use in the field of occupational health and safety. In order to ensure and facilitate the efficient transfer of knowledge between EU-OSHA and Member States, Council Regulation (EC) No 2062/94 sought the establishment of national Focal Points which in the case of Malta, such role is assumed by OHSA.

In its role as National Focal Point for EU-OSHA, OHSA is actively involved in the planning and implementation of EU-OSHA campaigns on a national level. Throughout 2019, OHSA finalised the EU-OSHA's two-year campaign entitled 'Healthy Workplaces Manage Dangerous Substances' which saw the organisation of various seminars, media interventions, inspection campaign and the publication of a number of information documents concerning the safe use of dangerous substances.

Whilst the 2018-2019 campaign addressed the use of dangerous substances, the 2020-22 campaign – Healthy Workplaces Lighten the Load - will address risks pertaining to work-related musculoskeletal disorders (MSDs) which as highlighted by EU-OSHA, continue to be one of the most prevalent type of work-related health problem in Europe. Preparations for such a campaign are already well under way.

During 2019, OHSA organised several seminars in collaboration with EU-OSHA addressing the use of dangerous substances (under the Healthy Workplaces European Campaign), as well as the health and safety of vulnerable groups and the role of architects in the construction industry, the latter two both organised under the European Awareness Raising Campaign.

As in the case of all public initiatives taken by OHSA, participants were asked to provide their feedback through an online survey which was created and managed by the European Agency for Safety and Health at Work. Ratings given show that respondents were very satisfied with the preparation, organisation, presentations, and content of the seminars. Attendees also expressed strong satisfaction about the quality of the information provided and opportunities to network.

In conclusion, OHSA welcomes the positive feedback and satisfactory results. OHSA also notes with satisfaction that most respondents indicated that the seminars encouraged them to implement or further implement OHS measures in their organisation.

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 difficulties 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 which exist in their workplaces.

Faced by this challenge, on-line assistance tools such as the Online interactive Risk Assessment (OiRA) tool, encourage the risk assessment process as they are free of charge, simple to use and practical, while at the same time being adapted to take into consideration the relevant OHS legislation of that country. These are being developed at the EU level, with the participation of the social partners, or, as in the case of Malta, with the full support and involvement of OHSA.

Although no new OiRA tools based on local OHS legislation were published by the Agency during 2019, OHSA continued to publicize the available tools during its PR activities such as media interventions and during seminars.

Since the launch of the first OiRA tool in Maltese a total of 1347 accumulated assessments have been registered by 919 users.

3.2 Construction Safety

The construction industry remains one of Malta's economic pillars. It is also one of the most dangerous. This situation is not unique to Malta – it is recognized world-wide that the construction industry is a major contributor to a significant proportion of all work-related injuries, ill-health and death. Despite the marked improvements in the prevailing levels of occupational health and safety in Malta over the past twenty years, the construction industry remains associated with hazards and risks as shown by the fact that most of all work-related fatalities are caused by the building industry. Another worrying feature is that 21% of these deaths involve foreigners (21% of all accidents, 34% of all fatal accidents occurring in the construction industry).

OHSA is fully aware of the prevailing risks in this sector and their causes and takes several initiatives at different levels which target different stakeholders.

Towards the end of 2019, OHSA in collaboration with the Kamra tal-Periti (Chamber of Architects), organized a seminar entitled 'Building in safety' to raise awareness amongst architects and civil engineers about the importance of OHS specifically in the construction sector. In addition to their traditional roles of preparing the necessary construction plans and other planning documentation, Architects are also involved in the preparation of safe working method statements and their execution and the determination of safe working loads for the contractors. Safe working method statements must take into account the lifecycle system of a construction project from the conceptual phase to its completion. It is widely recognized that the design stage is the phase of the project during which health and safety issues can be addressed more cost efficiently. Thus, the role of architects in achieving safety through design cannot be underestimated.

Despite the continuous efforts made by OHSA to attract more participants, the participation response by Architects was still low. Considering that many occupational health and safety issues should be dealt with during the design process, one would have expected higher participation and interest by Architects. Unfortunately, such a lack of interest was also experienced in the 2018 seminar which at that time targeted new Architects and students involved in project management. Such disregard may not only lead to serious consequences but will also reinforce the perception that the construction industry is characterized by a culture of lack of care when it comes to designing and integrating OHS into a project.

3.3 Construction: Guide to good practice

The construction industry is associated with the second highest sectoral occupational injury rates. This makes occupational health and safety in the construction industry a matter of highest concern for OHSA, with various actions being taken to address this situation. Apart from the particular focus on enforcement, OHSA also believes that adequate guidance should be issued to those working in the field, whether employers, employees or professionals alike. OHSA continues to work on the development of guidance documents focusing on various health and safety aspects of the construction industry and the work equipment in use. The latest document to be developed refers to the safe use and operation of chutes in the construction industry – as with all other guidance published by OHSA, the document can be downloaded free of charge from OHSA's website.

3.4 Dangerous substances at work

Dangerous substances are used in a wide range of industrial and commercial activities. They are associated with a wide range of health problems and diseases, as well as posing serious safety risks.

As part of the 2-year campaign (2018-2019) – “Healthy Workplaces Manage Dangerous Substances”, launched by the European Agency for Safety and Health at Work, OHSA organized two seminars to highlight the risks associated with the use of dangerous substances at the place of work. Whereas the first seminar addressed dangerous substances in general, with information being given about asbestos, silica and solvents, the second seminar discussed the safe use of pesticides. Since the use of dangerous substances can have a significant factor on human health, occupational health and safety legislation lays down various minimum requirements for the protection of workers from risks to their health and safety which may arise from the effects of dangerous substances. Such requirements include among others, the determination and assessment of risk posed by dangerous substances and the implementation of preventive and protective measures based on the general principles of prevention.

The seminar on the safe use of pesticides was mainly targeted at the agriculture and chemical manufacturing sectors and served as a vehicle to disseminate the findings of OHSA's agriculture inspection campaign conducted during 2019.

In addition, OHSA produced a guidance document concerning the 'Use of Dangerous Substances at the Workplace'. The main topics highlighted in this document included the use of dangerous substances in various sectors of work, the routes of entry and the health effects due to substance exposure, as well as the required health and safety measures based on the hierarchy of prevention.

3.5 Safeguarding the Health and Safety of Vulnerable Workers

The importance of addressing the occupational health and safety of vulnerable workers in a specific manner has long been recognized and nowadays, it forms one of the most important and highly developed aspect of EU law. Such an important approach led to several provisions addressing a multitude of factors concerning the OHS of vulnerable groups with the aim of creating and maintaining sustainable employment which have conditions that safeguard these workers in a specific manner.

OHSA organized a seminar in collaboration with EU-OSHA, with the main objective of raising awareness of the risks posed faced by vulnerable workers and to facilitate an open and constructive dialogue between HR personnel, employers and health and safety practitioners on the various preventive and practical measures which can be adopted at the place of work. During the seminar, speakers addressed a variety of topics including but not limited to, the legislative framework safeguarding vulnerable workers, holistic approach in risk assessments, challenges of vulnerable workers and the reasons why certain groups of workers are considered vulnerable. In conclusion, the seminar provided participants with an excellent opportunity to share experiences and practices pertaining to vulnerable workers.

3.6 Awareness-raising initiatives 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 the private sector and public service entities 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, the Armed Forces of Malta, the Public Service, Education, Agriculture, Tourism and Local Government. In collaboration with the Malta Office of the United Nations High Commissioner for Refugees (UNHCR), a course was prepared and delivered to refugee communities working in the construction sector.

OHSA also delivered a course in Gozo for a manufacturing company.

In terms of participation, the 'Workers' Health and Safety Representative' course and the 'Principles of Risk Assessment' course remained the two most popular core topics for OHSA's awareness-raising courses, followed by the 'First Aid and Safety at Work' – this latter course was organised in collaboration with St. John Ambulance.

3.7 Website – <http://www.ohsa.org.mt>

OHSA's website remained popular with safety practitioners and members of the general public, and is used by an increasing number of persons searching for information about different aspects of occupational health and safety in Malta – web statistics show that [ohsa.org.mt](http://www.ohsa.org.mt) has around 6,577 monthly page views, and 982 monthly visitors.

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

3.8 Facebook page – OSHA Malta

Social connections and genuine communication are integral parts of social media. Facebook is by far the most popular of these, giving an entity an opportunity to show its human side through one-on-one interaction while making it easy for stakeholders to find it. During 2019 OSHA continued to make use of its Facebook page 'OSHA Malta' to expand its reach and increase awareness of occupational health and safety online. It has enabled the general public to alert OSHA about dangerous work practices through messages and photos, and OSHA to timely intervene in such circumstances. It has also proved to be a platform where stakeholders raised questions and concerns. Statistics show that by the end of the year it had garnered 946 followers.

3.9 Social Partners' Sponsorship Fund for OHS initiatives

The sponsorship fund, launched during 2014 to support social partners with OHS initiatives, remained open during 2019. 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.

Throughout 2019, no applications for funding under this initiative were received by OSHA.

3.10 Awareness raising among schoolchildren

As in previous years OHS officials visited two schools which had shown an interest in promoting Health and Safety. Interest was expressed both by teachers as well as by students themselves. OSHA willingly accepts such invitations as it builds on the interest and on-going commitment shown by students, teachers and PSDS respectively.

