



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

Report of Activities for the Period

1st January 2020 - 31st December 2020

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

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2021



Contents

Preface	4		
OHSa's Objectives, Vision and Mission Statement	5		
Mission Analysis	7		
Chairperson's Message	8		
Members of the OHS Authority	9		
Review of Activities	10		
A Awareness-Building, Information, and Education	10		
A.1 Media Initiatives - Getting the Message Across	10		
A.2 European Agency for Safety and Health and the Maltese Focal Point	11		
A.3 Online Interactive Risk Assessment (OiRA) tool	13		
A.4 Migrant Workers: Guide to Staying Safe and Healthy at Work	13		
A.5 The Role of Local Councils in Safeguarding OHS	15		
A.6 Awareness-raising Initiatives Amongst Stakeholders	15		
A.7 COVID-19 Webinar with MEA	16		
A.8 PKF Bitpod	16		
A.9 Health and Wellness Committee (Malta Chamber)	16		
A.10 The H&S Unit at the Education Resources Department	17		
A.11 OHSa Website	17		
A.12 Facebook page - OHSa Malta	17		
A.13 Social Partners' Sponsorship Fund for OHS initiatives	18		
A.14 Quiz about OHS for school children	18		
A.15 Participation in UoM's Freshers Week	19		
A.16 Elaboration of a PR Plan	19		
A.17 Code of Practice for the Construction Industry	20		
A.18 Guidance on the Safe Use of Work Equipment	21		
A.19 Other guidance material	21		
B Ensuring Compliance with Existing Legislation	22		
B.1 Organisation of Campaigns	22		
B.2 The Administrative Fines System	22		
B.3 Construction	23		
B.4 Notification of Injuries and Accident Investigation	23		
B.5 Construction Notification Forms	24		
B.6 Radiation Protection and Nuclear Safety	24		
B.7 Machinery, Equipment, Plant and Installations	24		
B.8 Occupational Health	25		
B.9 Work Related Accidents - Statistical Trends	26		
B.10 Data Comparison - Standardised Incidence Rates	30		
B.11 European Survey of Enterprises (ESENER-3)	32		
B.12 Discussions with the National Statistics Office - Signing of MoU	36		
B.13 MoU with the Police Authorities	36		
B.14 Enforcement	36		
E.10			
B.15 National Audit Office	36		
B.16 Asbestos in Workplaces	39		
B.17 World Bank: Ease of Doing Business	39		
B.18 The Inspections Coordination Office	40		
C Legislative Reform	41		
C.1 Amendments to the Biological Agents at Work Regulations	41		
C.2 Amendments to the Carcinogens and Mutagens at Work Regulations	42		
C.3 Amendments to the Chemical Agents at Work Regulations	42		
C.4 Inspection of Lifts Regulations	43		
C.5 Amendments to the Control of Major Accident Hazards Regulations	43		
D Consolidating the Authority's Resources	44		
D.1 Staff development	44		
D.2 Recruitment	44		
D.3 Internal industrial relations	45		
D.4 ICT Infrastructure	45		
D.5 Use of premises	46		
D.6 Equal opportunities and gender mainstreaming	46		
E External Relations	47		
E.1 Senior Labour Inspectors Committee	47		
E.2 SLIC WG Strategic Management	47		
E.3 TAIEX workshop	48		
E.4 Labour Inspection Network and Information Exchange System (KSS)	48		
E.5 WG Thematic Day, Portugal	49		
E.6 European Agency for Safety and Health at Work	50		
E.7 OiRA and IRAT Community Meeting	50		
E.8 Advisory Committee for Safety and Health at Work	50		
E.9 Seveso III Committee of Competent Authorities (CCA) and Seveso Expert Group (SEG)	51		
Social Questions Working Party - Carcinogens and Mutagens Directive	51		
E.11 Biological Agents Directive	51		
E.12 The Protection of Workers from Exposure to Hazardous Medicinal Products	51		
E.13 Participation in Local Boards and Committees	52		
F Freedom of Information, Corporate Governance and Corporate Social Responsibility	53		
F.1 Freedom of Information Act	53		
F.2 Corporate Governance	53		
F.3 General Data Protection Regulation	53		
G Financial Outlook	54		
Annex 1: Key Activities Carried Out by OHSa	55		

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 (OHSA) 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 2020 to 31st December 2020 and is being published in terms of Article 37 of the Act. The Financial Statements are being published separately.

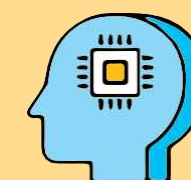
The Authority has two major sources of revenue - the annual grant made by the Ministry of Finance, and the collection of fines from persons who were informed by OHSA that they were in breach of the law. OHSA also generates some funds from the organisation of services for which a fee is charged.

OHSA has ended its financial year with a surplus of €241,068 and a net asset position of €1,144,684.

OHSA's Objectives



To foster a culture which values prevention.



To increase awareness about the benefits of achieving and maintaining adequate levels of occupational health and safety (OHS).



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.



OHSA's Vision



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.



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



A global pandemic was unforeseen when OHS Authority drafted its workplan for 2020 - a year which has proved to be an unprecedented experience for all of us. Workforces and workplaces have had to adapt to the ever-evolving circumstances from one day to the next. It has propelled each and every one of us to look closer at health and safety through an amplified perspective - yet has presented a new plethora of challenges.

Apart from adapting its own operations to reflect current realities as an employer, OHS Authority also had to address workplaces that reduced on-site operations and shifted them to teleworking. This created a challenge to keep track of health and safety issues at home while dealing with virtual employers and employees. OHS Officers also had to deal with carrying out effective on-site inspections in the realities of a pandemic. As is evident in this report of operations, OHS Authority successfully rose to the challenge and adjusted, adapted, and moreover increased its effectiveness and efficiency throughout the year in review.

Indeed, OHS Authority continued to influence and engage with stakeholders; to raise awareness about health and safety issues; to amend legislation; to assess and directly intervene through inspections; as well as to collaborate with other entities on a national, European and international level to ameliorate the level of OHS and safeguard workers' health and safety.

OHS Authority's sterling inroads in this was highlighted in the European Survey of Enterprises (ESENER-3) where Malta registered positive improvement in most areas covered in the survey when compared with the previous one carried out 5 years earlier. In the area of risk assessment for instance (which is the cornerstone of the European and also the national approach to OHS management), it was noted that 71% of enterprises carried out regular workplace risk assessments when compared to 66% in 2014.

Increases in the number of visits by OHS Officers, the use of health and safety services, the presence of health and safety committees and representatives as well as training in the area of OHS were also registered. This helped achieve a significant reduction in the risk of accidents with machines, hand tools and vehicles used during work operations as well as in the risk from chemicals and from slips, trips and falls. Although one cannot rest on one's laurels, it is also important to give credit where it is due and laud positive achievements.

This annual report portrays a small selection of the numerous goals and achievements reached by OHS Authority during 2020. It does not reflect in any way its full operations nor the hard work and effort by all employees, at all levels on a daily basis to ensure the smooth and professional running of this organisation. Without their insightful and professional input, OHS Authority would not have achieved so much, especially during such a challenging year.

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

Chairperson, OHS Authority

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 OHS 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 OHS Authority.

Review of Activities

“The development of a culture which goes beyond the workplace, which adopts a holistic view of health and that values risk prevention”. This is OHSA’s vision which it promotes throughout its day-to-day business. In a work environment where the expression of certain risks have become routine, thus jeopardising the occupational health and safety of workers, OHSA always strives to promote 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

OHSA always believed that awareness-raising, information, and education can inform stakeholders about OHS by highlighting and drawing attention to its fundamental importance in a bid to solicit the necessary action and changes. Although major progress has been registered, regrettably, not all stakeholders abide by their basic legal requirements, and do not pro-actively endorse this safety culture. In fact, some companies blatantly disregard OHS, opting instead to ride on OHSA’s wave when things are looking up only to embark on a disparaging critical streak when accidents or fatalities happen. Despite this, or more the reason because of it, 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. Indeed, awareness has a very important role in turning this attitude around, however action must also follow for it to be effective - and it is just as important. As for everyone else, the global COVID-19 pandemic has affected OHSA - it has meant that during 2020, we have been restricted in our awareness-raising initiatives - some planned events had to be postponed however others were adapted. OHSA has resorted more to social media to raise awareness and disseminate its safety and health messages and documentation. More awareness was generated about OHSA’s Facebook page (the number of subscribers more than doubled since last year), while traditional means of awareness raising were again utilized including online seminars, media initiatives and other information campaigns including several which were linked to European initiatives.

A.1 Media Initiatives - Getting the Message Across

Media interventions are powerful tools by which to raise awareness and promote the importance of managing OHS. Indeed, the media has a very strong role to play in raising awareness about OHS. This is true for both own initiatives as well as for those programmes which include participation by Officers from OHSA and give time to members of the public to raise their concerns and ask questions. This gives the opportunity to OHS Officers to disseminate information and provide correct information and 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. OHSA is thus always open to invitations by media houses to feature on their programmes.

During 2020, OHSA prepared several interviews which were later featured online. The feedback for these initiatives has been positive and OHSA will endeavour to continue working and developing this initiative and to create more awareness-raising initiatives.

A.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 is the European information agency for occupational health and safety. Its main role is to provide governments, workers, employers, and other stakeholders in Europe with the necessary information and insights to ensure a safe and healthy workplace, so much so that it is regarded as the main EU reference point for OHS.

In order to ensure and facilitate the efficient transfer of knowledge between EU-OSHA and Member States, Council Regulation (EC) No 2062/94 envisages the establishment of national Focal Points - in the case of Malta, such a role is taken on board by OHSA. This role entails, amongst others, the coordination and dissemination of information provided by EU-OSHA, especially through the planning and implementation of various Agency campaigns, as well as providing the said Agency with feedback and recommendations on various matters pertaining to OHS.

Following the completion of the 2018-2019 Healthy Workplaces Manage Dangerous Substances campaign, OHSA has embarked on the preparation and organisation of the 2020-2022 Healthy Workplaces Lighten the Load campaign, which will focus on the prevention of work-related musculoskeletal disorders (MSDs). MSDs affect the back, neck, shoulders, and upper and lower limbs, as well as any damage or disorder of the joints or other tissues. Every year, millions of European workers in all types of jobs and employment sectors are negatively affected by MSDs.

Unfortunately, and even though this topic was already addressed by two international campaigns way back in 2000 and 2007, MSDs continue to be one of the most prevalent types of work-related health problems in Europe. As a matter of fact, the 2019 European Risk Observatory Report commissioned by EU-OSHA, entitled ‘Work-related musculoskeletal disorders: prevalence, costs and demographics in the EU’, highlighted that:

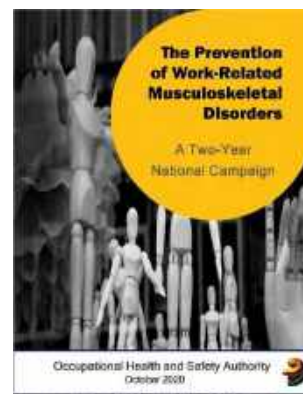
1. Three out of every five workers in the EU-28 Member States report MSD complaints, with the most common types of MSDs reported by workers being back-ache and muscular pains in the upper limbs.
2. Of all the workers in the EU with a work-related health problem, 60% identified MSDs as their most serious concern.
3. In 2019, one out of five people in the EU-28 Members States suffered from a chronic pain or neck disorder.

The 2020-2022 Healthy Workplaces Lighten the Load campaign aims to raise awareness of MSDs, and how such hazards can be addressed through the implementation of preventive and protective measures based on the general principles of prevention as laid down in Art. 6(2) of the Occupational Health and Safety Authority Act, Chapter 424 of the Laws of Malta. This Article states that the measures that need to be taken by an employer to prevent physical and psychological occupational ill-health, injury, or death must be taken on the basis of the general principles of prevention - a hierarchy of controls ordered to form the best practice approach to risk management, with priority being given to the avoidance of the risk. Where the risk cannot be avoided, employers must, amongst

others, identify the hazards associated with the work activity, evaluate the risks, and implement a management approach to address the risks which cannot be avoided.

A leaflet about this campaign and its aims was also prepared by the Focal Point-MT. This leaflet can be accessed free of charge from OHS's FB page.

In conclusion, the two-year campaign will see the organisation of webinars/seminars, media initiatives and interventions, publication of information documents, and inspection campaigns targeting MSDs. As in other previous campaigns, OHS is well confident that the 2020-2022 Healthy Workplaces Lighten the Load campaign will increase awareness of such important topic and will help businesses identify and implement appropriate preventive and protective measures.



