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2021



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



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

Report of Activities for the Period

1st January 2021 – 31st December 2021

Occupational Health and Safety Authority

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Preface

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17th November 2000 and brought into force in its entirety on the 29th January 2002. In terms of the Act, it is the responsibility of the Occupational Health and Safety Authority (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.

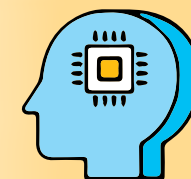
The following is a report of the Authority's activities for the period 1st January 2021 to 31st December 2021 and is being published in terms of Article 37 of the Act. The Financial Statements are being published separately.

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.

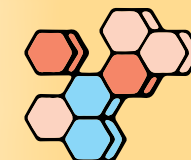
OHSA's Objectives



To foster a culture which values prevention.



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



To mainstream OHS into all policy areas including public policy, procurement and education.



To maintain the downward trends with regards to OHS-related incidents which lead to injuries, diseases and deaths.

Vision of the OHSA



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



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



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



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



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

Mission Statement



Working with others to ensure healthier and safer workplaces in Malta



Mission Analysis

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

The only way by which health and safety in the workplace will improve is if the process is self-regulating i.e. the employers themselves recognise that it is in their best interests to provide their workforce with a healthy and safe environment, while workers understand the need to cooperate with their employer in the preventive and protective measures that are required to be taken.



Chairperson's Message

Amidst the most severe global health crisis of our times, 2021 has seen OHSA facing unique challenges requiring it to continue to rapidly adapt and improvise to navigate through the pandemic and support efforts to mitigate the risks at workplaces – whilst at the same time continuing its day-to-day operations as seamlessly as possible.

I must admit that since taking on my position as Chairperson a few months ago, I have been impressed by what OHSA accomplishes annually in a professional manner, against various counter-currents to ameliorate the levels of occupational health and safety in all workplaces in Malta and Gozo, irrespective of the type of work or economic sector. Last year was no exception and OHSA continued to build on its role as a trusted, proportionate and enabling regulator and demonstrated that its purpose is more vital than ever.

Indeed, despite several limitations brought about by the pandemic, OHSA managed to increase its number of workplace visits to a record of over 4,000 during 2021. A protocol devised by OHSA specifically for the carrying out of inspections was adopted as an example of good practice by the European Agency for Safety and Health at Work and disseminated to all its national Focal Points.

Moreover, by focusing on its approach not only as a regulator but also as a service provider and policy maker, OHSA has worked towards improving customer-centric service delivery, providing greater collaboration with various stakeholders, updating regulations, issuing guidance and maximising opportunities for digital delivery. To this end, this report outlines both OHSA's main activities as well as the support role it has played across a wide range of activities, throughout the year, reflecting some of its key achievements in several areas.

I would like to acknowledge and thank OHSA's stakeholders – the many individuals, businesses and organisations that have also contributed during the last year and encourage them to invest further and with more commitment in occupational health and safety. I would also like to thank the members of our corporate team for their hard work and dedication. Finally, I would also like to record appreciation for the contribution made by Dr Emanuel Mallia during his tenure as Chair of OHSA.

Every critical event creates opportunities, and we look forward to another dynamic year where we will be focused on enhancing the changes we have made and working together towards higher levels of occupational health and safety and towards getting the message across to as wide an audience as possible.

Perit David Xuereb,

Chairperson, OHSA

Members of the OHS Authority

Chairperson

Perit David Xuereb

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

Ms Diane Vella Muscat

Members

Dr Zed Teebi

Prof Stephen Montefort

Ms Sharon Galea Iriele

Mr Edwin Balzan

Mr Victor Carachi

Mr Joseph Delia

Ms Abigail Mamo

Observer Members

Mr Anthony Casaru (FORUM)

Mr Michael Galea (Gozo Business Chamber)

Secretary

Dr Marouska Debono

Chief Executive Officer

The OHSA Act provides for the appointment of a Chief Executive Officer who is responsible for the executive conduct of the Authority, its administration and organization as well as the administrative control of its Officers and employees. Dr Mark Gauci is the incumbent Chief Executive Officer of OHSA.

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. The global COVID-19 pandemic has affected OHSA, which was constrained to restrict its 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.

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 OHSA representatives and give time to members of the public to raise their concerns and ask questions. This gives the opportunity to OHSA representatives 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 2021, OHSA prepared several interviews which were later featured online. Representatives from OHSA were also invited as experts to give advice on various topics relating to occupational health and safety on both recorded as well as live programmes. OHSA's feedback was also sought following various statements and media releases while in-depth interviews were also carried out. 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.