Information sessions were given to students hailing from Zabbar Primary School, as well as St Theresa College Mrieħel.

During these information session OHS officials provided students and other attendees with information about the most basic of principles concerning occupational health and safety. Various promotional materials such as leaflets, booklets, as well as DVD's were also distributed.

3.11 Participation in UoM's Freshers Week

OSHA took part in Freshers Week at the University of Malta and set up a stand from which promotional and awareness raising material, as well as give-aways with an OHS theme were distributed. Throughout the week, the stand was manned by an OHS Officer who was able to answer questions raised by visitors to the stand as well as encouraging students to learn about occupational health and safety, not only as a means of protecting their own, but also to consider ohs issues in their chosen professions. It was encouraging that students from all Faculties visited the stand and OSHA managed to put its message across to a very diverse group of students.

3.12 Provision of speakers – UHM Voice of the Workers seminar

During December 2019, OSHA was invited by UHM-Voice of the Workers to deliver 3 presentations at a seminar organised with the collaboration of the European Centre for Workers' Questions, a network of workers' organisations from across European countries. The 3 talks by OSHA covered *OHS Management Systems*, *Prevention through H&S Risk Assessment* and *the Online Interactive Risk Assessment*.

3.13 Roadmap on carcinogens

Starting in 2016 under the Netherlands Presidency of the European Union, an EU wide effort commenced to make a substantial change and raise awareness regarding the risks from exposure to carcinogens at the place of work. This initiative was named the 'Roadmap on Carcinogens'.

Since its inception, significant progress has been made and after being renewed on November 2019, this project is still ongoing. OSHA Malta has supported this initiative mainly by translating into Maltese useful guidelines prepared at EU level, on eighteen different carcinogens used by various industries across the EU, including Malta. These documents have also been uploaded on OSHA's website to further add value to this action on this challenge. This EU project ensures that good practices are shared between different companies and organisations and encouraging them to continue to take initiatives in order to create solutions and prevent or reduce exposure to occupational carcinogens as much as possible.

3.14 Institute for the Public Services

During 2019, OHSA assisted the Institute for the Public Services in the development of research proposals titles which can be used by the various students reading for IPS run research study.

3.15 Elaboration of a PR Plan

A role which is inherent to OHSA is the dissemination of information related to occupational health and safety. This is enshrined in the Occupational Health and Safety Authority Act and aims to raise awareness about OHSA's business case. In an ever-changing communications scenario and in a bid to reach new audiences, drive engagement and improve the way the general public perceives occupational health and safety, the need for an updated PR plan was felt.

To this end, in 2019 a public tender was issued to specifically cater for this - the successful bidder has presented a first draft of the PR plan which will be implemented during 2020 following discussions. As a result, it is expected that this plan will improve OHSA's visibility and corporate image, improve awareness and foster a better relationship with the media while dispelling erroneous perceptions which are not based on facts.

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 several campaigns which focus on a particular sector or on a specific activity which is associated with a particular risk. The objective of these campaigns is to continue to disseminate information while ensuring compliance within the sector targeted.

1.1 Warehousing campaign

One of OHSA's inspection campaigns targeted warehousing facilities around Malta and Gozo. This campaign commenced with the collection of data while inspections were spread out throughout the year. The main aim of this campaign was to ensure compliance by duty-holders with the minimum statutory health and safety requirements including the implementation of management systems. Inspections also looked at the implementation of several employer's obligations, including risk assessments, specific risk assessment for pregnant workers and young persons, the appointment of workers' health and safety representatives, certification of fork lifters, emergency prevention, preparedness and response arrangements.

This campaign was one of OHSA's initiatives to help reduce the incidence of occupational injuries in the transport and storage sector, which for the past five years has registered the highest rate of occupational injuries in comparison with other sectors of activity.

OHS Officers carried out un-announced visits, had meetings with the management, and carried out an inspection of the respective workplaces.

In total, 79 warehousing facilities were visited during the campaign, out of which, 67 employed five or more workers and thus had the obligation to keep a written record of their risk assessment. Only 39% of these 67 warehouses were found to be compliant with this obligation while 40% of the companies visited ensured the appointment of Workers' Health and Safety Representatives. In the companies visited, 5 were found to be employing pregnant workers, of which 3 (60%) had carried out a specific risk assessment as required by the Protection of Maternity at Work Places regulations. During the time of the inspections only 2 warehouses employed young workers, and both had not carried out a specific risk assessment as required by the Protection of Young Persons

at Work Places Regulations. Moreover, from the total of 79 warehouses inspected, 6 had identified workers as habitual users of VDUs and all companies had sent their workers for an ophthalmological eye test. From all the warehouses inspected, 59 had fork-lift trucks and only 71% had a valid examination report carried out by a competent person.

Most of the warehouses were found to be fulfilling their legal obligations regarding training requirements, the provision of supervision and first aid arrangements. Acceptable standards were also noted with regards to lighting, ventilation, temperature and humidity, general housekeeping and provision of personal protective equipment. In 99% of all cases, the welfare facilities offered to workers were also adequate.

The facilities inspected were broadly compliant with regards to emergency procedures, including the presence and maintenance of firefighting equipment, fire training, organization of fire drills and emergency procedures.

These companies were subsequently informed of the outcome of the findings and outlining further legal obligations in safeguarding health and safety in their workplace. Written orders to each employer were sent to ensure that they carry out the necessary improvements to render their workplaces safer.

It is envisaged that a follow up campaign will be carried out during 2020 in order to ensure that remedial action has been taken in those companies where improvement was noted to be merited.

1.2 Agriculture – Safe Use of Pesticides

OHSA also conducted inspections in agricultural establishments, specifically nurseries and garden centres. The campaign was organized following the collection of data about operators in this sector. The scope of the campaign was to make employers aware of their legal obligations and ensure minimum statutory compliance with OHS regulations for this industry. A total of 61 establishments were visited. Most of the companies visited (67.5%) are small establishments having less than 10 workers employed. From these inspections it was noted that only 27.5% of these establishments have carried out a risk assessment, while 69% appointed a workers' health and safety representative. For every establishment visited, machinery was compliant with health and safety regulations, safety data sheets were available, and all those establishments that spray pesticides have adequately trained personnel. Moreover, of all those establishments that do spray pesticides, only 32% send their employees for health surveillance. All establishments have an adequate general work environment, appropriate manual handling controls, are equipped with a first aid box and have an appointed / qualified first aider. With regards to fire safety, 90% of establishments were found to be equipped with fire-extinguishers, of which 85% had been serviced.

2 Notification of injuries and accident investigation

A total of 692 injury notifications from employers were received at OHSA during 2019. Employers are duty bound to notify the OHSA 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

In line with its policy of giving greater attention to high risk sectors, construction activities received a higher proportion of inspections than other sectors. It should be highlighted that this sector generates the largest number of complaints from members of the general public, all of which are investigated to ascertain compliance with OHS legislation. Regrettably, most complaints concern issues which fall outside the applicability of the OHS Authority Act – in such instances, OHSA does not have the power to intervene to address the subject matter of the complaint. Despite this, concerned citizens still complain with OHSA about nuisances (noise, dust, hours of work), poor vehicular traffic management, environmental emissions, and multiple other issues which should have been referred to other entities for their action.

Apart from investigating all complaints, OHSA also organizes other inspections and takes enforcement action as required by law in all cases.

3.1 Construction notification forms

OHSA processed 2,450 Construction Notification Forms received in accordance with Legal Notice 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. OHSA operates a sampling programme 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 and nuclear safety

In 2018, a new radiation/nuclear regulatory structure was created through the enactment of a dedicated Nuclear Safety and Radiation Protection Act (NSRPA) and Basic Safety Standards for Ionising Radiations Regulations, as a result of which the Nuclear Safety and Radiation Protection Commission (NSRPC) was set up and took over the role of radiation and nuclear regulator from the Radiation Protection Board, which was disbanded.



OHSA notes that almost two years after the enactment of the law, and the establishment of NSRPC, those employees employed by OHSA to work in the field of nuclear safety and radiation protection have still not been absorbed by the new Commission but remain employed by and operate from the premises of OHSA. Additionally, no steps have been taken to re-issue regulations dealing with electromagnetic frequencies under the NSPRA, leading to potential legal uncertainties.

5 Machinery, equipment, plant and installations

Having received confirmation from the EU Commission that a Mutual Joint Visit (MJV) seminar for Seveso inspectors was going to be held in Malta during 2019, OHSA embarked on preparations for the organisation of this prestigious event. The response to the invitation sent out by the Commission was very encouraging. In fact, the Commission commented that this MJV was one of the best attended, creating greater logistical and organisational challenges for OHSA. The seminar was held over a period of three days, and included presentations by various participants, workshops and a site visit to Enemed's Has Saptan installation which was undergoing extensive refurbishing works. The organisation of this seminar received positive feedback from the participants and was praised by the Commission's representative.

OHS Officers also carry out regular inspections related to work equipment installed or used in workplaces. These inspections are either planned or follow complaints received through telephone calls, emails, social media or OHSA's mobile app. Assistance is also provided during accident investigations where work equipment is involved.