EU-OSHA's national Focal Point Manager was also asked to assist EU-OSHA and the European Commission (EC) in the promotion of the influenza vaccine. In this regard, EC has presented immediate short-term measures to strengthen EU health preparedness for COVID-19 outbreaks, including the reduction of the burden of seasonal flu through increased vaccination coverage and other means such as ensuring additional national procurements for influenza vaccines. Such approach will help in the avoidance of additional pressure on the already stretched healthcare systems throughout the EU. OHS strongly supports such thought and initiative, so much so that it will assist EU-OSHA and EC in the promotion of the influenza vaccine through its media channels.

Malta's EU-OSHA Focal Point was also involved in the research carried out by EU-OSHA which concerned COVID-19 and vulnerable workers. The implications of COVID-19 for vulnerable workers cannot be underestimated. This is a time when the implementation of preventive and protective measures is as crucial as ever. The protection of vulnerable workers is reflected in national OHS legislation which provides that employers have a specific duty to take all measures and precautions to protect particularly sensitive risk or vulnerable groups against the dangers which specifically affect them. The safeguard of vulnerable workers has always been a highly regarded topic by OHS, so much so that this topic was addressed during the OHS-related activities held during the Maltese Presidency. In this regard, OHS strongly advocated the importance of providing specific and additional protection to vulnerable workers. For instance, to address the current COVID challenges, OHS-MT promotes the carrying out of specific COVID-19 risk assessments, the implementation of the necessary preventive and protective measures to address the identified risks, and the promotion of teleworking. The same approach was also adopted by EU-OSHA.

The COVID-19 pandemic also led to an increase in the provision of teleworking. While recognising its positive impact on reducing exposure to COVID-19, it has also its own challenges with respect to OHS. Contrary to some employers' perceptions, certain OHS legal provisions are also applicable to teleworking. These include, but are not limited to, the carrying out of risk assessments, the provision of training and information, measures concerning ergonomics, the provision of adequate workstations, and other measures in line with the Minimum Health and Safety Requirements for Work with Display Screen Equipment Regulations, S.L. 424.14. Therefore, employers must additionally ensure the health and safety of their employees when shifting to teleworking.

In conclusion, OHS has always recognised the pivotal role of EU-OSHA in the provision of information and awareness raising of OHS among European workplaces, especially on a national level. OHS also appreciates and acknowledges the continuous and vital support provided by EU-OSHA, which is highly critical to the improvement of Maltese workplaces. This improvement can only be achieved through Malta's active participation in the activities and initiatives organised by EU-OSHA - a commitment that OHS-MT pledges to achieve.

A.3 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 developed by EU-OSHA, encourage the carrying out of risk assessments, particularly by the micro and small enterprises, mainly due to OiRA tools being 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 of OHS-MT.

Although no new OiRA tools based on local OHS legislation were published by EU-OSHA during 2020, OHS continued to publicize the available tools during its awareness raising activities such as media interventions and webinars.

During 2020, through its Facebook page, OHS also promoted the use of OiRA as a beneficial tool for small business-owners to carry out risk assessments related to the COVID-19 pandemic.

Since the launch of the first OiRA tool in Malta, a total of 1959 accumulated assessments have been registered by 1340 users, an increase of more than 45% in both cases over the previous year.

Given the importance and benefits of OiRA, especially to micro and small businesses, during November OHS has organised, in collaboration with EU-OSHA, a webinar on the use of OiRA. This tool was promoted and explained thoroughly through the delivery of theoretical and practical presentations. In order to ensure efficient promotion and facilitate the use of OiRA, the presentations were recorded and uploaded on OHS's official YouTube page, and can thus be viewed whenever needed and by whoever is interested in carrying out in-house risk assessments through OiRA.



A.4 Migrant Workers: Guide to Staying Safe and Healthy at Work

International migration is an essential aspect of global social and economic development. Migrant workers contribute to the economies of their host country (by providing skills and financial turnover) as well as to that of their home countries (by sending payments to family members and developing new skills that they could use upon their return). However, migration is not a straightforward issue and it presents challenges particularly in safeguarding equal opportunities and protection to migrant workers. This also applies in the case of occupational health and safety.

Migrant workers are in effect a particularly vulnerable group in society. Indeed, a brief analysis of local data on work-related statistics show that 21% of all deaths in Malta involve foreign workers.

A recent policy paper by the Central Bank of Malta¹ determined that the length of stay of migrant workers in the Maltese labour market is short, with around 25% leaving their job within the first year of employment while about 50% leaving between one and two years later. They are also more likely to be at a disadvantage due to temporary employment conditions, abuse and also the underground economy. A high number of migrant workers also end up doing jobs that they are not familiar with or are instructed to use tools or machines that they would have never used before. Another possibility is that the job assigned to them is totally different from the line of work they had in their home country.

All of these issues pose a number of challenges, including a higher risk of working without adequate training and safety equipment and shying away from raising unsafe issues at their workplace for fear of losing their jobs or even being deported. These in turn put migrants at a greater risk of injury and occupational fatalities - analysis of local data on work-related statistics show that 21% of all deaths involve foreign workers.

OHSA issue a user-friendly guidance document with the main issues involving OHS. The guidance document addresses issues such as the duties of employers with regards to health and safety including information, supervision and training, safe systems of work, appropriate personal protective equipment, well-maintained machinery and equipment and welfare facilities, to mention just a few. It also highlights the importance of worker consultation and cooperation with the workers' health and safety representatives. The document also offers guidance with regards to the obligations that workers must fulfil and the legal rights they are entitled to including information about any OHS hazards at the workplace, participation in keeping the workplace safe and healthy, refusing unsafe work and above all, being able to work in a safe and healthy workplace without fear of violence or harassment.

This document was circulated widely amongst migrant and human rights organisations in Malta. As with other guidance documents, it is also available for download free of



charge through OHSA's website, Facebook page or through scanning a QR-code. It has proved to be very popular and has been accessed hundreds of times.

Through UNHCR (the UN Refugee Agency), this document was translated into six languages namely Arabic, Bangla, French, Somali, Tigrinya and English. It is envisaged that this will be translated into other languages to facilitate a better understanding of the principles of occupational health and safety amongst migrant workers.

A.5 The Role of Local Councils in Safeguarding OHS

OHSA has always believed that Local Councils have an important role in the management of OHS. In line with its mission, that of working with others to ensure healthier and safer workplaces, OHSA has established a collaborative relationship with the Local Councils' Association (LCA) through the provision of regular assistance and guidance on matters pertaining to OHS.

To help Local Councils comply with OHS regulations and improve health and safety within their workplaces, OHSA has organised a number of seminars/webinars for Local Councils. It has also published a specific guide entitled *Saħħa u Sigurtà fuq il-Post tax-Xogħol - Kunsilli Lokali* which highlights in detail the legal obligations of Local Councils. The seminars/webinars were organised in collaboration and with the support of EU-OSHA.

Way back in 2018, OHSA had organised a seminar which addressed the dual role of Local Councils - that of 'employers' and 'clients' ('clients' in cases of construction projects). The seminar was welcomed by LCA since it provided mayors and executive secretaries with valuable information on the management of OHS. Subsequent to another request by LCA to provide further guidance and assistance to Local Councils, during 2020 OHSA organised another webinar for Local Councils entitled 'Working Together for Risk Prevention', which addressed aspects pertaining to OHS legal obligations, risk assessment, the use of display screen equipment and the use of work equipment in general.

In order to facilitate the provision of information on OHS, the presentations were recorded and uploaded on OHSA's YouTube official page. The link of the recorded presentations was also sent to LCA so as to be distributed among Local Councils. Therefore, the presentations may be viewed whenever needed, especially by new employees and recently elected members.

OHSA has also participated in a webinar organised by LCA which addressed insurance policies and health and safety. In this case, OHSA delivered a presentation on the importance of OHS, and addressed any queries raised by participants about OHS.

In conclusion, OHSA will keep working closely with Local Councils and other businesses to drive and influence behavioural change in OHS. Such approach will facilitate the implementation of appropriate preventive and protective measures - an approach deemed essential to achieve healthier and safer workplaces.

¹ Borg, I. (2019), *The length of stay of foreign workers in Malta*, Central Bank of Malta.

A.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. At the request of the Lija Local Council, an evening course was prepared and delivered in January to representatives of political and social committees of that community. The organisation of courses was down drastically this year, mainly due to the pandemic and to a minor extent due to issues with the promotion and application facilities normally offered through the Authority's website. Several last-minute cancellations came about due to client employees being placed in mandatory quarantine. The six courses held during the different phases of the pandemic were held in strict observance of the Superintendent of Public Health directives and during Q3 and Q4 several customised courses were delivered online.

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

A.7 COVID-19 Webinar with MEA

OHSA partnered with the Malta Employers Association (MEA) to organise an interactive webinar addressing occupational health and safety aspects associated with COVID-19. The webinar discussed the onerous employer's responsibilities, including the obligations to carry out a risk assessment and to supervise employees to ensure compliance.

OHSA, together with representatives from the Health Department, participated in another webinar organised by the same Association on the measures to be taken by employers to avoid the spread of COVID-19. Following this webinar, and based on the questions posed by the participants, OHSA prepared a document listing Frequently Asked Questions about COVID-19 and the workplace.

A.8 PKF Bitpod

OHSA was invited by PKF Malta to a bitpod podcast about occupational health and safety in general, which also discussed issues relating to COVID-19 and its impact on workplaces. This podcast also looked at OHSA's philosophy and method of doing work, its various initiatives, as well as on the various duty holders' legal obligations.

A.9 Health and Wellness Committee (Malta Chamber)

OHSA participated in a meeting of the Health and Wellness Committee within the Malta Chamber of Commerce, Enterprise, and Industry during which OHSA's role was explained. The Committee members were also given information about the duties of employers and the responsibilities of employees as well as the Online Interactive Risk Assessment Tools developed by OHSA and EU-OSHA. Action which could be taken by employers, in conjunction with the social partners with regards to the psychosocial aspects of health, were also discussed. OHSA referred to the framework for action on stress at work, an OHSA initiative based on the European Framework for the Control of Stress at Work. This OHSA initiative has been developed as an aid to the social partners and outlines possible interventions for the early identification of issues and suggests meaningful remedies.

A.10 The H&S Unit at the Education Resources Department

OHSA accepted an invitation to attend the National Meeting of the Health and Safety Unit within the Education Resources Department. OHSA addressed health and safety teachers, explaining the main health and safety regulations but focusing on the risks related to exposure to hazardous chemicals encountered at their place of work.

A.11 OHSA Website

During 2020, OHSA's website suffered irreparable damage which could not be easily rectified. Keeping the ever-evolving digital world in mind, OHSA is in the process of procuring a new website altogether - one which is user-friendly as well as technologically advanced. This relevant call will be issued during 2021.

However, as a temporary solution, OHSA has been added to the entities in the deputy Prime Minister's website (health.gov.mt), and the key features of the old website such as legislation, online forms and guidance material can now be accessed from this site:

(<https://deputyprimeminister.gov.mt/en/ohsa/Pages/the-occupational-health-and-safety-authority.aspx>).

This migration was conducted during November 2020 and for the period from migration up to the end of the year, web analytics reported over 4,000 hits from more than 1,400 users. Access to the OHSA legislation part was the most popular page of the OHSA website, followed by the Competent Persons Register page and guidance on OHS.

To simplify matters, OHSA's URL is still available, and should users key ohsa.gov.mt they will be automatically redirected to the current web pages on the Ministry's website.

A.12 Facebook Page - OHSa Malta

Facebook is both a vibrant social network and an attractive marketing tool, with users across the world devoting countless hours to the site. In fact, Facebook has become an increasingly important way of obtaining information not only socially but also about current events and news. OHSa has increasingly been making use of its Facebook page to share information and raise awareness. Moreover, to facilitate ease of use, OHSa has also started to develop QR Codes for various communications means. This will enable users to easily scan a code and access data and documentation directly on their mobile devices.

During 2020, OHSa has uploaded several guidance documents on its Facebook page. These include guidance for migrant workers, guidance on the safe use of mobile elevated working platforms, working safely in the sun and heat, as well as the safe use of excavators for lifting operations amongst others.

OHSa also published a series of FAQs about COVID-19 and workplaces. These reflected the most common concerns workers and employers had with regards to the pandemic and hence were also updated to keep abreast to the local developments and guidance. OHSa also created and promoted a general quiz on occupational health and safety which has garnered quite an interest.