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

The European Agency for Safety and Health at Work (EU-OSHA) is the European Union (EU) information agency for occupational health and safety (OHS). Since its foundation, EU-OSHA has become a central hub for the dissemination of technical, scientific, and economic information about OHS in Europe. In order to facilitate and ensure effective dissemination of information and implementation of its work programmes, EU-OSHA has set up a network which provides for the appointment of a National Focal Point in every Member State, thus acting as a bridge between EU-OSHA and the Member States. In the case of Malta, such role is taken on board by OHSA. The National Focal Points are actively involved in the planning and implementation of EU-OSHA's work programmes and campaigns on a national level. National focal points are also responsible for providing EU-OSHA with the necessary feedback and recommendations on various matters pertaining to OHS.

In conclusion, the pivotal role of EU-OSHA in the provision of information and awareness raising of OHS among European workplaces, especially on a national level, cannot go unnoticed. In this regard, OHSA appreciates and acknowledges the continuous and vital support provided by EU-OSHA to improve the national level of OHS standards. OHSA further recognises that such improvement can only be achieved through Malta's active participation in the activities and initiatives organised by EU-OSHA – a commitment that OHSA pledges to achieve.

3 The Importance of Health and Safety in the Workplace – Webinar

The devastating effects of unsafe workplaces cannot be underestimated. Work-related accidents and diseases can have a widespread impact on the victims, their families, employers, and society in general. Workers suffering from injuries and/or diseases may experience life-changing situations, such as, early retirement, disability, change of job, opportunity losses, rehabilitation, physical limitations, and psychological effects. They may additionally suffer from immediate and long-term economic consequences, particularly loss of income and additional expenses associated with the accident or illness.

For their part, employers would also experience the negative effects of unsafe workplaces. Besides incurring expenses due to production and productivity losses, higher insurance premiums, low staff morale, reputational damage, retraining costs, salary costs for replacement staff, or overtime payments, employers may further face criminal and civil actions. Such actions can lead to compensation for damages and imposition of fines, and in certain cases, employers may also face a sentence of imprisonment.

Nonetheless, the negative impacts of the outcomes of workplace accidents and ill-health go beyond the workplace and the victim as these are also felt by society in general. The effects may include, amongst others, increased social security costs, early retirement, decreased standard of living, reduced human labour potential, and reduced quality of life.



The negative effects of an unsafe and unhealthy workplace support the case for taking the necessary preventive and protective measures and for continuously investing in OHS. Ensuring legal compliance and raising awareness of the importance of managing OHS are two of the most important drivers for achieving healthier and safer workplaces.

National OHS legislation impose a generic duty on employers to ensure the health and safety of workers at all times in every aspect of the work and to take all the necessary measures to safeguard occupational health and safety. Besides being a legal obligation imposed upon employers, managing OHS is also a necessity to safeguard the fundamental right to life and the right to work in a safe and healthy environment.

The establishment of healthier and safer workplaces is partially dependent on the organisation of OHS awareness-raising activities. In this regard, OHSA organised a webinar which addressed the importance of health and safety at work. Titled 'The Importance of Health and Safety in the Workplace', the webinar included three presentations that provided an overview of OHS, the national OHS legislative framework, and costs and benefits of OHS.

The above-mentioned pre-recorded webinars were organised by OHSA in collaboration with EU-OSHA and posted on OHSA's official YouTube page ('Occupational Health and Safety Authority OHSA-MT').

4 Managing OHS in the Construction Industry

While the construction industry in Malta has been growing remarkably during the past several years, and is thus considered a major contributor to economic development, it also has the highest rate of workplace fatalities compared to all other sectors. In fact, the construction industry is considered an accident-prone industry.

Construction work is carried out in a constantly changing environment, and various works are undertaken simultaneously on a daily basis. Besides the risks posed by the working environment itself, there are also various personal and work characteristics as well as organisational factors that influence and increase the creation of a hazardous environment. The construction industry has also a number of inherent risks and hazards, such as falls from height, slips and trips, hazardous manual handling, electrocutions, hazardous substances, and unsafe work equipment, all leading easily to a workplace fatality, serious injury, or work-related ill-health. Falls from height are the biggest contributor to injuries and fatalities on construction sites, particularly from unguarded edges and work equipment.

Since its establishment, OHSA has dedicated a large part of its resources to the construction industry through the organisation of specific and generic workplace inspections and awareness-raising initiatives. While enforcement and awareness-raising initiatives have led to an improvement in the management of OHS in the construction industry, the achievement of healthier and safer construction sites necessitates the cooperation of all duty holders, particularly the client, contractors, workers, and project supervisors.