Work equipment is required to be examined by competent persons as specified in the regulations. Copies of reports of some type work equipment, for example lifts and escalators, are required to be sent to OHSA. In all cases, employers are obliged to keep copies of examination reports of work equipment and make them available during inspections. All reports received at OHSA and those requested by OHS Officers during their inspections are entered into the section's database. During 2019, OHSA handled the following numbers of certificates: 3547 lift, 205 cranes, 84 boilers, 348 forklift trucks and 774 other equipment.

As the lead authority within the Control of Major Accident Hazards (COMAH) Competent Authority (CA), OHSA organised and conducted a regulatory COMAH inspection at the LNG terminal in Delimara by the CA, with the assistance of foreign consultants. All other COMAH sites were inspected by the CA as required by the regulations. Two emergency planning exercises were held during 2019. These were coordinated and implemented by the Civil Protection Department (CPD), which together with ERA (Environment and Resources Authority) form part of the CA, in collaboration with the site operators and other entities. These exercises prove to be very useful, as the emergency services personnel familiarise themselves with the establishments and valuable experience and information is acquired by all those involved.

The CA received a communication from the EU Commission regarding the fulfilment of Malta's obligation to upload the website addresses from where members of the general public could obtain information regarding all COMAH establishments as required by the Seveso III Directive and COMAH regulations. This information was gathered and uploaded on the EU Commission's eSPIRS (Seveso Plants Information Retrieval System). Another requirement of the Seveso III Directive is the preparation of a three-year Seveso Implementation Report, which covers Malta's obligations in implementing the provisions of the Seveso III Directive for the period June 2015 to December 2018. The report was compiled and sent to the EU Commission within the set deadline. Regulatory information on the COMAH establishments in Malta was also updated and posted on OHSA's website in conformity with the regulations.

6 Occupational health

During 2019, OHSA's specialist occupational physician, besides functioning as occupational medical advisor to the Authority, was also involved in investigating a number of cases of workers' diseases to determine whether their cause/s is occupational or otherwise. Such investigations are very important for workplaces because they may throw new light on previously unknown hazardous chemical, biological and physical agents which were not considered in the routine risk assessments carried out by the employers and thus would indicate the need for additional or more specific control of such agents or indeed health surveillance.

The occupational physician also participated in two seminars which took place in 2019 as part of the 'Healthy Workplaces Manage Dangerous Substances' campaign organised by the European Agency for Safety and Health at Work (EU-OSHA). This participation involved presentations on the occupational health aspects of chemical agents and pesticides and was mostly aimed at raising awareness among participants on the hazardous effects of such chemicals and on the importance of health surveillance as part of the risk management process.

The guidance document "Use of dangerous substances in the workplace" which was drawn up by OHSA during 2019 included a section on occupational health prepared by the occupational physician. Preparations have also started for a new guidance document on health surveillance, which will be published during 2020. This new guidance document is mainly intended for health and safety practitioners to help them decide when to recommend health surveillance as part of the risk prevention initiatives they will be recommending to employers.

OHSA was also represented through its occupational physician on the Working Group on Occupational Diseases, as well as on an Expert Group developing diagnostic criteria of occupational diseases.

7 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 2019 will be included in OHSA's 2020 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.

Three fatal accidents at work occurred during 2019, all of which were the subject of a Magisterial inquiry, while OHSA carried out its own investigation in terms of article 9 (2) (j) of the Act. All fatal accidents involved male workers and resulted from falls from heights in the construction sector. Two of the workers were foreigners, one of whom was an EU national. One of the workers was self-employed, while the other two were employed with a small contracting company. Two fatalities occurred in the first semester and the other occurred in the second semester.

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 2019 was of 1.2 per 100,000 employees (1.7 for 2018), while for injuries, the rate was of 3220 injuries per 100,000 employees (3252 for 2018). This rate refers to all injuries at work which resulted in any period of injury leave (one day and over).

Injury and fatality rates have been plotted over time to identify the trends prevailing since the start of collection of injury and fatality statistics by OHSA in 2002.

Sectoral rates have also been compiled and plotted over a seven year period (2013-2019).

	Employed persons	Injuries ³	Injury rate	Fatalities ⁴	Fatality rate
2002	137,863 ¹	4,936	3,580	4	2.9
2003	137,939 ¹	4,208	3,051	12	8.7
2004	137,614 ¹	4,111	2,987	12	8.7
2005	149,307 ²	4,002	2,680	6	4.0
2006	151,145 ²	4,366	2,889	7	4.6
2007	155,486 ²	4,328	2,784	7	4.5
2008	158,635 ²	4,023	2,536	3	1.9
2009	159,404 ²	3,366	2,112	9	5.6
2010	162,631 ²	3,314	2,038	4	2.5
2011	166,628 ²	3,024	1,815	1	0.6
2012	173,161 ²	3,057	1,765	6	3.5
2013	181,614 ²	3,176	1,749	4	2.2
2014	190,871 ²	3,195	1,674	4	2.1
2015	198,322 ²	3,112	1,569	5	2.5
2016	208,132 ²	3,220	1,547	7	3.4
2017	220,489 ²	3,182	1,443	1	0.5
2018	234,138 ²	3,252	1,389	4	1.7
2019	251,398 ²	3,220	1,281	3	1.2

¹ Gainfully occupied (yearly average), ETC data ² Labour Force Survey ³ Source: DSS / NSO, ⁴ Source: OHSA.

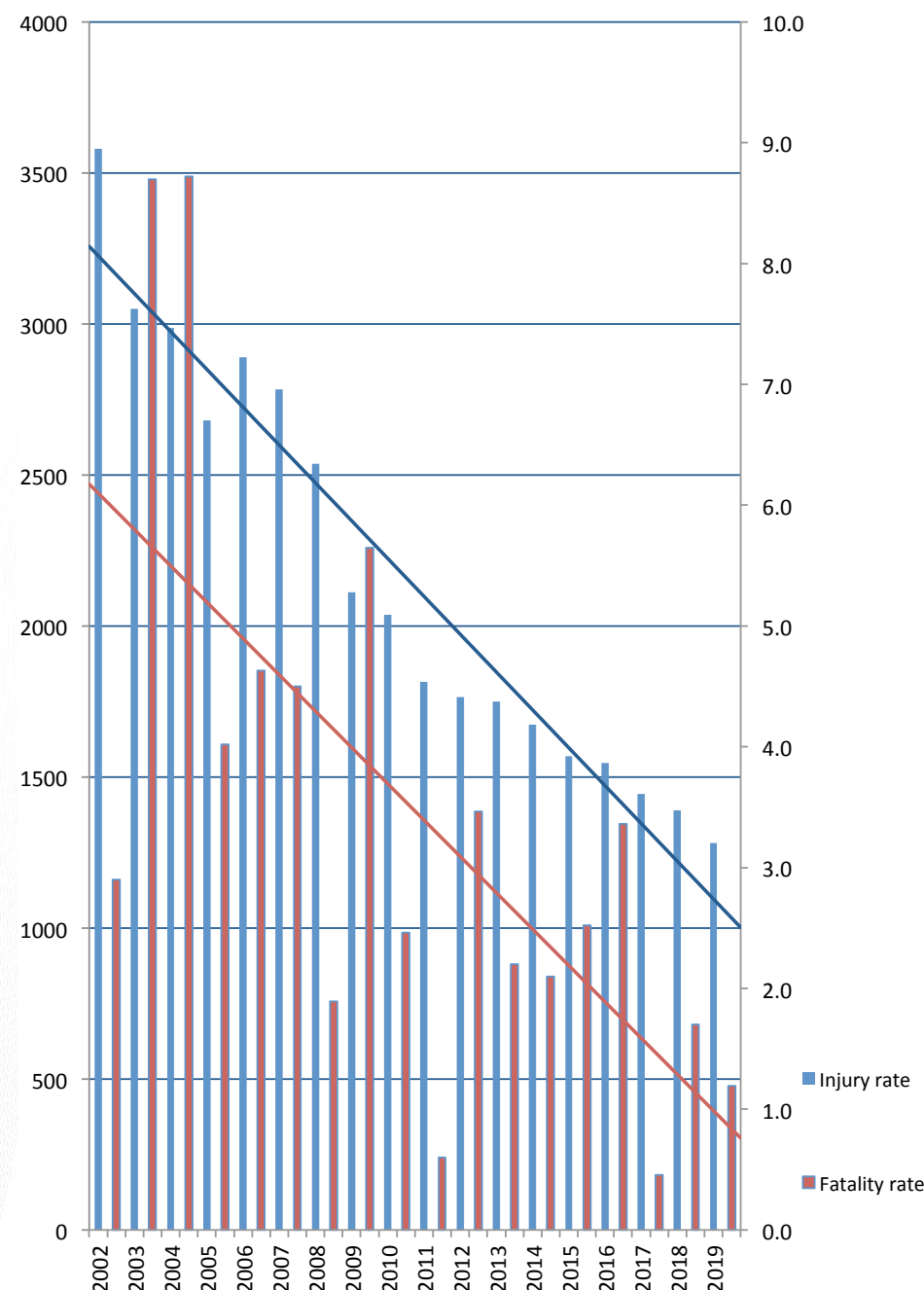
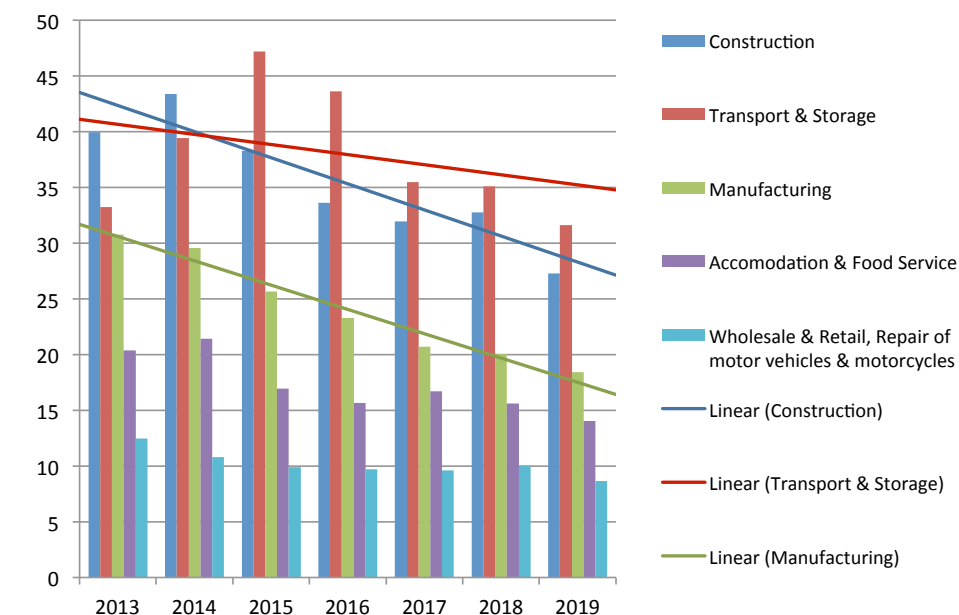