As always, OHSa promotes posts published by the European Agency for Safety and Health at Work (including those featuring the popular Napo character) and other professional entities as deemed necessary. During 2020, OHSa's FB page had 1705 subscribers, a marked increase over the previous year. OHSa's Facebook page was also utilised for the advertising of recruitment opportunities during the third quarter of the year.

A.13 Social Partners' Sponsorship Fund for OHS Initiatives

The sponsorship fund, launched during 2014 to support social partners with OHS initiatives, remained open during 2020. 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 2020, no applications for funding under this initiative were received by OHSa.

A.14 Quiz about Health and Safety at Work for School Children

An easy, interactive quiz about occupational health and safety was created by OHSa. This included questions relating to general knowledge, safety signs, chemical safety, OHS in Malta and fire safety amongst others. The questions asked were very basic and at the end, participants were directed to OHSa's Facebook page. The main aim of this quiz was to instil an interest in OHSa and entice participants to seek further information. The quiz can be accessed through this link: <https://quiz.tryinteract.com/#/5ea0080d8bbf9d001414057b>

This quiz generated quite some interest. In collaboration with the Directorate for Learning and Assessment Programmes within the Ministry for Education and Employment, the link to the quiz was sent to all head teachers in all public, private, and independent schools in Malta and Gozo to be circulated to parents. This was in line with OHSa's belief that if children start learning about safety and health and identifying risks, this will become an inherent way of how they work, play and live, providing them with a positive perception of OHS that they can carry into adulthood.

A.15 Participation in UoM's Freshers Week

Freshers' Week at the University of Malta is an annual event which attracts thousands of students. Given the COVID-19 situation, a new format had to be adapted and hence a physical stand on campus was not a possibility. OHSa reached an agreement with the *Kunsill Studenti Universitarji* (KSU) to have a health and safety slogan printed on each parking permit issued to students. Parking permits are required by all students who park at university which for 2020-2021 was estimated to reach the 7,000 figure. Such an initiative has the advantage of a year-long exposure for OHSa since students usually affix the permits to the car windscreen or mirror for the duration of the scholastic year. The slogan chosen by OHSa was: "Health and Safety at Work: The safest risk is the one you DON'T take".

A.16 Elaboration of a PR Plan

There is a growing recognition that public entities need to engage, build partnerships, and co-create policies and services with a variety of stakeholders in order to improve public policies and services. Communication is an integral part of these processes, as it allows for two-way communication between public entities and citizens and can also be used as an instrument of policymaking and trust-building, and as a means to strengthen the impact of reforms, by changing the public's behaviour and perception. This is intrinsically in line with OHSa's mission statement of 'Working with others to ensure healthier and safer workplaces in Malta'.

It was deemed essential to draw up a communications and PR plan for OHSa in a bid to improve OHSa's visibility as well as to raise further awareness about the benefits of occupational health and safety in specific sectors. It is also important to identify communications partners to ensure that the message is conveyed to as wide an audience as possible.

In 2019 a public tender was issued to specifically cater for this - the successful bidder presented a first draft of the PR plan which was to be implemented during 2020 following discussions. However, following various missed deadlines and lack of communication from his end, the bidder informed OHSa that for personal reasons he had to withdraw from the project and forfeit his obligations.

OHSa took it upon itself to start working on and draft a new Communications and PR plan. This plan will support OHSa's overall objectives and has five main objectives:

- Improve OHSa's visual corporate identity;
- Increase OHSa's visibility as a centre of knowledge on OHS matters;
- Encourage better dialogue with relevant stakeholders to increase their awareness of OHS principles and legislation;
- Increase OHSa's current engagement with mainstream media; and
- Encourage employee advocacy and involvement.

The plan targets the need for OHSa's communications to be tailored to the target audiences identified, use language which is relevant and easy to understand and use the right channels and networks.

The main priority areas for action that have been identified so far are:

- Increase OHSa's visibility and consolidate its reputation;
- Increase awareness about the impact of OHSa's work;
- Reach the increasingly diverse stake holders by adopting new means of communications;
- Establish better relations with influencers; and
- Strive for more approachability in all communications.

OHSa will aim to communicate its objectives, key priority areas and processes in a clear and far-reaching manner to influence in a positive way the current level of occupational health and safety in Malta. Each objective will be divided into sub-objectives which are SMART (specific, measurable, attainable, results-oriented, and time-limited) while key performance indicators will be assigned to enable an effective monitoring and evaluation of progress. This will ensure that the communications and PR plan is geared towards concrete outcomes. These performance indicators will be periodically reviewed to ensure that progress is on track.

A communication matrix will target communication efforts and means according to target audiences. This is crucial to establish contact as well as to get the message across. The matrix will be reviewed at regular intervals since the status of the stakeholders as well as the communication means may change over time.

A communications toolbox will also be drawn up which will contain material for both internal as well as external use (including a media toolkit). The toolbox will enable users to easily access information as well as serve as a one-point-of entry to all relevant communication and PR material. The toolbox will include several categories including visual identity, website and social media, presentations and general media.

A financial plan will also be drawn up to put this communications and PR plan into motion during 2021.

A.17 Code of Practice for the Construction Industry

The Code of Practice for the Construction Industry - which serves as a guidance for the implementation of legislation of occupational health and safety in the construction industry, continues being revised to reflect correct references to current legislation which has been changed or replaced in the past years, and to better explain the terms of the appointment of project supervisors for domestic projects.

A.18 Guidance on the Safe Use of Work Equipment

Extensive research was undertaken in relation to the use of earth moving equipment and mobile elevated working platforms (MEWPs). As a result of this work, two guidance documents were compiled and published, namely '*Safe Use of Mobile Elevated Working Platforms*' and '*Safe Use of Excavators for Lifting Operations*'. These machines are covered by the Work Equipment (Minimum Safety and Health Requirements) Regulations, 2016, Legal Notice 293/2016 [S.L. 424.35]. These documents provide useful information with the aim to avoid accidents at work, for both employers and employees.

A.19 Other Guidance Material

OHSa has started work to develop other guidance documents regarding the Classification, Labelling and Packaging legislation, and how this impacts occupational health and safety. OHSa is also working on updating guidance on the control of substances hazardous to health. Work has also started on developing new and updated guidance material targeting construction project supervisors. Once finalised, persons occupying the role of project supervisors will have a reliable, reference document which would facilitate the implementation of their important responsibilities listed in the relevant regulations.

B

Ensuring Compliance With Existing Legislation

In spite of the current pandemic, OHSa carried out a total of 4,947 workplace visits during 2020.

The Authority considers enforcement as being one of its key core functions since it ensures that duty holders remain adequately in control of risks at their place of work. A safe environment can only be achieved if duty holders act in a manner that 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. Enforcement requires a high degree of transparency, equity, and fairness in its applicability with all stake holders. It also entails a high level of professionalism by all those entrusted with such task. The law is never static and OHS Officers continue to be kept abreast with legal developments, new procedures and practices which conform to acceptable standards of behaviour.

In line with its Enforcement Policy, the Authority continued to focus on those work activities that give rise to the greatest risk.

B.1 Organisation of Campaigns

During 2020, no specific inspection campaigns were organised by OHSa because of the COVID-19 pandemic. It is hoped that new campaigns could be organised during 2021, in consideration of the perceived benefit resulting from the organisation of such campaigns.

On the other hand, OHSa will continue disseminating information through various media.

Despite a number of operational limitations, triggered by the need and obligation to fully protect OHSa's own workers, OHS Officers were still able to carry out inspections at different workplaces, according to an ad hoc protocol devised by OHSa which ensured both the effectiveness of an inspection, while guaranteeing the health and safety of the OHS Officers. This protocol devised by OHSa was in fact disseminated by the European Agency for Safety and Health amongst all its Focal Points early on during the pandemic.

B.2 The Administrative Fines System

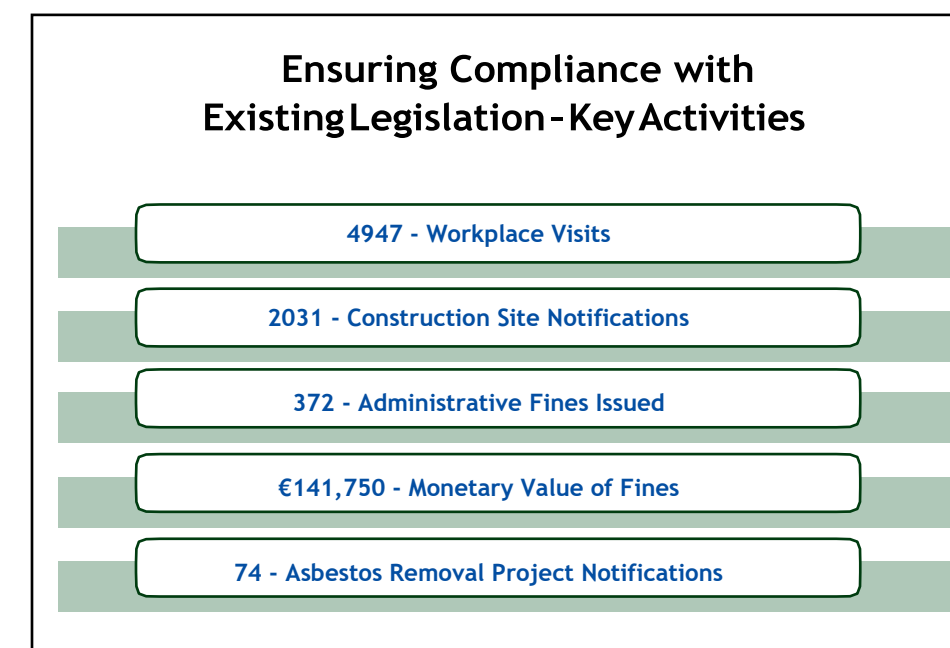
During 2020, OHSa issued 372 administrative fines which amounted to a total value of €141,750. OHSa has initiated the process leading to a total overhaul of the record keeping system in use regarding the issue of administrative fines. The current system is one which is very labour intensive, not only for the inputting of data, but also for audit purposes. It needs to be pointed out that despite finding no evidence of illicit or untoward activity, NAO had mentioned the possibility of tampering. OHSa concurs with this finding and kick started a temporary solution until the system could be finally incorporated in the Management Information System. This temporary solution, developed by the Ministry for Health's Information Management Unit, allows better record keeping and retrieval, reduces the possibility of tampering or wilful record alteration, and introduces a degree of automation in the process. It also incorporates various robust audit facilities.

B.3 Construction

Despite obvious operational limitations throughout the year, OHSa maintained its focus on the construction sector, and carried out several inspections of construction projects in Malta and Gozo. These inspections investigated all complaints received by OHSa lodged by third parties or workers themselves and included pro-active routine inspections to other construction sites to monitor compliance with OHS legislation. All inspections were carried out with the necessary measures in place to ensure the safety and wellbeing of OHS Officers. Numerous improvement notices were sent whilst other enforcement action was taken against duty holders in line with OHSa's enforcement policy.

B.4 Notification of Injuries and Accident Investigation

A total of 727 injury notifications from employers were received at OHSa during 2020. As stipulated in L.N. 52 of 1986, every employer is 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. All notifications of serious injuries were investigated by OHSa.



B.5 Construction Notification Forms

OHSa received 2031 Construction Notification Forms in accordance with Legal Notice 88 of 2018 for projects on which work was scheduled to last longer than 30 working days and on which more than 20 workers were occupied simultaneously, or on which the volume of work was scheduled to exceed 500 person-days. OHSa operates a sampling process to identify sites which will then be the subject of an inspection, or, in the case of large projects, repeat inspections.

B.6 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. This led to the establishment of the Nuclear Safety and Radiation Protection Commission (NSRPC), which took over the role of radiation and nuclear regulator from the Radiation Protection Board, which was itself disbanded.

OHSA notes that almost three years after the enactment of the law, and the establishment of NSRPC, those employees originally 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 the protection from risks resulting from Exposure to Artificial Optical Radiation and those from Electromagnetic Fields under the NSPRA, leading to potential legal uncertainties.

OHSA has also raised concerns with the new Radiation Protection Commission that new Radiation Protection recruits cannot be accommodated at OHSA's premises in view of space restrictions.