With this in mind, OHSA has organised a webinar on the management of OHS in the construction industry. The webinar was organised in collaboration with the European

Agency for Safety and Health at work, and included five presentations covering construction safety regulations, the provision of risk assessment, general OHS measures, asbestos, and the safe use of work equipment.

Several key issues were discussed, including the salient duties of the client, the project supervisor, the employer, and self-employed persons, the construction notification form, the health and safety file, the health and safety plan, coordination of OHS between contractors, and workplace inspections carried out by the Project Supervisor for Health and Safety. Other important issues discussed were the hazards and risks associated with the use of work equipment, asbestos exposures and the importance of risk assessments.

This webinar may still be watched online free of charge on OHSA's official YouTube page ('Occupational Health and Safety Authority OHSA-MT').

5 Lighten the Load Campaign 2020-2022 and Webinar

As EU-OSHA's national Focal Point, OHSA is actively involved in the implementation and coordination of EU-OSHA's campaigns on a national level. Following the completion of the 2018-2019 'Healthy Workplaces Manage Dangerous Substances' campaign, OHSA embarked on the 2020-2022 'Lighten the Load Campaign' that focuses 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.

Although this topic was already addressed by two international campaigns way back in 2000 and 2007, MSDs continue to be amongst the most prevalent types of work-related health problems in Europe. The main aim of the 2020-2022 Healthy Workplaces Lighten the Load Campaign is to raise awareness of MSDs, and how such hazards can be addressed through the implementation of the necessary 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*. According to this Article, 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 (from the most effective to the least effective) for the best practice approach to risk management.

In order to raise awareness of the 'Lighten the Load Campaign', the Focal Point-MT prepared a leaflet detailing the aims and objectives of the said campaign. The leaflet was promoted by OHSA's Officers during their workplace inspections and was also made accessible free of charge through OHSA's Facebook page.

As in all the other previous campaigns, the Focal Point-MT and OHSA were actively involved in the organisation of webinars, media initiatives and interventions, the publication of information documents, and inspection campaigns targeting MSDs. From the feedback received by OHSA and the measures noted during workplace inspections, the 2020-2022 Healthy Workplaces Lighten the Load Campaign has increased MSDs awareness, and has also provided businesses with the necessary information and tools to identify and implement appropriate preventive and protective measures.

As mentioned above, the 'Lighten the Load Campaign' was officially launched on the 28th October 2020 through a webinar which addressed various topics pertaining to Musculoskeletal Disorders (MSDs). Subsequently, OHSa participated in various media programmes whereby topics on MSDs were discussed and explained in detail. Issues pertaining to MSDs were also covered daily by OHSa's Officers through generic and specific workplace inspections. Furthermore, on the 29th October 2021, OHSa launched another webinar on the 'Lighten the Load Campaign 2020-2022'.

This webinar was organised by OHSa-MT in collaboration with EU-OSHA, and may still be watched online on OHSa's official YouTube page ('Occupational Health and Safety Authority OHSa-MT').

6 Parliamentary Health Committee

During 2021 OHSa was invited to address the Parliamentary Health Committee on the theme of 'Raising health and safety awareness in the workplace'. OHSa representatives gave presentations on the current state of play and an operational synopsis of OHSa. Present and past initiatives and campaigns that OHSa participates in at both the local and international level to raise awareness on the subject were outlined and the participants also discussed occupational health and the current and future challenges faced by OHSa.

7 Online Interactive Risk Assessment (OiRA) Tools

OiRA is a risk assessment software designed to support employers, mainly micro and small enterprises, to carry out risk assessments at the workplace by identifying the prevention and control measures to protect the health and safety of the workers. It is free and easy to use as it guides the user to analyse the hazards of the work environment, assess the risks and identify suitable control measures.

Following extensive discussions with the European Agency for Safety and Health at Work, OHSa reached an agreement for the production of promotional material. The Agency then engaged an international contractor to carry out the work. OHSa worked closely with the local representative of the contractor to execute the works which resulted in the production of a promotional leaflet, commercial video, social media posts and social media cards. This material is intended to promote the Maltese OiRA tools.

Over the past years, a total of 2548 accumulated Maltese OiRA assessments have been carried out by 1644 users.