Figure: Injury and fatality rates: 2002 – 2019.



Sectoral rates (per 1000 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).

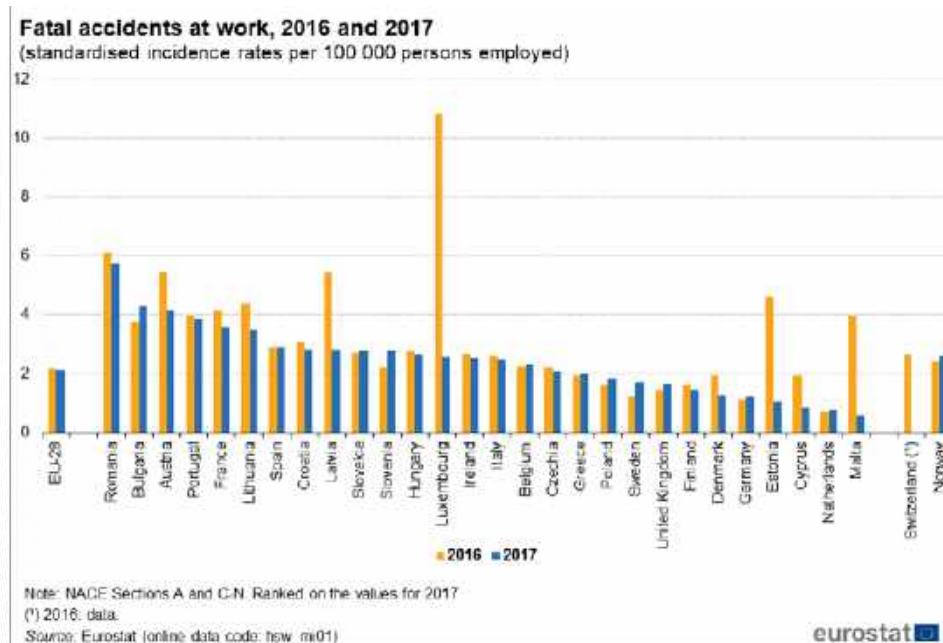
For the past five years, the transport and storage sector (which incorporates land, air and water transport, warehousing and support activities for transportation and postal and courier activities) has been associated with the highest rate of claims (number of injuries per 1000 workers) for injury benefits 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 the manufacturing sector having the steepest decline. For the third year running, no sector experienced more than 35 injuries per 1000 employees.

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

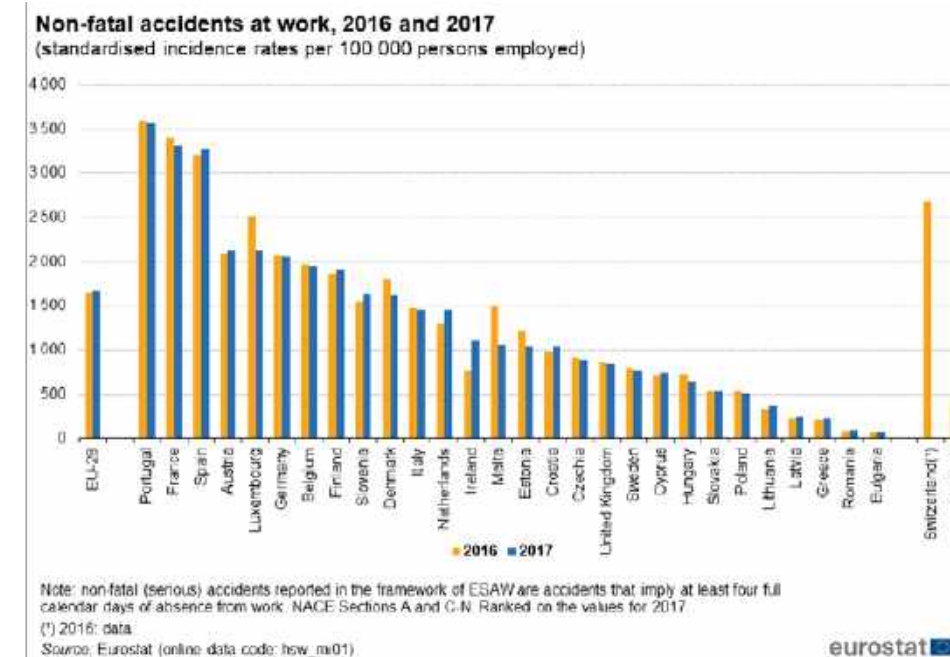
8 Data comparison - Standardised incidence rates

When comparing data between countries the incidence rates can be difficult to interpret, for example when comparing the effectiveness of measures to prevent accidents at work. This is because the likelihood of having an accident is related to the economic activity in which a person works and the relative importance (weight) of different activities between countries according to the structure of each domestic economy. To account for this, standardised incidence rates are calculated and data for these rates are shown in the two figures shown below. In compiling these rates, EUROSTAT assumes that the relative sizes of economic activities within each national economy are the same as within the EU-28 as a whole. As such, these standardised incidence rates give a more neutral comparison of the health and safety situation in different countries.

On this basis and across the EU-28, there were, on average, 2.12 fatal accidents per 100000 persons employed in 2017 (the last year for which these rates have been compiled), while there were 1,667 non-fatal accidents per 100000 persons employed (accidents requiring 4 days and over of sick leave). In 2017, the highest standardised incidence of fatal accidents at work was recorded in Romania (5.72 deaths per 100,000 persons employed), followed by Bulgaria (4.30 deaths per 100000 persons employed). By contrast, at the other end of the range, Malta, the Netherlands and Cyprus recorded the lowest standardised incidence rates among the Member States with less than 1 fatal accident per 100,000 persons employed in 2017.



The standardised incidence rate of non-fatal accidents at work was generally highest in some EU Member States with insurance-based accident reporting systems: Portugal reported 3563 non-fatal accidents per 100000 persons employed, followed by France and Spain with rates of 3307 and 3268 per 100000 persons employed. Insurance based accident reporting systems offer a significant financial compensation for the victim when an accident is reported, as opposed to legal obligation systems in which victims are covered by the general social security system. Among the eastern EU Member States, which mostly have legal obligation systems, Slovenia and Croatia were the only countries to report an incidence rate of more than 1000 non-fatal accidents per 100000 persons employed. By far the lowest standardised incidence rates were reported in Romania and Bulgaria, at 92 and 79 non-fatal work accidents per 100000 persons employed in 2017; again, it should be noted that these values may reflect a relatively high degree of under-reporting.



9 Discussions with the National Statistics Office – signing of MoU

Following discussions held with representatives of the National Statistics Office regarding the timely exchange of quality data between the two entities, a Memorandum of Understanding was signed by both entities to further enhance the good cooperation that already exists between the two entities. The overall objective of the MoU is to share better quality data, in a timely manner.

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.

10 Enforcement

During 2019, OHSA issued 341 intimation letters compared to 581 during 2018. This decrease in the number of administrative fines reflects a change in OHSA's approach towards enforcement with regards to repeat offenders. Whereas duty holders who were concurrently responsible for different sites kept being issued with administrative fines for breaches at the different sites, OHSA changed its approach to increase the deterrent effect of punitive action. Thus, judicial action is now taken against duty holders who have been previously fined, even though the breaches were noted at a different site where the duty holder has a presence.

The decrease in the number of fines issued by OHSA also reflects the general improvement in the prevailing standards, including in the construction sector, as evidenced by the persistent downward trends in occupational incidents.

During 2019, OHSA initiated 97 judicial proceedings against different persons, while the Courts decided in 26 other cases. In comparison with previous years, the number of new judicial cases brought before the Courts has decreased as a result of changes instituted by the Courts with regards to procedures relating to the collation of evidence – whereas before evidence was given orally, it is now required to be recorded in Court and then transcribed. This procedure, although necessary in the interests of justice has lengthened the time required before judgement is finally given. In fact, fewer judgements were handed down last year, leading to a backlog of cases still to be appointed (over 300 to date).