B.7 Machinery, Equipment, Plant and Installations (MEPI)

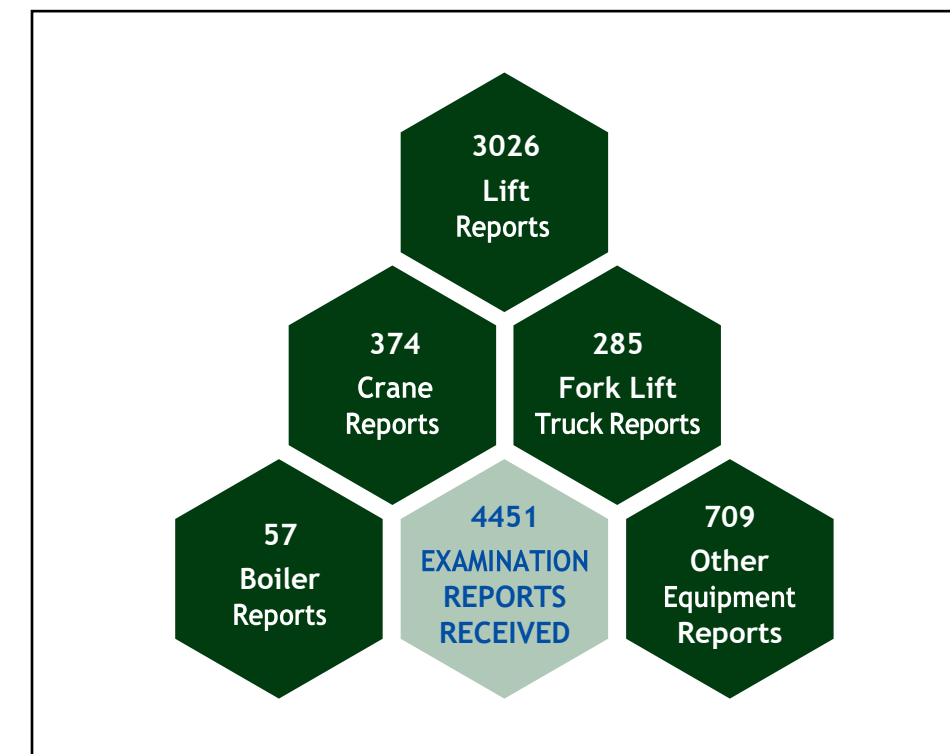
Officers from this section carried out regular inspections of workplaces, where work equipment and lifts are installed. Most complaints received concerned mainly crane operations, and every effort was made to address them immediately. MEPI maintains and regularly updates the section's database of work equipment which contains records of all examination reports received. The total number of examination reports received in 2020 amounted to 4451. These included 3026 lift reports, 374 cranes, 57 boilers, 285 forklift trucks and 709 for other equipment.

This section also assisted other OHS Officers in accident investigations involving work equipment. Due to the restrictions of the COVID-19 pandemic, more inspections were carried out on cranes than any other equipment. This was due to the fact that many workplaces including hotels and office buildings were closed or workers were working from home.

OHSA continued to collaborate with foreign consultants to finalise the contract related to the implementation of the COMAH requirements. Important documents were submitted for OHSA's review and subsequently concluded. These documents deal with the preparation of Consultation Zones for COMAH establishments, preparation and evaluation of Safety Reports and Inspection Guidelines. OHSA organized and conducted inspections in all COMAH establishments in collaboration with ERA (Environment and Resources Authority) and CPD (Civil Protection Department). The information on the EU Commission's eSPIRS (Seveso Plants Information Retrieval System) database was updated to reflect the current situation of the COMAH establishments in Malta.

MEPI officials took part in technical committees established by the Malta Competition and Consumer Affairs Authority on standards regarding mechanical and electrical

aspects of Photovoltaic installations. Due to the COVID-19 restrictions, online meetings were held with other stakeholders to discuss the proposed standards. MEPI actively participated in the technical committee on the Inspection of Lifts Regulations L.N. 231 of 2007 following which OHSA submitted feedback on the proposed amendments.



B.8 Occupational Health

During 2020, OHSA's specialist occupational physician, besides functioning as an occupational medical advisor to the Authority, was also involved in investigating 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.

This year has indeed been a challenge for workplaces with the advent of the COVID-19 pandemic. In the initial phase of the pandemic OHSA was inundated with calls from employers, HR, health and safety representatives and workers for advice to help them implement the mitigation measures to prevent COVID-19 spread in the workplace. Advice was also given by OHSA through its occupational physician on shielding of vulnerable workers and teleworking in keeping with advice offered by the Superintendent of Public Health when a public health emergency came into force on 7th March 2020. A major challenge was keeping up to date with the latest information on the nature, infectivity, and mode of spread of COVID-19 as well as the latest developments in the control measures to prevent spread of the virus. After the easing of restrictions, the opening of the borders to air and sea travel and the lifting of the Public Health emergency in June 2020 together with the physical return to work we have seen a resurgence in the number of active cases both in the general population and within workplaces. Contact tracing

and management of active cases and their contacts together with advice on disinfection of workplaces was taken care of by Public Health COVID response teams. OHS has been available to provide advice to workplaces as well as carrying out several inspections in response to complaints by workers to ascertain that mitigation measures are in place.

The occupational physician also participated in a webinar which took place in 2020 as part of the 'Lighten the Load' campaign organised by the European Agency for Safety and Health at Work (EU-OSHA). This participation involved a presentation on the occupational health aspects of musculoskeletal disorders (MSDs) and was mostly aimed at raising awareness among participants on the risk factors which give rise to MSDs and the various medical conditions which fall under the umbrella of MSDs.

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

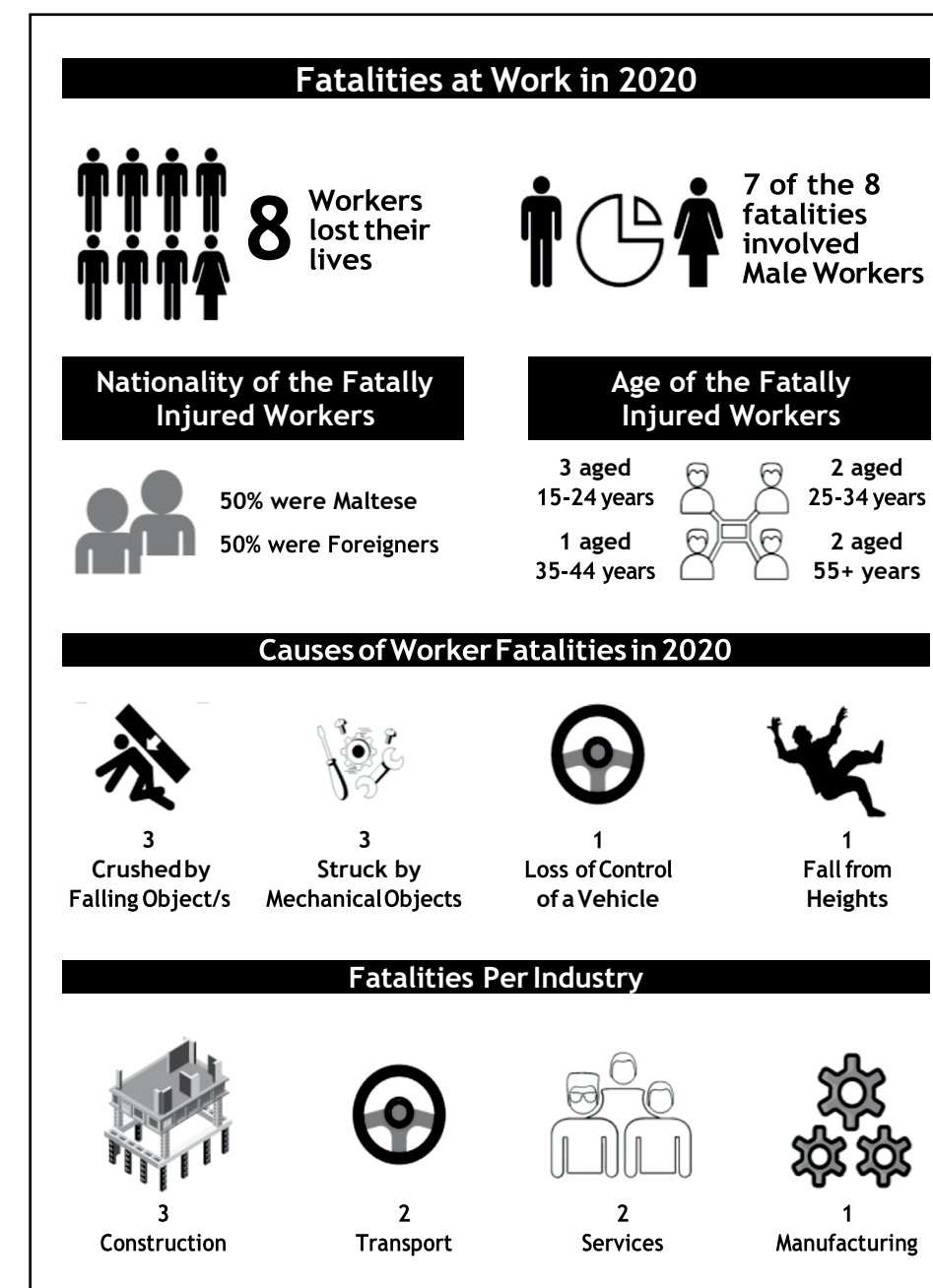
On the 24th and 25th September 2020 OHS participated in a virtual conference on workers' protection from exposure to hazardous medicinal products. The conference was held as part of a study whose purpose was to support preparatory and explorative work concerning a possible EU initiative to improve the protection of workers from exposure to Hazardous Medicinal Products (HMP).

B.9 Work Related Accidents - Statistical Trends

Statistics about work related accidents, including injuries, fatalities and ill-health remain an important tool to assess the current state of occupational health and safety especially the effectiveness of current measures. Locally, these statistics are collated by 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 2020 will be included in next year's activity report. As from this year, OHS embarked on an exercise to update the statistics concerning injury at work rates in view of the periodic revision of data by the respective government entities. The fully revised data will be included in the next annual report.

In the case of fatal accidents at work, the numbers registered are, from a statistical point of view, very small and a positive result registered for one year, may not be repeated in the successive year. Thus, valid conclusions could only be made if the data covers a long period of time. In fact, OHS refers to statistical trends, rather than the actual figures for any particular year to cancel out these yearly fluctuations. While this holds true for occupational injuries, it is much more relevant to fatalities, as changes from year to year may be dramatic.



There were eight fatal accidents at work 2020, all of which were the subject of a Magisterial inquiry, while OHS carried out its own investigation in terms of Article 9 (2) (j) of the Act. Seven fatal accidents involved male workers and one involved a female worker.

One resulted from a fall from height, one resulted from a loss of control of a transport vehicle, three were struck by mechanical objects, while three were crushed by falling objects. Four of the workers were foreigners. All victims were employees, two of whom were employed by large companies, while the rest were employed by small enterprises. Three fatalities occurred in the second quarter, three occurred in the third quarter, and the other two occurred in the fourth quarter. Three of the fatal accidents occurred during construction activities, two in services industries, two occurred in the transport and storage sector and one occurred in the manufacturing industry. The distribution of fatal accidents over a wide range of economic activities highlights a very important

point, namely that all work activity is associated with serious risks to health and safety, underscoring the need for comprehensive hazard identification, risk evaluation and control, whatever the nature of the work.

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 OHS in 2002.

Sectoral rates have also been compiled and plotted over an eight-year period (2013-2020).

	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: OHS.