8 Migrant Workers: Guide to Staying Safe and Healthy at Work

The mobility of individuals is a global phenomenon which is influenced by a variety of causes ranging from voluntary to forced moves. One also notes the effect that the increased scale and frequency of disasters, economic issues, extreme poverty, and violence have had on migration during 2021. According to the International Labour Organisation (ILO), most migration today is linked directly or indirectly to the search

for decent work opportunities. Even if employment is not the primary driver, it usually features in the migration process at some point. ILO estimates that there are 150 million migrant workers globally, representing over 65 per cent of all migrants and that migrant workers account for 4.4% of all workers, and have higher labour force participation rates than non-migrants globally (73% and 64% respectively).¹ 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 32% of all deaths in Malta involve foreign workers.

A recent policy paper by the Central Bank of Malta² 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 the underground economy. A high number of migrant workers also end up doing jobs and using machinery that they are not familiar with, and they shy away from raising unsafe issues at their workplace for fear of losing their jobs or even being deported. All these factors, together with language and cultural barriers make migrants a vulnerable group of workers and put them at a higher risk of occupational accidents and fatalities.

OHSa had issued a user-friendly guidance document addressing 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 thousands of times.

Through UNHCR (the UN Refugee Agency), this document was translated from English into six languages namely Arabic, Bangla, French, Somali and Tigrinya. During 2021, this document was translated further into Shqip, German and Italian. The guidance document was also promoted online during the International Migrants Day in December and it was accessed extensively.

¹ https://www.ilo.org/wcmsp5/groups/public/ed_protect/protrav/migrant/documents/publication/wcms_591492.pdf

² Borg, I. (2019), The length of stay of foreign workers in Malta, Central Bank of Malta.

9 Awareness-Raising Initiatives Amongst Stakeholders

Despite the pandemic OHSA directed a lot of efforts to retain 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. The organisation of courses was down drastically this year, mainly due to the pandemic. The eight 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 NGO St. John-Malta.

10 Health and Wellness Committee (Malta Chamber)

OHSA participated in several meetings of the Health and Wellness Committee within the Malta Chamber of Commerce, Enterprise, and Industry during which OHSA's role was explained.

OHSA provided most of the speakers at a webinar organised by the Chamber which was titled *'Managing Health and Safety Risks – the role of Business Leaders'*. Following the webinar, OHSA also prepared replies for the numerous questions that remained unanswered during the webinar for lack of time.

11 Work with the Education Division

OHSA worked with the Directorate for Quality and Standards in Education to finalise work on the National Standards for Early Childhood Education and Care Services (0-3 years). A draft document which included the feedback collected after an extensive public consultation exercise, was analysed and discussed. OHSA provided guidance based on the requirements of OHS legislation, making sure that there are no conflicts between the Standards and OHS legislation.

12 OHSA Website

OHSA continued its preparation for the launch of a new corporate website by issuing the necessary public procurement, with the tender being awarded in Q3 of 2021. It is expected that the website will go live by Q2 of 2022.

In the meantime, OHSA will continue to use the temporary measure offered by the IMU of the Ministry to host the salient services to its clients on the website of the Deputy Prime Minister (health.gov.mt).

Looking at the web statistics tracking the details of visits to OHSA's part of the DPM's website, its popularity was once again confirmed, with a total of 41,828 hits throughout the year and 31,150 Unique Page Views.

Apart from the landing page, which showed the largest share of the hits, the most visited subpages were legislation (8101 hits), competent persons (2377 hits) and guidance on OHS (2028 hits).

It is anticipated that with the launch of the new website the access to OHSA's services and uploaded material will continue to grow.

13 COVID and Labour-Related Issues

OHSA took part in meetings of the Employment Relations Board and in discussions involving the Department of Industrial and Employment Relations, the Superintendence of Public Health and the Office of the Data Protection Commissioner. These meetings concerned the health and safety protection of workers and prevention against Covid-19, but also looked at conditions of employment and data protection perspectives. In the light of these discussions, OHSA took part in a webinar organised by the Malta Employers Association which gave the opportunity to participants of asking direct questions.

14 Facebook Page – OHSA Malta

Social media has a broadening role in people's lives which increasingly represents a 'layer' that permeates almost every aspect of daily life. According to National Statistics Office data³ collated in 2020, 95.8% of people in Malta who used the internet in the previous three months go online at least once a day. Of these, 97.1% use it for communication purposes such as sending and/or receiving emails, calling or video calling over the internet, instant messaging and participating in social networks.