In addition, OHS officials assisted the police in 22 other cases whereby the prosecution was handled by the police with OHSA providing assistance as required.

During 2019 judgements delivered by the Courts resulted in the imposition of €61,500 in fines (the maximum fine imposed amounted to €28,000). Other sentences included the imposition of probationary periods.

OHS Officials were also called to give testimony during proceedings related to claims for damages under the civil code in 8 different cases instituted before the Courts.

10.1 The right to legal assistance during investigations

In line with relatively recent decisions given by the Constitutional Courts, and acted upon by the Criminal Courts of Appeal, OHSA changed its procedures regarding the organisation of interviews during investigations by its Officers. These Court decisions have made it necessary for Officers to advise persons being interviewed of their rights, namely that anything which they say may be used against them in a Court of Law, and their right to be assisted by a legal counsel during the interview.

This change in procedure required training to be given to all its Officers. It also resulted in a lengthening of the time required to finalise an investigation since many persons being interviewed avail themselves of such rights and refuse to answer in the absence of a legal counsel. This results in additional meetings having to be organised on OHSA premises following an inspection.

11 Asbestos in workplaces

In total, documentation relating to seventy-nine notifiable asbestos-removal projects was submitted during 2019. All the documentation submitted was checked while OHS Officers conducted site visits in several instances to ascertain compliance with the legislation and ensure that the workers involved were adequately protected.

12 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 by law 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, each subsequent use of a new self-classified group 3 biological agent, each subsequent use of a new group 4 biological agent and re-notification following substantial changes to processes and procedures. 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.

Inspections were carried out by OHSA in various laboratories and clinics. Those laboratories which handle these biological agents were advised of their legal obligations in terms of the Protection of workers from risks related to exposure to biological agents at work regulations. Following these inspections, orders were issued by OHSA in order to ensure that such enterprises determine the nature, degree and duration of workers' exposure in the case of any activity likely to involve a risk of exposure to biological agents, as well as ensure that the notification requirements established in the above-mentioned regulations, are being followed. Inspections in these enterprises are on-going.

13 Word Bank: Ease of Doing Business

During 2019, OHSA, together with other entities, both private and public, participated in the World Bank, *Doing Business* project which provides objective measures of business regulations and their enforcement across 190 economies and selected cities at the subnational and regional level. By gathering and analysing comprehensive quantitative data to compare business regulation environments across economies and over time, *Doing Business* encourages economies to compete towards more efficient regulation, offers measurable benchmarks for reform, and serves as a resource for academics, journalists, private sector researchers and others interested in the business climate of each economy. At a local level, this initiative was coordinated by the Business First office.

14 The Inspections Coordination Office

OHSA actively participates in activities of the Inspections Coordination Office within the Implementation Division of the OPM, often as a secondary entity. This essentially means that OHSA requests information which other inspectors (acting on behalf of another primary inspectorate) collect for OHSA. In this way, OHSA obtains information about duty holders which may not be the intended target of an inspection by OHS Officers. If it results that the information gathered by other inspectorates indicates that there is compliance with the issues highlighted by OHSA, then the duty holder inspected by another inspectorate is not concurrently inspected by OHS Officers.



Two OHS Officers attended training sessions related to the operation of this system managed by the Inspections Coordination Office. The ICO is the coordinating body whose function is to coordinate joint inspections. Further Training was given on the use of the so-called K2 program so to access shared data between Government departments, directorates and entities.

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.

1 Inspection of Lifts Regulations

During 2019, OHSA actively participated in a review exercise currently being undertaken together with the Malta Competition and Consumer Affairs Authority regarding the Inspection of Lifts Regulations, L.N. 231/2007. OHSA made proposals which, if accepted by MCCA, would result in substantial changes to the regulatory framework concerning lifts in use at places of work. The principal regulations are issued under the Product Safety Act, and while regulating the placing on the market, installation, examination, certification and use of all lifts, distinguish between the roles of MCCA and OHSA, with the latter being responsible for the implementation of the regulations at workplaces. The process of review of the regulations remains ongoing.

2 Exposure to carcinogens and mutagens

Work-related cancer is one of the biggest problems facing workplaces in the world, accounting for more than half of all work-related deaths in developed countries.

Reducing exposure to carcinogens and mutagens effectively contributes to the prevention of cancer cases, as well as other significant non-cancer health problems caused by these substances. This in turn would lead to an improvement in the quality of life and well-being of workers and their families, prolong working lives as well as contribute to better productivity and competitiveness.

With this in mind and whilst ensuring that the Maltese legislative framework is continuously updated to better reflect technological changes, and in due consideration of the latest available scientific research, the Occupational Health and Safety Authority prepared amendments to the Protection of workers from the risks related to exposure to carcinogens or mutagens at work Regulations of 2003.

The new regulation sets out new Occupational Exposure Limit Values (OELVs) for a number of carcinogens and revises OELVs for two carcinogens. It also accounts for the possibility of penetration through the skin for certain substances, in order to ensure the best possible level of protection. The main aim is thus to further improve the protection of workers against the health risks arising from exposure to carcinogens or mutagens at the place of work with a consequential reduction in potential new cases of occupational cancer in the affected workers in the forthcoming years.



In particular, hardwood dusts and chromium (VI) compounds which are carcinogens have lower OELVs (2 and 0.005 mg/m³) respectively. These affect a number of industries namely the woodworking industry, furniture manufacturing and construction in the case of hardwood dusts as well as the production and use of chromium-containing pigments, paints and metal (conversion) coatings in the case of chromium (VI) compounds.

Other carcinogens introduced include refractory ceramic fibres (0.3f/ml), respirable crystalline silica dust (0.1 mg/m³), benzene (3.25 mg/m³), vinyl chloride monomer (2.6 mg/m³ and 1ppm), ethylene oxide (1.8 mg/m³ and 1ppm), 1,2-epoxypropane (2.4 mg/m³ and 1ppm), 2-nitropropane (18 mg/m³ and 5ppm), 1,3-butadiene (2.2 mg/m³ and 1ppm) and bromoethylene (4.4 mg/m³ and 1ppm).

In the case of 5 substances, there is now the introduction of provisions to cater for absorption through the skin. These are benzene (3.25 mg/m³ and 1ppm) which is used in the manufacturing of tire/rubber, chemical and plastic products) and ethylene oxide (1.8 mg/m³ and 1ppm) which is used in the manufacture of food products, textiles, chemicals, chemical products, medical, precision and optical instruments, watches and clocks, hospital and industrial sterilization, R&D, public administration and defence, education, health and social work.

Another two substances which are of particular interest in the manufacture of chemicals, chemical products and man-made fibres, manufacture of rubber products, education, research and development, other business activities, health and social work, public administration and defence are o-Toluidine (0.5 mg/m³ and 0.1ppm, absorption through the skin) and acrylamide (0.1 mg/m³, absorption through the skin).

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, paid study leave and part-sponsorships to pursue further studies in OHS. By virtue of the new collective agreements, besides other improved salaries and conditions of work, OHSA has boosted the collective training fund to a maximum of €6000 per annum. The uptake of sponsorships this year was encouraging.

Several 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 2019 the subject areas covered the legal rights of duty holders during inspections by OHS Officers, policy and procedures and guidance to OHS Officers on SLIC Risk assessment guidance tools. All members of staff continuously receive ICT updates, guidelines and support for a more efficient and secure use of ICT.

2 Recruitment

As at 31st December 2019, the total human resource complement increased to 37 employees, including three persons seconded from Engineering Resources Ltd (ERL) and one person on loan from Resource Support & Services Ltd (RSS). The Office of the Chairperson retained one person of trust while the services of another two were acquired through the line ministry. The latter have been assigned messengerial and cleaning duties.

Excluding the Office of the Chair and the two acquired personnel from MEAE the work force complement remained as per previous year's count and consisted of twenty persons in professional and technical grades, ten engaged in administration and support, while three persons constitute top management. No use of trainee and apprenticeship schemes was made of.

OHSA has contracted a leading service provider to carry out a thorough business analysis of its operations and to propose an HR plan, and in particular to identify indicators, references and justifications that point towards the requirement of additional head count. The contractor will also examine business processes and recommend re-engineering as necessary and will develop and propose a 3-year action plan that is based on an objective strategic assessment.

The suggested timeframe to conclude this initiative has been set at 10 – 12 months. Vacancy forms intended to replace lost headcount, hence outside of the HR plan, were processed towards the end of the year.

3 Internal industrial relations

Teamwork, flexibility and healthy industrial relations within the Authority have always helped to ensure that strategic objectives could be reached in a timely manner, while others are close to being achieved. Last year's edition of this Annual Report announced the signing of a collective agreement regulating the core of the entity's workforce. Following a number of meetings presided by the Industrial Relations Unit (IRU) within the People and Standards Division at OPM, with the Union representing the majority of managerial grades, an Agreement covering this segment of employees was signed in May, 2019.

4 ICT infrastructure

Considerable improvement in terms of administration, data storage and infrastructure continued during the period under review. Throughout 2019 OHSA continued to maintain its ICT infrastructure by improving the service contract with MITA in line with Government's Modern Workplace Initiative.