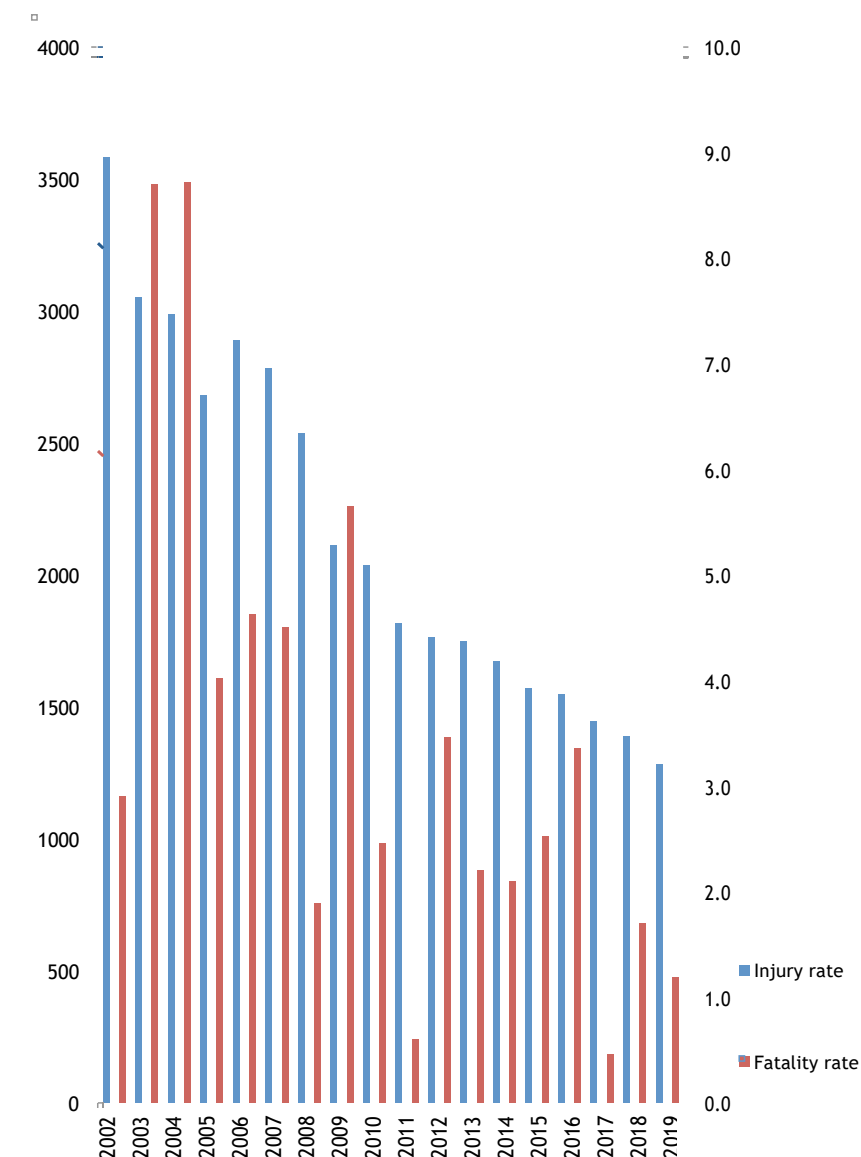
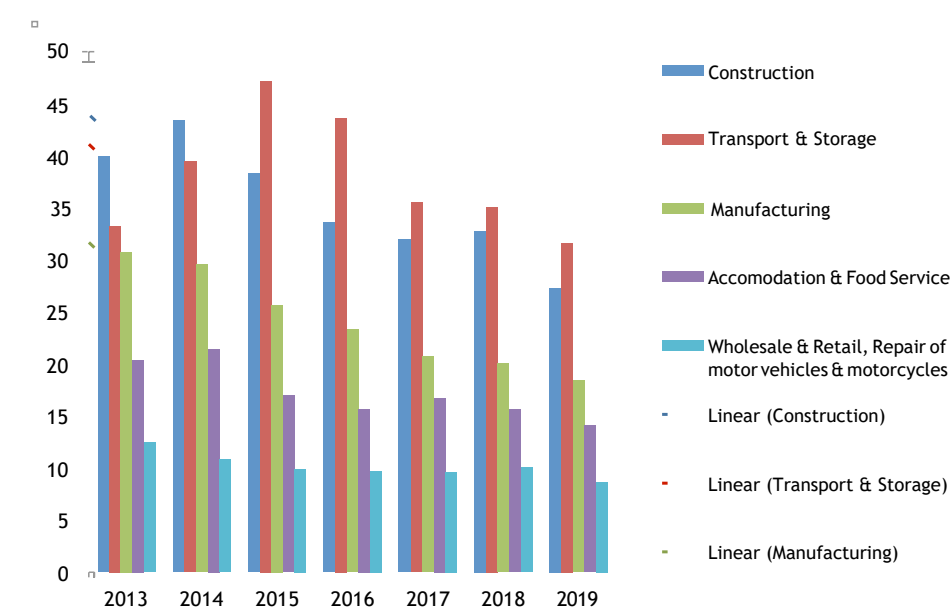


Figure: Injury and fatality rates: 2002 - 2020.



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 period 2013 to 2019, 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. Data for 2020 was not yet available at the time of writing this report and as such was not included in the analysis.

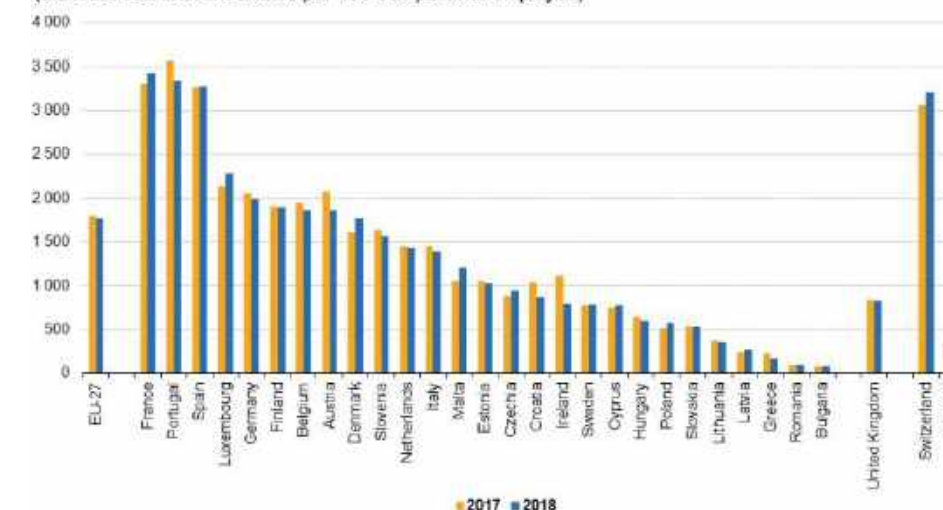
Considering the relatively short period, caution in interpreting these results is advised before making any statistically robust conclusions.

B.10 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-27. 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, in 2018 (the latest year for which the collated data are available), there were 3.1 million non-fatal accidents that resulted in at least four calendar days of absence from work and 3332 fatal accidents in the EU-27, a ratio of approximately 940 non-fatal accidents for every fatal accident. There was an increase between 2017 and 2018 in the total number of non-fatal accidents at work in the EU-27, some 8137 more (equivalent to growth of 0.3 %). There were an additional 60 fatal accidents at work in the EU-27 during 2018 when compared with a year before (equivalent to an increase of 1.8%). It should be highlighted that whereas data on non-fatal accidents published by EUROSTAT refers to accidents which resulted in more than three days of absence for work, data published by NSO for Malta includes all accidents which result in at least one day of absence for work. Thus, the ratio of 940 non-fatal accidents for every fatal accident has to be seen within this context.

Non-fatal accidents at work, 2017 and 2018
(standardised incidence rates per 100 000 persons employed)

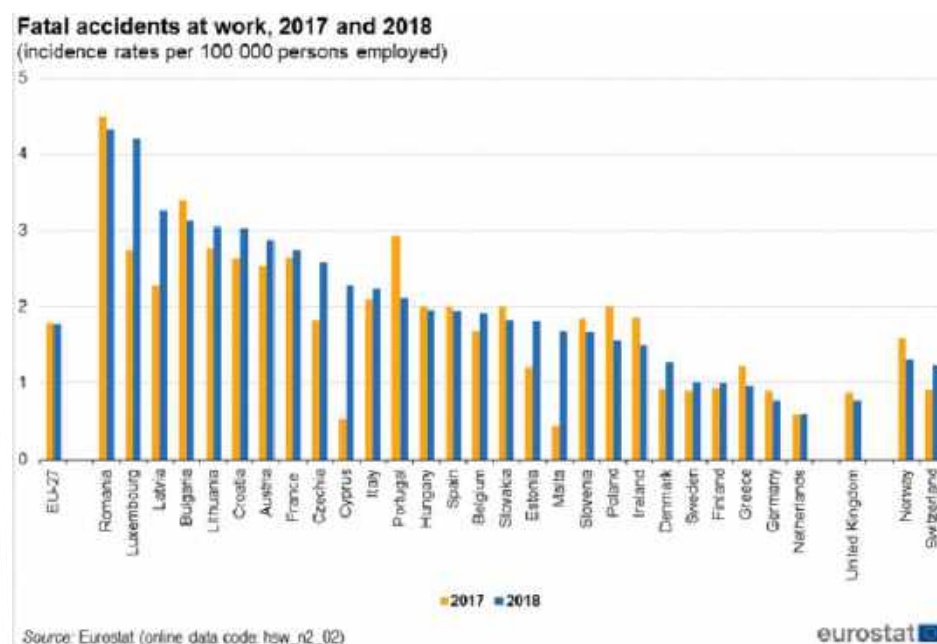


Note: non-fatal (serious) accidents reported in the framework of ESAW are accidents that imply at least four full calendar days of absence from work. NACE Sections A and C-N.
Source: Eurostat (online data code: hsw_mi01)

eurostat

Men were considerably more likely than women to have an accident at work. In 2018, more than two out of every three (68.4%) non-fatal accidents at work in the EU-27 involved men. Factors that influence these statistics are: the proportion of men and women who are in employment; the different types of work that men and women carry out; the activities in which they work; and the amount of time spent at work. For example, there are far more accidents in the mining, manufacturing or construction sectors, which tend to be male dominated. It is also generally the case that the proportion of men working full-time is higher than that of women and as such, with women spending a relatively shorter period of time (on average) in the workplace this may also reduce their chances of having an accident.

In 2018, the standardised incidence rate of non-fatal accidents at work was generally highest in some EU Member States with insurance-based accident reporting systems: France reported 3 421 non-fatal accidents per 100 000 persons employed, followed by Portugal and Spain with rates of 3 343 and 3 275 per 100 000 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 Member States, which mostly have legal obligation systems, Slovenia was the only country to report an incidence rate of more than 1000 non-fatal accidents per 100 000 persons employed. By far the lowest standardised incidence rates were reported in Romania and Bulgaria, at 93 and 78 non-fatal work accidents per 100 000 persons employed in 2018; again, it should be noted that these values may reflect a relatively high degree of under-reporting.



B.11 European Survey of Enterprises on New and Emerging Risks (ESENER-3)

The European Agency for Safety and Health at Work (EU-OSHA) published the findings and conclusions of its third European Survey of Enterprises on New and Emerging Risks (ESENER-3), carried out in 2019 (the previous surveys were carried out in 2009 and 2014). Over 45,000 establishments in 33 countries were asked about their current management of occupational safety and health, including the main drivers of and barriers to effective management and worker participation. The interviewees were identified as ‘the person who knows best about health and safety’ in private and public establishments with 5 or more employees. In Malta, 450 interviews were carried out between 1 April and mid-July 2019.

The survey, developed with the support of governments and social partners at European level, had a clear objective: to identify risks and the way that they are managed in practice in Europe’s workplaces. Indeed, the survey was conducted in such a way as to ensure that the actual practical aspects of management and implementation at workplace level were represented rather than at strategic, enterprise, or corporate/ministerial levels.

Although the main focus was primarily the management of psychosocial risks (such as work-related stress, bullying and harassment at the workplace), the survey also included questions on general OHS management, worker participation in safety and health practices as well as digitalisation. Its format and execution enabled valid comparisons to be drawn between countries by enterprise size and sector, hence providing comparable information relevant for the design and implementation of new policies in the field of occupational safety and health.

From data extrapolated from the survey findings, it results that Malta has seen a positive improvement in various areas covered in ESENER-3 when compared with the previous survey carried out in 2014. In the area of OHS management, one should note that risk assessment is the cornerstone of the European and also national approach to

OHS. In Malta, 71% of enterprises carried out regular workplace risk assessments when compared to 66% in 2014. This placed Malta in a better position than such countries as Germany, France, Austria and Belgium. There was in fact a much sharper rise in the number of enterprises employing 5 to 9 employees - from 48% in 2014 to 62% in 2019.

Malta also fared well in the area of visits by OHS Officers to enterprises in the three years prior to the survey. Whereas there was a sharp reduction in the EU-27 (43% in 2019, down from 51% in 2014), Malta saw an increase in this area (54% in 2019, up from 53% in 2014) - as well as being markedly above the EU-27 average. Indeed, Malta fared better than countries such as Ireland, Germany, Sweden and Spain amongst others.

The use of health and safety services (whether in-house or contracted externally) was also analysed in the survey. Malta saw a 17% increase in the use of a generalist on health and safety, a 12% increase in the use of an expert dealing with the ergonomic design and set-up of workplaces, a 4% increase in the use of an expert for accident prevention and a 2% increase in the use of psychologists when comparing data between 2014 and 2019.

ESENER 3 also sheds light on the most frequently identified risk factors in the EU-27. Interviewees were asked which risk factors were present or not in their establishment, regardless of whether it was currently under control and regardless of the number of employees it affected. Between 2014 and 2019, Malta saw a 3% reduction in risk in the area of lifting or moving people or heavy loads; this was also 6% less than the EU-27 average in 2019.

Between 2014 and 2019 in Malta, there was also a 10% reduction in the risk of accidents with machines or hand tools and a 16% reduction in the risk of accidents with vehicles in the course of work but not on the way to and from work (in the latter, there was a markedly 21% reduction of risks in enterprises employing more than 250 employees). The figures for both risk areas are significantly lower than the EU-27 average for 2019 - 28% in Malta and 48% in the EU-27 in the case of machines and hand tools and 37% and 45% in the EU-27 for risk of accidents involving vehicles at work.

The perceived risks in chemical or biological substances in the form of liquids, fumes or dust were also much lower in Malta than the EU-27 in 2019, these being 27% and 36% respectively. In the same area, Malta saw a 6% reduction over the data gathered in 2014.

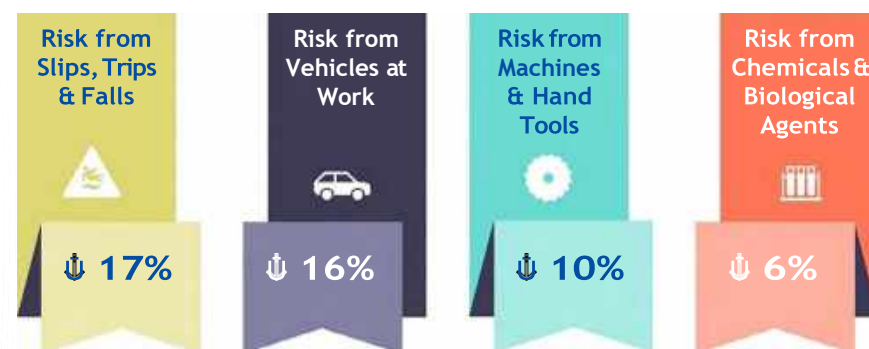
Malta’s risk of slips, trips and falls in 2019 was 10% lower than the EU-27 average, also marking a 17% reduction over data for 2014. There was a much more significant reduction in risk in Malta in those enterprises employing 5-9 employees (18% less risk).

One of the main aims of ESENER-3 was to research the current state of play with regards to emerging risks and their management. In this area, Malta has also fared very well, in most instances even better than the EU-27 average. An action plan to prevent work-related stress was present in 41% of establishments (up 3% from 2014) and 6% higher than the EU-27 average. When it comes to procedures in place to deal with possible cases of bullying or harassment, Malta recorded a 4% increase over the previous figures (67% and 63%) and was also 21% over the EU-27 average of 46%. This was also the case with procedures to deal with possible cases of threats, abuse or assaults by clients, patients, pupils or other external persons. In this latter scenario, there was an increase of 5% in Malta (65% in 2019, over 60% in 2014); this was markedly over the 53% EU-27 average.

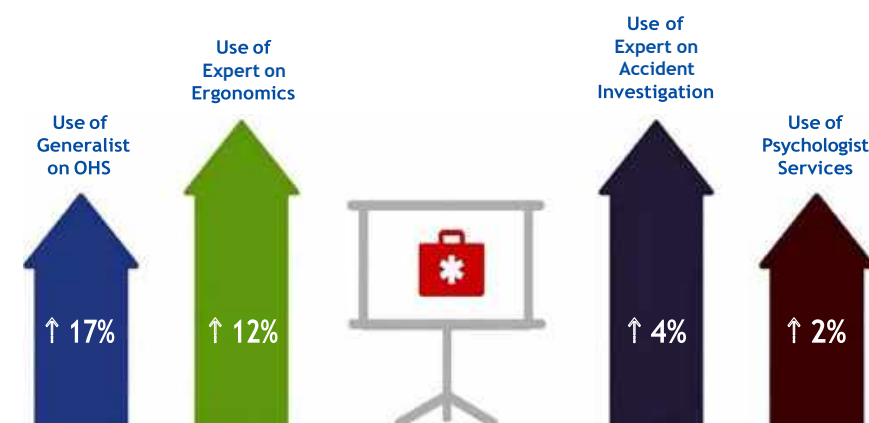
ESENER-3

Percentage change data for Malta registered in 2019 from the findings and conclusions of the European Survey of Enterprises on New and Emerging Risks (ESENER-3) over the one carried out in 2014.

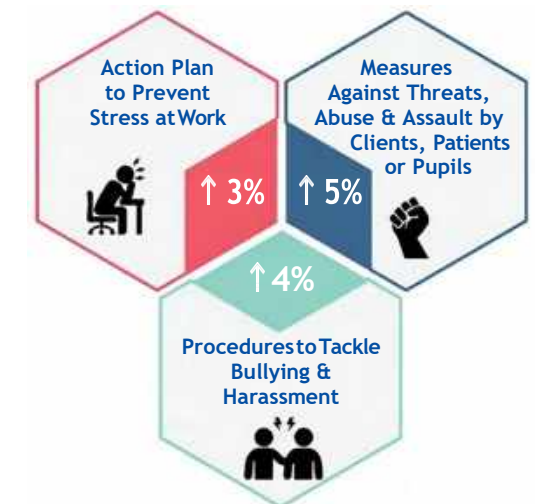
Risk of Accidents



Use of Health and Safety Services at Work



Managing Emerging Risk at Work



Work Participation



In the area of workers' participation, whereas there was an increase in the presence of a works council and trade union representation (10% and 14% for 2019 respectively), these were below the EU-27 average (24% and 19% for 2019 respectively). Malta fared much better when it came to the presence of a health and safety committee and a health and safety representative.

Health and safety committees were present in 28% of establishments (up from 14% in 2014) - 5% more than the EU-27 average of 23%. There was a marked upward shift in all establishments between 2014 and 2019, namely those employing 5-9 employees (21%, up from 3%); those employing 10-49 employees (26%, up from 12%); those employing 50-249 employees (61%, up from 35%); and those employing more than 250 employees (76%, up from 75%). A similar situation was also prevalent with regards to health and safety representatives with an average presence of 61% in all establishments - up from 51% in 2014 and above the EU-27 average of 57%. Indeed, between 2014 and 2019, there was an increase in representation through a health and safety representative



in all establishments in Malta, namely those employing 5-9 employees (46%, up from 35%); those employing 10-49 employees (70%, up from 54%) and those employing 50-249 employees (90%, up from 72%).

Malta also registered a 6% increase in the number of health and safety representatives provided with training during work time to help them perform their health and safety duties – 81% up from 75% in 2014, and just above the EU-27 average.

Further information can be accessed through:

https://visualisation.osha.europa.eu/esener#!en/survey/comparisons/2019/work-er-participation/en_2/company-size/E3Q350_2/EU27_2020/1

B.12 Discussions with the National Statistics Office - Signing of MoU

Discussions remain ongoing with the National Statistics Office (NSO) on updating the current Memorandum of Understanding (MoU) regarding the timely exchange of quality data between the two entities.

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.

The current MoU is valid for one year, and OHSA's discussions with the NSO concern the inclusion of several statistical fields which are required by OHSA for purposes of statistical analyses.

B.13 MoU with the Police Authorities

OHSA proposed a draft Memorandum of Understanding (MoU) to the Police Authorities with the aim of further strengthening the existing co-operation in the best interest of justice and efficiency in the enforcement of occupational health and safety regulations, and to better define the limits and scope of competence of each of the parties with respect to investigation and enforcement. Discussions on this MoU remain ongoing.

B.14 Enforcement

During 2020, OHSA issued 372 letters of intimation. The monetary value of the fines imposed amounted to €141,750. During the same year, most of the court sittings devoted to breaches of OHS legislation were cancelled, except one during which the Court handed down a decision where a contractor was found guilty, fined €2,250 and handed a six months imprisonment sentence, suspended for two years. Before another court a company director was fined €10,000, whilst the court in Gozo handed down another seven judgements bringing the total amount of fines imposed to €14,630. No other sittings were held during the year with the consequence that a backlog of cases still to be appointed now exceeds 500 cases.

OHSA cannot but remark on the urgent need for more Magistrates to be assigned to hear and decide cases within a more reasonable time. The current situation erodes the principle of justice being served within a reasonable time, apart from creating the risk of having cases becoming time barred.

B.15 National Audit Office

During 2020 the National Audit Office (NAO) published the results of a performance audit carried out in the preceding year: *Performance Audit: A Follow-Up on the 2016 Analysis on OHSA's Operations - A Case Study on the Construction Industry*. The 2020 audit was a follow-up to NAO's 2016 analysis of OHSA operations targeting the construction sector.

OHSA highlights that whereas the follow-up exercise commenced in February 2020, and included several meetings, numerous phone calls, email exchanges and requests for documentation (all of which were dealt with promptly and expeditiously by OHSA), the report was only presented late in the day on Monday 1st June, with OHSA being given three full working days in which to respond to the 54 page report. NAO cited its own tight deadlines to justify its request for a response within such a short time. This notwithstanding, OHSA found the time to organize a response by the stipulated deadline.

A primary bone of contention concerns NAO's disagreement with OHSA's operational philosophy, which urged OHSA to re-align its focus by further consolidating its primary role as an enforcer. NAO also states that OHSA's regulatory and enforcement functions remain of utmost priority.

This remains in contrast to OHSA's position that it needs to strike a balance between the various functions given to it by the OHS Authority Act. Not only was this the intention of the legislator when the principal Act was published (NAO was in fact invited to look at the Parliamentary debate on the Bill), but this is also the approach and operational philosophy across the EU. It should be mentioned that the Commission Communication on Modernisation of the EU Occupational Safety and Health Legislation and Policy² points to helping businesses, in particular microenterprises and SMEs, comply with occupational safety and health rules as one of the key actions in line with the main challenges identified by the EU Strategic Framework on Health and Safety at Work.

Another point of disagreement concerns NAO's recommendation to shift the legal responsibility of appointing a Project Supervisor from the client to more technically and legally conversant stakeholders (for example architects). On its part, OHSA considers the client to be in a pivotal place in the chain of responsibilities through which OHS can be safeguarded. It needs to be stressed that the roles and functions pertaining to project supervision and coordination, established by the relevant Directive have been condensed into one, namely that of the Project Supervisor. This means that in simplifying the requirements of the Directive, a number of obligations had to be assigned to one person, the Project Supervisor, whilst ensuring the concept of client responsibility.

Thus the responsibility of appointing a project supervisor cannot be transferred to another duty-holder, let alone a contractor as suggested by NAO, in view of the ensuing

² Communication of 10 January 2017 from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Safer and Healthier Work for All - Modernisation of the EU Occupational Safety and Health Legislation and Policy'.

conflict of interest that will arise. The NAO further recommended that OHSA develops a contractual template to be followed by clients and project supervisors - OHSA maintains that it should not intervene in what is essentially a civil matter - on the other hand, all the functions and tasks pertaining to a project supervisor are listed in the legislation and explained at length in the Code of Practice.

NAO also made a highly specific recommendation concerning near misses in the construction sector. This recommendation was tied to the objective of securing a greater visibility for OHSA in the field.

In the case of near misses, NAO repeats its previous recommendation that near misses in the construction industry should become notifiable to OHSA, again in the interests of increasing OHSA visibility. This recommendation could not be accepted by OHSA which disagrees with the notion of introducing any bureaucratic burdens which do not add value to the system - according to the model presented by OHSA (based on a number of theoretical studies), one would expect around 60,000 near misses annually. On the other hand, OHSA highlights the widely accepted view that near misses should be investigated by the duty holder (usually the employer), with no obligation to notify OHSA. This notwithstanding, OHSA does investigate near misses which come to its attention, especially where the outcome might have been serious.