File sharing at MITA and continuous enhancements to protocols and the templates in use, has enabled easier access to documentation in most technical and support areas. These developments continue to provide for an adequate, systematic and secure backup of OHSA's data.

As reported last year, OHSA continued its commitment to develop a Management Information System (MIS) for its operations and concluded the first part of this project through the finalisation of a Business Analysis initiative. The selected contractor delivered to OHSA a report highlighting both the technical aspects of OHSA MIS requirements, as well a breakdown of the financial costs associated with this project. At the time of writing of this Activity report, OHSA is still in the process of securing the necessary funding to cover this proposal.

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 operational offices for the Commission for the Protection from Ionising and Non-Ionising Radiation (previously known as the Radiation Protection Board) as well as the National Focal Point for the European Agency for Safety and Health at Work. Meetings of the COMAH Competent Authority are also held at OHSA.

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, while respecting GDPR requirements.

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 Agreements, Standard Operating Procedures and periodic Memos.

During the period under review, OHSA had a staff complement of 37, of whom 10 (27%) were female. Implementation of family-friendly measures, consisted amongst others of staff benefitting from reduced hours, urgent leave, and flexitime. One female member of staff, a detailed public officer, received training on the Electronic Public Procurement System (ePPS), and was assigned a number of urgently required procurement-by-tender assignments. This temporary measure sought to partially fill the gap in terms of lack of internal expertise and limited resources rendered issuing tenders very difficult throughout the years. Through this measure, OHSA's procurement programme at this significant threshold level, was brought on track by the end of the year.

Registration procedures and feedback toolkits used by delegates participating in OHSA's awareness raising courses enable 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). Six of ten female personnel at OHSA are benefiting 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 upon 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 2019 under the auspices of the Romanian and Finnish Presidencies. The Thematic Day held in Bucharest looked at ways of mainstreaming occupational health and safety into education as a means of preparing young workers for the challenges posed by work, while the Helsinki Thematic Day looked at the challenges to occupational health and safety posed by new forms of work and the digital world.

1.1 SLIC WG Strategic Management

OHSA took part in one meeting 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. The meeting was mainly devoted to discussions on the guidance document prepared by the same Working Group for Inspectors on how to evaluate the quality of risk assessments prepared by duty holders, and the resultant training needs.

The Working Group also discussed the quality of evaluation reports to ensure consistency in approach during the actual evaluation visits.

1.2 Evaluation of the Cypriot Inspectorate

OHSA formed part of the group of evaluators from different Member States, tasked with the evaluation of the Cypriot Department of Labour Inspection (DLI). Apart from Malta, other members came from Estonia, Lithuania, Greece, Slovenia, Denmark, Romania and Ireland. The final report is expected to be presented during the Croatian Presidency.

OHSA gives a lot of importance to these evaluation visits as they provide its Officers with an opportunity to see how other Member States organise their work, and their solutions to common problems. During these visits OHS Officers can also see tools being used by the different Inspectorates as aids to enforcement.

1.3 Safety and health of temporary workers and cross border workers

Following an invitation extended by the National Institute for Labour, Employment and Vocational Training in France, two OHS Officers attended a conference which discussed inspection practices regarding temporary work agencies and user-undertakings regarding OHS and the working conditions of temporary workers as well as of cross-border posting of workers of the temporary work agencies. Representatives from the National Labour Inspectorates, the European social partners, as well as the European and international institutions and experts in the labour field actively participated at this conference.

1.4 Labour inspection network and information exchange system (KSS)

Since its establishment, the Senior Labour Inspectors Committee (SLIC) has advocated the need of having a reliable and efficient system of tools which promote and facilitate rapid information exchange between labour inspectorates. One such tool is the SLIC-KSS site.

This was developed by SLIC with the aim of improving methods of exchange of information between European Labour Inspectorates. In the field of labour inspections, the need for such exchange of information is more vital as ever. Changes in working practices, technology, environment and demographics are creating new OHS risks and challenge, which necessitate the need of having an effective and systematic inspection regime which can easily adopt to the challenges posed by the world of work. The SLIC-KSS site is accessible to the labour inspectorates of the EU-28 and the States of the European Free Trade Association. Every state has a national coordinator who acts as the contact point for inspectors. Throughout the years, the SLIC-KSS platform has proved to

be a valuable resource for Labour Inspectorates as it provides and facilitates exchange of ideas and experiences and technical support. OHSA recognizes the necessity of having such system in place and will continue with its participation in the SLIC's information exchange network between Member States.

OHSA participates actively in this initiative by providing answers to the different questions asked by other Inspectorates. It has also posted questions regarding technical and, or legal issues which required clarification.

2 'Train the Trainer' training

Two OHS Officers participated in training provided by the Commission in Luxembourg on a number of topics, including the quality of risk assessment and risk management measures with regards to the prevention of psychosocial risks, diversity-sensitive risk assessment, (particularly with regards to age, gender, and other demographic characteristics), and musculoskeletal disorders. During the conference, several guidance documents which help National Labour Inspectorates in developing inspection procedures were presented. These guidance documents also increase the confidence of labour inspectors when addressing risk assessments concerning diversity-sensitive, as well as psychosocial and ergonomic issues which are often ignored by Officers because of the huge element of subjectivity which is involved.

3 European Agency for Safety and Health at Work

The European Agency for Safety and Health at Work (EU-OSHA) 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. It was set up in 1994 by Council Regulation (EC) No. 2062/94 of 18 July 1994 with the aim of encouraging improvements in the field of occupational health and safety as provided for in the Treaty and successive action programmes concerning OHS. Its main role is to provide the Community bodies, the Member States and those involved in OHS with the necessary technical, scientific and information of use in the field of OHS.

Malta has 3 full members on the Agency's Administrative Board, which 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, OHSA 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 departments and entities, trade unions, employers' associations and various NGOs.

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 2019, OHSA organised various activities in Malta concerning the safe use of dangerous substances. Such activities formed part of the Healthy Workplaces Campaign 2018-2019 Manage Dangerous Substances. Works are currently underway for the next campaign which will address the prevention of work-related musculoskeletal disorders (MSDs). As highlighted by EU-OSHA, "MSDs continue to be one of the most prevalent type of work-related health problem in Europe". As with all other EU-OSHA campaigns, the Authority will be actively involved in the organisation of various activities pertaining to MSDs.

3.1 OiRA and IRAT Community Meeting

An OiRA & IRAT (Interactive Risk Assessment Tool) Community Meeting was held in Rome in April 2019. The meeting started with presentations from the European Agency's contractor on the OiRA platform, who provided information to the OiRA partners on how to use and update the tools and on the new features that were introduced.

Following this meeting OHSA met with a representative of Malta Enterprise (ME) to discuss ways on how to further promote the OiRA tools. ME agreed to publish promotional material on the OiRA tools in a local weekly newspaper. OHSA will also be organizing a seminar in 2020, in collaboration with the European Agency for Safety and Health at Work to further promote the use of OiRA.

4 Advisory Committee for Safety and Health at Work

The Advisory Committee for Safety and Health at Work has been established by means of Council Decision 2003/C of the 22nd July 2003 and was tasked with 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.

4.1 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 and to draft an opinion on the impact, effectiveness and efficiency of enforcement activities in the Member States. Amongst other things, the WP considered the different strategic approaches by Inspectorates, the effectiveness of actions taken, and the autonomy of the LIs, their level of transparency and equitability of enforcement.

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. The draft opinion was presented and endorsed by the Advisory Committee for Safety and Health at its December plenary. The formal opinion also suggests further follow-up action, which shall be carried out in conjunction with SLIC. In fact, OHSA's representative on the Working Party has been tasked to report to SLIC itself and to SLIC's WG Strategic Management, with a view of proposing the level and nature of involvement by these two bodies in these forthcoming tasks.

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

The Committee of Competent Authorities was established through Directive 96/82/EC within the meaning of Regulation (EU) No 182/2011, while the SEG is listed in the Register of Commission Expert Groups. Both bodies were set up to assist the Commission in relation to the implementation and development of programmes and policies regarding the Seveso Directives.

During 2019, the CCA and SEG meetings were held back to back in May in Sibiu Romania. The Commission informed the delegates that it had sent a letter of non-conformity of legislation with the INSPIRE Directive to four MS. Malta was not one of these four.

At a local level, OHSA had collaborated with the Planning Authority to identify the location and boundary polygons of the Seveso sites in Malta. In fact, Malta was one of the frontrunners in this project and one of five MS which are fully compliant with the Directive. MS were reminded about the letter sent by the EU Commission regarding the obligation to upload the link to establishments' websites on eSPIRS (Seveso Plants Information Retrieval System), regarding the information to the public in Annex V of the Seveso III Directive.

The EU Commission reminded delegates to submit the Seveso implementation report by the end of September 2019 and upload information on eSPIRS and eMARS (Major Accident Reporting system). Major accidents have become extremely rare and thus the Commission stressed that reporting of near misses is useful but unfortunately many MS do not report them. There are currently 12,172 establishments registered in eSPIRS across the EU. From statistics presented, 60% of reported accidents in eMARS indicate that a Safety Management System analysis was conducted with 18% of the accidents showing that organisational factors was an issue contributing to the accident.

6 Carcinogens and Mutagens Directive

A draft Commission Directive on a 5th list of indicative occupational exposure limit values (IOELVs) pursuant to Directive 98/24/EC on the protection of the health and safety of workers from the risks related to chemical agents at work, was presented and discussed amongst Member States in a technical progress committee meeting held in Luxembourg on the 17th June, 2019. This Directive was drafted on the basis of recommendations of the Scientific Committee on Occupational Exposure Limits for chemical agents (SCOEL) and following extensive consultation of the Working Party on Chemicals (WPC), Advisory Committee for Safety and Health at Work (ACSH) and of other Commission services. The draft Directive contained ten entries for chemical agents for which an IOELV is put forward in the Annex to the draft Directive. Moreover, the Directive also proposed two types of OELVs: eight hour time-weighted average (long-term exposure) and fifteen minutes time-weighted average (short-term exposure), when appropriate. A skin notation was also assigned when the possibility of significant absorption through the skin was identified. All delegations present in the meeting, including Malta, which was represented by an OHSA representative, agreed by consensus on the draft Commission Directive establishing a 5th list of Indicative Occupational Exposure Limit Values for hazardous chemicals.

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 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 pending issues which are still to be resolved relating to the relevance, quality, reliability, comparability and availability of the data being inputted into the System.



8 Technical Progress Committees

In its opinion of 2017, the Advisory Committee for Safety and Health referred to six Directives to be considered for updating and, or simplification (Workplaces, Display Screen Equipment, OHS Signs, Biological Agents, Medical Treatment on Board Vessels, Personal Protective Equipment). The ACSH suggested that Working Parties should be set up to prepare the technical update process for three of them: Biological Agents, Medical Treatment on Board Vessels, and Personal Protective Equipment. Following inter-service consultations on the draft texts subsequently prepared by the Commission services, the texts were submitted to the Technical Progress Committees in the context of the regulatory procedure with scrutiny.

OHSA participated in the TPC meetings relating to the Directives on Biological Agents and Personal Protective Equipment which were held in June. Following discussions, and positive votes in the TPC, the draft measures were submitted to the Council and the European Parliament for scrutiny. Subsequently, the draft Directives were adopted by the Commission on 24/10/2019 and published in the Official Journal on 31/10/2019.

9 ILO Expert Committee

The International Labour Organisation initiated a revision and update process of several Conventions and Recommendations as a result of the ILO's Governing Body's decision to establish a Standards Review Mechanism to contribute to the better implementation of ILO standards and to consolidate tripartite consensus on the role of international labour standards in achieving the ILO's objectives.

In this context, a revision of the standards on labour inspection started to take place, commencing with Labour Inspection Recommendation, 1923 (No. 20), which has been provisionally classified as outdated. ILO also commenced work on the development of guidelines on principles related to Labour Inspection contained in Conventions Nos 81 and 129.

The Guidelines on Labour Inspection were prepared as an adjunct to the recommendations contained in that instrument to complement and further develop some aspects of ILO Convention 81 and 129 and their accompanying Recommendations.

ILO convened a group of experts to discuss this outline and the possible content of the Guidelines in a three-day meeting held at the International Training Centre in Turin. One of the experts invited was OHSA's Chief Executive Officer, who helped finalize the document before its presentation at the ILO Plenary. Further discussions on the work carried out so far are expected to continue during 2020.

10 Participation in local boards and committees

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

- The **Commission for the Protection from Ionising and Non-Ionising Radiation** was setup during 2018, and an OHSA representative 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.
- The **COMAH Competent Authority (CCA)**, which is made up of OHSA, ERA (Environment and Resources Authority) and the CPD (Civil Protection Department) oversees the implementation of the Control of Major Accident Hazards (COMAH) Regulations, L.N. 179/2015. OHSA is the lead entity and coordinates the functions of the COMAH CA.
- The 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 2019, OHSA continued with its participation in the Advisory Board (10 meetings were held during 2019) and in the Building Regulation Working Group (4 Working Group meetings were held during 2019). Discussions in these groups focused amongst others, the amendments to the Avoidance of damage to third party property regulations, the setting up of the Building Construction Authority as well the registration of contractors.



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 is 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, strives to take on board and to follow 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, 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.

During the Q2/2018, the National Audit Office (NAO) conducted an audit of OHSA's Financial Year 2018. The main scope of the audit was to verify whether procurement procedures adopted by OHSA complied with the Public Procurement Regulations. NAO also sought to determine the level of existing internal controls over revenue collection (mainly administrative fines) and salary payments effected during 2018. The other area of focus was the procurement of the authority's outsourced accountancy and payroll services. NAO's findings were published during Q4/2019. The findings highlighted certain issues relating to procurement, which were brought about through a lack of suitable resources at OHSA, but which have since been rectified.

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. During the year under review, OHSA acquired the commitment of the Institute for Public Services to have a training programme in GDPR delivered to all its employees at the first available opportunity.

G Financial outlook

During the year ended 31 December 2019, OHSA registered a surplus of €46,100 and a net asset position of €903,616.

A recurrent grant tranche amounting to €101,667 pertaining to the year ending 31st December 2019 was erroneously included in the previous year's accounts. If this tranche had been accounted for in the correct year, the surplus for the year ending 31st December 2019 would have amounted to €147,767, while that for 2018 would have amounted to €130,783. Thus, surpluses for these years would have been comparable and streamlined.

OHSA has compensated for this accounting error, by understating the income for the year by this difference and including an explanatory note. An overprovision for administrative fines receivable during the year ended 31st December 2018, amounting to €22,400 was reversed by a prior year adjustment during the year under review.

The increase in the government grant amounting to €140,000 will go for staff replacement, wage and salary increases and new initiatives such as the Business Plan, the PR Campaign and other contractual agreements for services.

The current trend indicates that OHSA might generate less funds from administrative fines and from the organization of awareness raising courses. As at 31st December 2019, the amount due from fines, amounted to €95,900.

The increase in professional and operational costs, will result in a deficit amounting to €38,428. This is partly due to the retention of two personnel working under the newly constituted Nuclear Safety and Radiation Protection Commission (NSRPC) but who remain financed by OHSA. Should the projected deficit materialise, it would be compensated from the accumulated funds carried forward throughout the years, which as at 31st December 2019 stood at €903,616.

The Authority will need to make representations for additional funds to ensure that the initiatives mentioned in its business and financial plans are executed within the timeframe and cost allocated.



Annex 1:

Key activities carried out by the Authority

January 2019 – December 2019

	Total
Workplace visits	3,511
Equipment certificates vetted	4,958
(3547 lifts, 205 cranes (all types), 84 boilers, 348 forklift trucks, 774 reports concerning other types of equipment)	
Construction site notifications received	2,450
Asbestos removal project notifications	79
Staff development (person hours)	121
Number of administrative fines issued	354
Monetary value of fines issued	€158,750
Judicial proceedings initiated	97
Seminar events	4
Seminar attendees	200
Awareness raising (person hours)	1,611
Course participants	128

Annex 2:

Chapter 424 of the Laws of Malta and Subsidiary Legislation

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 the Protection of Workers from Risks resulting from Exposure to Vibration) Regulations	S.L. 424.31
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Artificial Optical Radiation) Regulations	S.L. 424.32
Occupational Health and Safety (Payment of Penalties) Regulations	S.L. 424.33
Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Electromagnetic Fields) Regulations	S.L. 424.34
Work Equipment (Minimum Safety and Health Requirements) Regulations	S.L. 424.35
Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations	S.L. 424.36



Annex 3: Budgeted Income and Expenditure Account

1st January 2020 – 31st December 2020

Income	€	€
Government recurrent grant	1,390,000	
Awareness raising campaigns	10,000	
Competent person register	2,200	
DSS MoU	150	
Online Sponsorship	175	
EU Reimbursement (travel)	13,000	
Administrative fines	130,000	
TOTAL	1,545,525	
Personal Emoluments		
Staff Salaries		929,783
Honoraria to OHSA members		45,950
NI Contributions		88,221
Overtime / Allowances / Statutory Bonuses		212,006
TOTAL		1,275,960
Operational Expenses		
Utilities		20,800
Material & Supplies		14,000
Repair & Upkeep		31,100
Rent		28
Subscriptions		100
Office Services		7,000
Transport		46,250
Travel & subsistence		28,000
Information Services		38,600
Contractual Services		83,250
Professional Services		23,200
Training and CPD		6,000
Hospitality		1,000
Incidental Expenses		2,500
Depreciation		26,000
Transfers from government capital grants		(26,000)
TOTAL		301,828
Contributions and Initiatives		
Appeals Board		1,165
Social Partners' Fund		5,000
Total Budget Cost		1,583,953
Budgeted Surplus/(deficit)		(38,428)
Transfer from Accumulated Funds		38,428

The Audited Financial Statements of the Authority for the period ending 31st December 2019 are being included in Annex 4.

Annex 4: Financial statements 1st January 2019 – 31st December 2019

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

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

6th February 2020

**Re: Audited financial statements for
the year ended 31st December 2019**

Dear Sir,

Following our audit for the year ended 31st December 2019, 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 31st December 2019 since we are happy as regards the financial aspect of the Authority. In particular the Authority ended the year with a surplus of Eur 46,100 and a net assets position of Eur 903,616.

One point to note however is that due to proximity of receipt to the year end, a government recurrent grants tranche of Eur 101,667 pertaining to the year ending 31st December 2019 was accrued for and accounted for during the previous year. If this tranche had been accounted for in the correct year the surplus for the year ended 31st December 2019 would have been Eur 147,767, and that for the year ended 31st December 2018 Eur 130,783, with a comparative surplus for the year ended 31st December 2017 of Eur 158,061. Thus surpluses for these three years would have been more comparable and streamlined.