NAO also commented on the period taken by OHSA to issue an administrative fine. OHSA contended that the period should be considered from the day when the investigation of a case is concluded, rather than when the contravention occurs. NAO referred to two fines which were issued 573 days after an infringement - OHSA investigated these two fines and found that they were related to two cases which were subject to a Magisterial Inquiry, and the fines could only be issued once the inquiry was closed, and a copy of the *procès-verbal* sent to the Office of the Attorney General - on this issue, OHSA refers to the fact that there remain a number of Magisterial Inquiries concerning accidents which occurred five years ago, and which have not yet been concluded. In such instances, OHSA cannot take any action so as not to prejudice the findings of the Inquiry. In many other cases, OHSA must wait for its own investigation to be closed, including having to wait for duty holders to be spoken to. In cases where the duty holder does not reside in Malta, it may take months before OHSA can speak to the duty holder, a process which also depends on the availability of legal counsel at the behest of the person being investigated. There have also been instances where the registered directors were foreign with no fixed abode in Malta - OHSA registers an instance where a company registered with the Malta Business Regulator indicated the address of the sole foreign director as that of the Luqa Police station - tracing such persons takes a lot of time and effort, keeping in mind also that many individuals do not change their ID card even when they change address.

The final NAO report included various other recommendations with which OHSA could not agree, including that of requiring prior notification to be sent by duty holders with respect to more construction projects, limiting the appointment of project supervisors to registered persons, the institution of a profiling system for duty holders, and the transfer of various statutory obligations pertaining to named duty-holders to OHS Officers.

OHSA considers several of NAO's final recommendations to be based on initiatives which OHSA itself had been proposing, but which could not be actuated for lack of funds. The fact that NAO made such proposals its own only signifies the validity of OHSA's proposed action.

On the question of resources, OHSA feels that NAO has not in fact addressed this issue and limits itself to stating that "OHSA may not have sufficient human and financial resources". OHSA's lack of resources is, in essence, one of the main roots of the problem, and has been an unresolved issue since OHSA was established. Yet NAO only posits the possibility, despite being shown evidence of the findings and conclusions by the various evaluation reports of OHSA carried out by its European peers and OHSA's HR plans which explain why OHSA needs more resources.

OHSA contends that whereas every accident is one too many, the progress registered in Malta in the overall levels of occupational health and safety needs to be highlighted. This also holds true for the construction industry. NAO looked at statistics on a yearly basis, for five consecutive years, rather than collating them over a 5-year period, when an obvious downward trend would have become noticeable. The report similarly does not mention the greatest limitation in the collation of data as presented - namely that the number of workers, registered with JobsPlus as working in the construction sector is markedly lower than the real number of workers involved. If it was possible to quantify the number of workers who are not registered as performing construction activities, but who actually do carry out such work (part-timers, foreign workers etc), the rate of accidents would have been markedly lower. This is why it is important to look at trends over time, as the number of such workers is considered more or less stable over time and should therefore be considered as a constant which persists over time (thus whereas the rates may differ, the trends would not be affected).

In yet another separate exercise, NAO conducted a follow-up exercise on OHSA's procurement. The exercise was carried out during 2019 and was concluded by mid- 2020 to ascertain compliance with Public Procurement Regulations. NAO was satisfied that the authority's outsourced accountancy and payroll services, an area of contention in the earlier report, was in line with PPR and that a stable contractual engagement for the provision of such services was in place by Q1/2020. The findings had highlighted certain issues relating to procurement, which were brought about through a lack of suitable resources at OHSA, but which have since been rectified.

An understatement by €101,667 of Government's recurrent grant in the Authority's audited financial statements as at end December 2019, arising from an overstatement in the financial statements of 2018, is rectified in the comparative figures of the financial statements for 2020.

B.16 Asbestos in Workplaces

A total of 74 notifications related to asbestos-removal projects was submitted to OHSA, as required by LN 323 of 2006. All the documentation submitted was checked while OHS Officers conducted a site visit in several instances to ascertain compliance with the legislation and ensure that the workers involved were adequately protected.

B.17 World Bank: Ease of Doing Business

During 2020, OHSA once again contributed in the compilation of Malta's replies to 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, with the contribution of various private and public entities.

B.18 The Inspections Coordination Office

OHSA continued to participate in the activities of the Inspections Coordination Office within the Implementation Division of the OPM, and in fact OHSA acted upon information forwarded by other inspectorates, especially with regards to cases of non-compliance, which triggered an actual inspection by OHS Officers and the issue of the appropriate orders, and where necessary the issue of administrative fines. Examples of workplaces visited included broiler farms, children's wear outlets, homes for the elderly, quarries and electronic shopping outlets. The main infringements encountered were lack of signage, lack of fire and emergency preparedness and non-conformity with the legislation for the certification of lifts.

During the year further online training was given on the use of the software being used by the different inspectorates participating in this initiative.

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. OHSA is committed 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 remains a firm believer in, and actively subscribes to the concept of 'better regulation', that is, simplifying legislation and removing unnecessary burdens, without in any way reducing standards.

During 2020, OHSA prepared draft amendments to existing regulations and draft regulations which will transpose several EU Directives.

C.1 Amendments to the Biological Agents at Work Regulations

These amendments to the Protection of Workers from risks related to exposure to Biological Agents at Work Regulations (Subsidiary Legislation 424.25) transposed Commission Directive (EU) 2020/739 as regards the inclusion of SARS-CoV-2 in the list of biological agents known to infect humans. The regulations require employers to eliminate or otherwise minimise exposure of workers to harmful biological agents and stipulates general principles concerning the prevention of occupational risks and the protection of health and safety.

The virus 'Severe Acute Respiratory Syndrome Coronavirus 2' or, in short, 'SARS-CoV-2', which caused the outbreak of COVID-19, shows great similarities with the SARS-virus and the MERS-virus. Considering the epidemiological and clinical data currently available concerning the virus' characteristics such as its transmission patterns, clinical features and risk factors for infection, SARS-CoV-2 has been added to Annex III of the regulations as a matter of urgency, to ensure the continued adequate protection of workers' health and safety at work.

OHSA was involved in the process leading to the publication of the amendment Directive and assisted the Commission by providing technical and scientific support. Moreover, the tripartite Advisory Committee for Safety and Health at Work, on which OHSA is represented, was consulted concerning the purely technical adjustments to the Directive in the context of the SARS-CoV-2 outbreak.

There is agreement that the Commission will continue to closely monitor the situation regarding the COVID-19 outbreak, including the development of vaccines and the availability of further technological and scientific data and evidence concerning SARS-COV-2. OHSA will continue to provide assistance to the Commission as required.

The amendment regulations were published as Legal Notice 442 of 2020.

C.2 Amendments to the Carcinogens and Mutagens at Work Regulations

These draft amendments to Legal Notice 197 of 2015 are intended to bring into effect amendments to Directive 2004/37/EC on the protection of workers from the risks related to exposure to Carcinogens and Mutagens at work.

The regulations require employers to eliminate or otherwise minimise exposure of workers to cancer-causing ('carcinogenic') chemicals and elaborate the general requirement in the Principal Act to eliminate all risks to workers. In the operative part of the Regulations, Schedule III will be substituted to reflect the new Occupational Exposure Limit Values (OELVs³) established for additional carcinogens. Moreover, Schedule I of the same Regulations will be amended to include work involving dermal exposure to mineral oils that have been used before in internal combustion engines to lubricate and cool the moving parts within the engine, and work involving exposure to diesel engine exhaust emissions.

OHSA has already prepared further draft amendments to these regulations which will transpose Directive (EU) 2019/983 of the European Parliament and of the Council of 5 June 2019 amending Directive 2004/37/EC on the protection of workers from the risks related to exposure to Carcinogens and Mutagens at work. Essentially, the draft regulations will continue increasing the number of carcinogens for which an OELV is being established, and will be published during 2021.

C.3 Amendments to the Chemical Agents at Work Regulations

These amendments to Legal Notice 57 of 2018 are intended to bring into effect amendments to Commission Directive 2000/39/EC on the protection of workers from the risks related to Chemical Agents at work. The amendments to the Regulations set out new Occupational Exposure Limit Values (OELVs) for a number of chemical agents (aniline used for the synthesis of various compounds including dyes and various drugs; chloromethane used in the production of vinyl chloride and other chemicals where it remains as an impurity; trimethylamine used in organic syntheses; sec-Butyl acetate mainly used as solvent; 4-aminotoluene also used in chemical syntheses as well as in the dye and pigment industries amongst other uses; isobutyl acetate used in perfumery as well as a solvent; isoamyl alcohol mainly used in the manufacture of photographic chemicals and pharmaceutical products; n-Butyl acetate frequently used as solvent and phosphoryl trichloride having a large number of applications in chemical processes), revise the OELV for one existing chemical agent (2-phenylpropane mainly used in the syntheses of various chemical substances), and take account of the possibility of penetration through the skin, for certain substances, in order to ensure the best possible level of protection.

The regulations are required to be transposed by May 2021.

³ An OELV addresses the inhalation route of exposure, describing a maximum airborne concentration level for a given chemical agent above which workers should not be exposed. OELVs are established in relation to a reference period of 8 hours time-weighted average (long-term exposure limit values) and for almost all added chemical agents, to shorter reference periods, in general 15 minutes time-weighted average (short-term exposure limit values), to take account of the effects arising from short-term exposure.

C.4 Inspection of Lifts Regulations

The Malta Competition and Consumer Affairs Authority (MCCAA) submitted fresh proposals for amendments to the Inspection of Lifts Regulations, L.N. 231/2007. OHSA provided its own feedback and a compromise draft agreed upon. The principal regulations are issued under the Product Safety Act, and regulate the examination, certification and use of passenger and passenger/goods lifts. The regulations distinguish between the roles of MCCAA and OHSA, with the latter being responsible for the implementation of the regulations at workplaces.

C.5 Amendments to the Control of Major Accident Hazards Regulations

At the end of 2019, Malta was served a letter of formal notice regarding the transposition of Directive 2012/18/EU of the European Parliament and of the Council of the 4 July 2012 on the prevention of major-accident hazards involving dangerous substances (Seveso III Directive). The letter made reference to text in the Maltese legislation, the Control of Major Accident Hazards (COMAH) Regulations, L.N. 179/2015 (S.L. 424.19), which in the opinion of the legal services of the EU Commission, went over and above the spirit of the Directive. The letter of formal notice highlighted other provisions which are not related to occupational health and safety and which were dealt with by other authorities. Following various inter-departmental and inter-ministerial meetings, OHSA drafted the required amendments to the COMAH regulations and the Occupational Health and Safety (Payment of Penalties, Regulations, L.N. 36/2012 (S.L. 424.33) to address the issues raised in the infringement letter. The user guidelines, explanatory notes, impact assessment framework and cabinet memo were prepared and submitted, following which the amendments were published in April 2020 within the time schedule agreed with the EU Commission.

In the light of these amendments, Malta was informed that the Commission was halting its infringement procedures.



D

Consolidating
the
Authority's
Resources

D.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 €6,000 per annum. The uptake of sponsorships this year was encouraging.

Several OHSA employees participated in online conferences and seminars organised locally and overseas covering a wide range of OHS areas, including occupational diseases, the prevention of industrial accidents, amendments of EU Directives, EU Agency matters 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 2020 the subject areas covered General Data Protection Regulations (GDPR), employee wellbeing, public procurement, payroll software and training in Office 365. Another session covered COVID-19 measures adopted by OHSA. All members of staff continuously receive ICT updates, guidelines and support for a more efficient and secure use of ICT.

During this period, OHSA implemented and continuously reviewed the internal and field protocols to guard its workforce against infection from the COVID-19 virus by redesigning layout of workstations, temporary partitioning, installing wall mounted alcoholic rub dispensers at strategic places, regular distribution of protective masks and equipping its service vehicle fleet accordingly. In deciding on the protocols to be followed, OHSA employees were involved at all times in the decision-making process.

D.2 Recruitment

As at 31st December 2020, the total human resource complement remained at 35 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 by the previous line ministry (MEAE) and assigned work with the Authority.

The recruitment process was frozen during the early stages of the pandemic but throughout the last two quarters, 3 attempts at recruitment for lost headcount yielded a replacement (warranted engineer) while the sole eligible candidate for the post of OHS Officer I withdrew his application. The 35-strong complement consists of nineteen persons in professional and technical grades and sixteen engaged in administration and support. Early in 2020, OHSA responded to the Ministry for Health's appeal and released one of its officers, a trained and certified paramedic to help in the pandemic effort. During the year under review, no use of trainee and apprenticeship schemes was made of.

During 2019, the OHSA Board had commissioned a thorough business analysis of OHSA operations and the preparation of an HR plan. The business plan had to include the identification of indicators, references and justifications that point towards the requirement of additional head count. As part of the contract, the contractor examined OHSA's current business processes and recommended re-engineering as necessary. A 3-year action plan based on an objective strategic assessment has been proposed, this includes the recruitment of 43 additional personnel. This report was presented to OHSA during 2020.