Yours faithfully

Mr. Christopher Spiteri

'Crossbow House', 78, Cospicua Road, Paola, PLA 1902, Malta
Tel: (0356) 21488239, 21493759. Fax: (0356) 21499573
VAT Reg. No. MT20230618 • E-mail: chris_spiteri@malta.com

**Occupational Health & Safety Authority****Financial Statements**

Year ended 31st December 2019

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

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

Year ended 31st December 2019

The chief executive officer presents herewith the annual report together with the audited financial statements for the year ended 31st December 2019

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 2019 are shown in the income and expenditure account on page 4. The surplus for the financial year was Eur 46,100.

3 POST BALANCE SHEET EVENTS

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

4 CHIEF EXECUTIVE OFFICER

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

5 AUDITOR

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

Signed on behalf of the members on
by :

06-Feb-20

Dr. Mark Gauci
Chief Executive Officer

Hon. Dr. Emmanuel Mallia
Chairperson

17, Triq Edgar Ferro ,
Pieta' - PTA 1533

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

Year ended 31st December 2019

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 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 06-Feb-20 by:

Dr. Mark Gauci
Chief Executive OfficerHon. Dr. Emmanuel Mallia
Chairperson**Auditor's Report****To the members of Occupational Health & Safety Authority**

Year ended 31st December 2019

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

- 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.
- whether, in my opinion, proper books of account have been kept.
- 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 2019 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: 06-Feb-20

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Cospicua Road,
Paola - PLA 1902
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Occupational Health & Safety Authority

Income and expenditure account

Year ended 31st December 2019

	Note	2019 Eur	2018 Eur
Income	3	1,357,084	1,566,205
Expenditure			
Staff costs	<i>Schedule a</i>	(1,108,497)	(1,100,728)
Other operating expenses	<i>Schedule b</i>	(202,487)	(210,627)
		<u>(1,310,984)</u>	<u>(1,311,355)</u>
Operating surplus for the year	4	46,100	254,850
Surplus for the year		46,100	254,850
Accumulated fund brought forward		879,916	825,066
Prior year adjustment	6	(22,400)	0
Accumulated fund carried forward		903,616	879,916

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Occupational Health & Safety Authority

Balance sheet

31st December 2019

	Notes	2019 Eur	2018 Eur
Fixed Assets			
Tangible assets	5	879,480	901,409
		<u>879,480</u>	<u>901,409</u>
Current assets			
Debtors	6	3,925	121,452
Cash in hand and at bank	7	692,193	659,475
		<u>696,118</u>	<u>780,927</u>
Creditors : amounts falling due within one year	8	(14,718)	(120,827)
Net Current Assets		681,400	660,100
Total assets less current liabilities		1,560,880	1,561,509
Deferred income - Government capital grants	9	(657,264)	(681,593)
Net Assets		903,616	879,916
Financed by:			
Accumulated fund		903,616	879,916
		<u>903,616</u>	<u>879,916</u>

Signed on behalf of the members on 06-Feb-20

Dr. Mark Gauci
Chief Executive Officer

by :

Hon. Dr. Emmanuel Mallia
Chairperson



Occupational Health & Safety Authority

Cash flow statement

Year ended 31st December 2019

	<i>Note</i>	2019 Eur	2018 Eur
Cash flows from operating activities			
Operating surplus for the year		46,100	254,850
Adjustments for:			
Depreciation		24,329	25,644
Prior year		(22,400)	0
Operating surplus before working capital movements		48,029	280,494
Movement in debtors		117,527	(48,018)
Movement in creditors		(106,109)	75,989
Cash generated from operations		59,447	308,465
Net cash generated from operating activities		59,447	308,465
Cash flows from investing activities			
Payment to acquire tangible assets		(2,400)	(27,888)
Net cash used in investing activities		(2,400)	(27,888)
Cash flows from financing activities			
Government capital grants		(24,329)	(25,644)
Net cash flows from financing activities		(24,329)	(25,644)
Movement in cash and cash equivalents		32,718	254,933
Cash and cash equivalents at the beginning of the year		659,475	404,542
Cash and cash equivalents at the end of the year	10	692,193	659,475

Occupational Health & Safety Authority

Notes to the financial statements

31st December 2019

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 2019

Note

3 Income

Income receivable is represented by :

	2019	2018
	Eur	Eur
Government recurrent grants	1,148,333	1,321,667
Recharges and miscellaneous income	184,422	218,894
Government capital grants (note 9)	24,329	25,644
	<u>1,357,084</u>	<u>1,566,205</u>

4 Operating surplus for the year

The surplus on operations is stated after charging:

	2019	2018
	Eur	Eur
Members' remuneration	53,069	40,531
Auditor's remuneration	1,098	1,098
Depreciation	<u>24,329</u>	<u>25,644</u>

Occupational Health & Safety Authority

Notes to the financial statements

31st December 2019

Note

5 Tangible assets

Tangible assets	Property	Property	Computer	Office	Furniture &	Motor	Soft	Lift	PV	AC	Total	
	Improvements	equipment	equipment	PABX system	fixtures	vehicles	furnishings	system	EES	compressor		
Cost - beginning 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
Additions new this year	0	0	0	0	0	2,400	0	0	0	0	0	2,400
Additions second hand this year	0	0	0	0	0	0	0	0	0	0	0	0
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	43,473	36,369	5,558	46,268	68,791	4,721	1,309,157
Acc.depreciation - start of year	0	0	219,634	4,695	17,644	26,951	36,369	5,558	46,268	45,868	2,361	405,348
Charge for the year	0	0	9,068	0	704	2,303	0	0	0	11,467	787	24,329
Disposals	0	0	0	0	0	0	0	0	0	0	0	0
Acc.depreciation - end of year	0	0	228,702	4,695	18,348	29,254	36,369	5,558	46,268	57,335	3,148	429,877
Net book value end 2018	373,760	463,853	22,147	0	2,244	14,122	0	0	0	22,923	2,360	801,409
Net book value end 2019	373,760	463,853	13,079	0	1,540	14,219	0	0	0	11,456	1,573	879,480



Occupational Health & Safety Authority

Notes to the financial statements

31st December 2019

Note

6 Debtors	2019 Eur	2018 Eur
Debtors	1,390	1,047
Prepayments	2,535	18,546
Accrued income	0	100,509
Payments in advance	0	1,350
	<u>3,925</u>	<u>121,452</u>

An overprovision for Administrative fines receivable during the year ended 31st December 2018 amounting to Eur 22,400 was reversed by a prior year adjustment during the year under review.

7 Cash in hand and at bank	2019 Eur	2018 Eur
Bank	691,997	659,352
Petty cash	196	123
	<u>692,193</u>	<u>659,475</u>

8 Creditors : amounts falling due within one year	2019 Eur	2018 Eur
Suppliers	5,533	3,013
Accruals	8,501	112,362
Advance deposits	0	5,202
VAT payable	684	250
	<u>14,718</u>	<u>120,827</u>

9 Deferred income - Government capital grants

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

	2019 Eur	2018 Eur
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	(413,571)	(387,927)
Transferred to income this year	(24,329)	(25,644)
	<u>657,264</u>	<u>681,593</u>

Government capital grants have been utilised as follows:

	2019 Eur	2018 Eur
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>

10 Cash & cash equivalents as at the end of the year	2019 Eur	2018 Eur
Cash in hand	196	123
Net bank balance	691,997	659,352
	<u>692,193</u>	<u>659,475</u>

Schedule a ; b

Occupational Health & Safety Authority

Schedule

Year ended 31st December 2019

	2019 Eur	2018 Eur
Schedule (a) - Staff costs		
Members' remuneration & allowances	53,069	40,531
Staff salaries	1,048,845	1,055,904
Staff uniforms	1,898	1,139
Staff training	3,724	1,789
Staff welfare	1,161	1,275
	<u>1,108,497</u>	<u>1,100,728</u>

Schedule (b) - Other operating expenses

Car hire	20,542	20,542
Travelling expenses	27,729	15,297
Rent	32	23
Legal & professional fees	42,936	42,225
Stationery, printing and postage	13,411	16,914
Telecommunications	9,102	9,841
Water & electricity	12,010	13,712
Repairs & maintenance	28,383	34,932
Motor vehicles running expenses	19,079	19,732
Transport expenses	1,229	1,483
Audit fee	1,098	1,098
Events & conferences	1,003	8,671
Depreciation	24,329	25,644
Bank charges	1,103	505
Subscriptions	3	8
General expenses	498	0
	<u>202,487</u>	<u>210,627</u>

Our Activities and Achievements in Figures

3511 Workplaces
were visited by
OHS Officers

353 Administrative
Fines were issued
by OHSA

1611 Hours were dedicated to
awareness-raising courses

20 Guidance
Documents were
issued to assist in
adhering to OHS standards

The Fatality Rate
went down by

29.4%



4958 Equipment Certificates were vetted



2450 Construction
Site Notifications
received and
processed

Instances of OHS
mentioned in the
Printed Media

577

Asbestos
Notifications
received and
processed

79



97

Judicial Proceedings initiated

200 People participated
in OHSA's Seminars



The Injury Rate
went down by

7.8%