D.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. The majority of the Authority's workforce are organised under two collective agreements - one which expires at the end of next year, while the agreement for the managerial grades expires five months later.

D.4 ICT Infrastructure

Considerable improvement in terms of administration, data storage and infrastructure continued during the period under review. Throughout 2020 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 by securing Government funding for the initial phases of this project as of 2021. A tender is expected to be drawn up during the initial quarter of next year.

The workforce was generally directed towards choosing virtual meetings and other digitalised media over other conventional means of communicating. This meant further investment in the appropriate hardware and training. Around 10% of computers were replaced in advance of a major procurement exercise to replace existing hardware, which has now been phased over the next two financial years.

During Q4 of 2020, OHSA entered into a contractual commitment to change its old in-house based payroll system to a new software hosted on a cloud environment through MITA. The new software will allow for more digital flexibility and enable the procurement of further modules which will be able to better measure performance management and enhance other HR elements.

D.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 procedures at point of entry/exit was further strengthened, while respecting GDPR requirements.

In anticipation of the forecast pandemic, protocols were proactively introduced and regularly updated to protect the workforce and offer alternative solutions to the influx of outsiders to the premises. Where physical presence of third parties was necessary, social distancing through purposely procured partitioning and other measures were drawn up and are being implemented.

D.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.

Implementation of family-friendly measures enabled staff to benefit from reduced hours, flexitime and since the outbreak of the pandemic, working remotely. Seven of ten female personnel at OHSA are benefiting from a combination of such measures while one male employee is afforded technical remote working due to health-related constraints.

As in previous years, the Authority's focal point for equal opportunities participated as necessary in online activities organized by the National Commission for the Promotion of Gender Equality (NCPE) and the Commission for the Rights of Persons with Disability (CRPD).

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, 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.

E.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.

Whereas the first semester SLIC meeting, scheduled to be held in Croatia was cancelled, the second semester meeting, under the patronage of the German Presidency was split over two days and held virtually. Apart from the normal agenda items, the meeting discussed ways by which the performance and operations of SLIC could be rendered more efficient and effective.

E.2 SLIC WG Strategic Management

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

For the September WG meeting, which was held online, besides the attendance by a delegate from OHSA, another member of OHSA was also tasked with assisting the Chair of the WG in minute keeping. As expected, the main focus on this meeting was COVID measures and how this impacted the work of the various OHS inspectorates.

E.3 TAIEX Workshop

OHSA was invited to participate in a multi-national TAIEX workshop on Labour Inspections in the Mediterranean Region, which was organised in co-operation with DG Employment, Social Affairs and Inclusion of the European Commission. Representatives from Israel, Jordan, Palestine, Bosnia and Herzegovina, Morocco, Lebanon, Egypt, Tunisia, Turkey, Mauritania, Montenegro and Albania took part and were provided with information on how COVID-19 affected the Labour Inspectorates' ability to carry out its core functions. The workshop looked at the state of play in the Euro-Mediterranean region and considered the challenges, gaps, best practices and ways to improve in a context characterized both by the urgent need to counterbalance the risks inherent to the health crisis and the wider challenges of preparing the Mediterranean economies to new and fairer working conditions in view of the incoming new world of work. The support given by the Labour Inspectorates to the competent public health authorities and the anticipated future impact on the operations of the Inspectorate were also discussed.

E.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 platform which facilitates the exchange of information between European Labour Inspectorates.

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 adapt to the challenges posed by the world of work. Beside such challenges, OHS encompasses a large number of disciplines and areas. Therefore, the need for such exchanges of information is more vital than ever.

The SLIC-KSS platform 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. On a national level, such coordination is managed by OHSA through its appointed KSS coordinator and deputy who are actively involved in such an essential platform.

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. As in all previous years, a number of questions by European Labour Inspectorates were posted addressing matters pertaining to OHS in general, but not limited to the handling of carcinogens and/or mutagens, the use of personal protective equipment, asbestos, heat stress, teleworking, workplace

exposure measurements for compliance with occupational exposure limit values, the implementation of the Seveso Directive, and work equipment.

As was expected, the COVID-19 pandemic generated several questions which concerned, amongst others, the impact of the pandemic on workplace inspections and the measures adopted by European Labour Inspectorates to ensure the health and safety of their employees, especially during inspection activities. In this regard, OHSA, besides providing its feedback and assistance, also shared with other EU Member States its detailed contingency plan, internal policies, and any other COVID-19 guidance issued by OHSA to the public. It must be pointed out that the measures adopted by OHSA were not only welcomed by Labour Inspectorates across the EU, but also served as a guidance for the said Inspectorates. Such documents were also shared with EU-OSHA to be included in its research and was distributed among EU Member States.

OHSA posed a question on KSS after it was approached by the Malta Insurance Association (MIA) to kick-start a discussion on substance abuse at the workplace in view of a number of concerns about an employer's obligations and liabilities with regards to employees who may be abusing substances. MIA proposed a legislative approach to the issue, while OHSA maintained that such an issue merits a tripartite response and agreement in view of the huge economic and societal impacts of any initiative which may be taken. OHSA also agreed to seek information about the prevailing situation in other Member States, and how they address the problem, and specifically whether national OHS legislation regulated the use of drugs and/or alcohol at the workplace, and whether national OHS legislation regulated drug and/or alcohol testing at the workplace. The request for information by OHSA elicited a high number of replies by other Member States. The information obtained was shared with MIA with a view of further discussing the issue before deciding on national policy or legislative proposals.

As in all previous years, OHSA's KSS coordinator was provided online training on KSS. The training addressed various aspects pertaining to the KSS platform, especially the posting of questions, replies, and the sharing of information among European Labour Inspectorates. Such training enhances the KSS coordinators' ability to participate and engage in the SLIC-KSS forum much more effectively thereby maximising the benefits of the SLIC-KSS platform.

As always reiterated by OHSA, knowledge sharing between European Labour Inspectorates is vital to the achievement and efficiency of the inspection regime. Malta's participation in such forum is thus of the essence in order to keep strengthening its knowledge and approach to the ever-evolving world of work. Therefore, OHSA will maintain an active participation in the SLIC-KSS platform.

E.5 WG Thematic Day, Portugal

OHSA has been selected to form part of a SLIC Working Group, tasked with the preparation of the Thematic Day being organised for the forthcoming SLIC meeting to be held in Portugal during 2021. The Thematic Day will focus on the response by the Member States' Labour Inspectorates to the COVID-19 pandemic and will look at innovative methods of enforcement. The Thematic Day will also discuss risks associated with teleworking, in particular psychosocial and musculoskeletal risks. Interestingly, the challenges faced by inspectors and the inspection methodologies used will also be discussed.

E.6 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, OSHA 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.

E.7 OiRA and IRAT Community Meeting

Due to the COVID-19 restrictions, meetings with representatives of the European Agency were held online. The topics discussed regarded changes to the OiRA tools to make them more user friendly and the possibility of promoting the OiRA tools with the European Agency for Safety and Health at Work in the form of flyers, leaflets, promotional tools, television and Facebook clips.

E.8 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.

E.9 Seveso III Committee of Competent Authorities (CCA) and Seveso Expert Group (SEG)

Scheduled meetings of the CCA and SEG were first postponed to a later date in 2020 and then again to 2021. Hence no meetings were held this year.

E.10 Social Questions Working Party - Carcinogens and Mutagens Directive

In October OSHA participated in an informal videoconference organised by the European Commission amongst Member States, to discuss the addition of a 4th batch of carcinogens to the Carcinogens and Mutagens Directive. This proposal specifically aims to improve workers' health and safety protection by reducing occupational exposure to three carcinogenic substances or groups of substances, namely acrylonitrile, nickel compounds and benzene. This will provide more clarity for workers, employers and enforcers, and to contribute to a level playing field for economic operators. This will also be an integral part of Europe's Beating Cancer Plan.

E.11 Biological Agents Directive

During April 2020, OSHA participated in an online meeting of the EU's scientific experts group discussing the inclusion of SARS-CoV-2 in Annex III of Directive 2000/54/EC.

OSHA also participated in a Technical Progress Committee organised by the Commission, where the draft amendment to this Directive was discussed and submitted to vote. A consensus was reached between all Member States to add SARS-CoV-2 to the list of viruses included in Annex III and classify it as a risk group 3 virus within the meaning of the Directive. Moreover, due to the urgency created by the pandemic, a shorter transposition period was set for this technical amendment.

E.12 The Protection of Workers from Exposure to Hazardous Medicinal Products

DG Employment, Social Affairs and Inclusion organised a virtual conference during September on the subject "Study supporting the assessment of different options concerning the protection of workers from exposure to hazardous medicinal products including cytotoxic medicinal products".

The conference was held as part of a study to support preparatory work concerning a possible EU initiative in the field. The purpose of the study was to support preparatory and explorative work concerning a possible EU initiative to improve the protection of workers from exposure to Hazardous Medicinal Products (HMP). It focuses on providing the most recent, updated and robust information on HMPs, including cytotoxic medicinal products. This serves to identify the risks to workers' health that arise from exposure to such medicinal products at the workplace and to explore the best ways to address them, including possible amendment to the CMD1.

During the conference the findings of the study were shared with participants, and the key underlying rationale and methodologies explained, while engaging with stakeholders in order to obtain feedback, learn of views and of relevant experience and knowledge that can feed into the further shaping of the study as well as into the possible further shaping of a possible EU intervention in the area.

The Commission had contracted Fondazione Giacomo Brodolini (Italy), COWI (Denmark) and the Institute of Occupational Medicine (United Kingdom) to carry out the study. The assignment is managed by COWI.

E.13 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**, which 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 (CA)**, 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 COMAHCA.
- **The Building Industry Consultative Council (BICC)**. OHSa is represented by a full member as well as by an alternate member in the Advisory Board and in the Building Regulation Working Group. During 2020, discussions in the working group and Advisory Board focused on the setting up of the Building Construction Authority (BCA) and the regulatory framework for the same Authority, including the registration of contractors and responsibilities of the key duty holders. During these discussions, OHSa insisted that OHS provisions should not be included in the proposed BCA legislation and all definitions included in this legislation shall be consistent with existing ones, especially those found under the OHSa Act. As a safety precaution, in response to COVID-19, from March 2020 onwards, meetings continued to be held online to reduce social contact.

F Freedom of Information, Corporate Governance and Corporate Social Responsibility

F.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 Freedom of Information (FOI) Officer and alternates. In terms of the said Act, the general public is to be granted right of access to documents held by public authorities (including all ministries and departments).

F.2 Corporate Governance

Since it was established, OHSa, 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 (determined by OPM's Industrial Relations Unit following negotiations with the Unions and management), other conditions of employment and recruitment, finances, information systems and public procurement.

F.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, all employees of the Authority had the opportunity of participating in an online awareness course in GDPR organised in collaboration with the Institute for Public Services.



G

Financial Outlook

During the year ended 31 December 2020, the OHSA registered an operating surplus of €241,068.

The Authority benefited from a government tranche amounting to €1,390,000, an increase of €140,000 or 11.2% over the previous year (€1,250,000 in 2019). The Authority also generated an income of €141,985 in Administrative Fines and other fees, when in 2019 the income amounted to €184,422, a decrease of €42,437 or 23%. No income was generated in the second half of March, in April and in May 2020. The outstanding Administrative Fines as at the end of the year stand at €107,900 (€95,900 in 2019). It is the policy of the Authority to fully provide for the outstanding dues.

The staff costs amounted to €1,091,552 (€1,108,497 in 2019) and the operating expenses accumulated to €224,649 (€201,189 in 2019). The total expenditure of the Authority in 2020 accumulated to €1,316,201 slightly increased over the expenditure of €1,309,686 incurred in 2019, nonetheless the increase in tranche mainly lead to the surplus of €241,068 (€149,065 in 2019), an increase of €92,003 or 62%.

The financial position of the Authority strengthened from a net asset position of €903,616 in 2019 to €1,144,684 in 2020.

H

Key activities carried out by the OHSA

January 2020 - December 2020

	Total
Workplace visits	4947
Equipment certificates vetted (3026 lift reports, 374 cranes, 57 boilers, 285 forklift trucks and 709 for other equipment)	4451
Construction site notifications received	2031
Asbestos removal project notifications	74
Staff development (person hours)	141.5
Number of administrative fines issued	372
Monetary value of fines issued	€141,750
Judicial proceedings initiated	0
Awareness raising (person hours)	1473
Course participants	120