When it comes to social media platforms used as sources of news, Facebook dominates the global market.⁴ According to research carried out by MISCO and the Ornate Group in 2021 (*"Social Media Usage Trends 2021"*), it was revealed that 91% of respondents browse the internet and 83% access online social networks at least once a day; Facebook was the social media network which is most accessed (82%). Moreover, the Internet & eCommerce Use by Business Survey⁵ conducted by the Malta Communications Authority (MCA) between December 2020 and January 2021 highlights that 76% of businesses use social media with Facebook also dominating the Maltese market with 80% usage, followed by Instagram (15%), LinkedIn (3%) and Twitter (1%).

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

³ https://nso.gov.mt/en/News_Releases/Documents/2021/02/News2021_028.pdf

⁴ <https://datareportal.com/>

⁵ <https://www.mca.org.mt/articles/insights-use-digital-internet-e-commerce-use-business-survey-2021>



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. This is also a means how to communicate information effectively until it is complemented by a fully functional website.

During 2021, OHSA has uploaded several guidance documents on its Facebook page. These include guidance for migrant workers, guidance on OHS measures during inclement weather, working safely in the sun and heat, as well as ventilation and air-conditioning in workplaces (with particular focus on COVID-19 measures), amongst others.

In line with the European Healthy Workplaces Campaign, OHSA also carried out its own Facebook campaign on the prevention of musculoskeletal disorders by promoting regular movement while working. With the theme #GetMovingAtWork, the campaign gave practical advice on what one can do as an employer as well as a worker to get more active at work. It also highlighted the risks from leading a sedentary lifestyle and included guidance for drivers too.

OHSA also organised a #TBT (Throwback Thursday) campaign on Facebook. This involved the promotion of a series of information clips, aired every Thursday, which OHSA had commissioned over the years. One of the main topics covered was the prevention and tackling of psychosocial risks. It included clips on sexual harassment, bullying, burn out and working time. Another topic was the prevention of accidents and the importance of using personal protective equipment to safeguard one's health.

OHSA also 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 2021, OHSA's FB page had 2,480 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.

15 Social Partners' Sponsorship Fund for OHS Initiatives

The sponsorship fund, launched during 2014 to support social partners with OHS initiatives, remained open during 2021. 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 2021, no applications for funding under this initiative were received by OHSA.

16 Participation in KSU and PwC Malta Careers Expo

The Kunsill Studenti Universitarji (KSU) Pricewaterhouse Coopers Careers Expo is an annual event that connects students with potential employers while exposing them to a wide range of career options. Due to COVID-19, this was held digitally in 2021. OHSA participated in this expo through coverage on the website and a podcast to be able to attain a greater interaction with students and young/future workers. The Careers' podcast provided an opportunity to connect personally with the students through informative and enticing discussions and was attended by OHSA's CEO. The topics discussed included what occupational health and safety means, hazards and risks, teleworking, COVID-19, psychosocial risks and well as occupational health and diseases.

17 Participation in UoM's Freshers Week

For the second consecutive year, 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 2021-2022 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: "Make Health and Safety at Work Your TOP Priority". During Freshers' Week, OHSA also launched a social media competition in collaboration with KSU. Participants had to like OHSA's post, tag 2 friends and follow OHSA's Facebook page. The winner was selected randomly by KSU and the prize given by OHSA.

18 Communications and PR Plan

During 2021, a communications and PR plan for OHSA was drafted and finalised by the Communications & PR section within OHSA. The aim of this plan is to improve OHSA's visibility as well as to raise further awareness about the benefits of occupational health and safety in specific sectors. It also aims to identify communication partners to ensure that the message is conveyed to as wide an audience as possible. This plan covers a five-year period, with details for the first three years that may also be revised at a later stage since priorities and objectives might change over time; this flexibility will ensure that subjects are timely and relevant.

The plan identifies priority areas for action together with key messages and target audiences. It also introduces the concept of annual strategic themes to target some of OHSA's main objectives in terms of advancing its mission and increasing its visibility while clearly stating the priorities for the given year. During the next year, OHSA's strategic themes will focus on two main issues, namely celebrating OHSA's 20th anniversary as well as creating connections.

20 Years of OHSA – Exceeding the Vision – A celebration of OHSA's 20th Anniversary and definition of a new vision for the future. The focus is on increasing OHSA's visibility amongst the general public and raising awareness about OHSA's work amongst stakeholders in order to enhance cooperation and visibility. It also outlines a programme of events and initiatives for OHSA's anniversary year.



The second theme will focus on 'Creating Connections' and growing partnerships with different stakeholders to entice them to take ownership of OHS and to continue to invest in risk prevention at the workplace and strive towards 'Vision Zero' regarding occupational fatalities by 2030.

For 2023, the themes identified are psychosocial risks and mental health as well as new and emerging risks amongst others. 'Breaking Barriers' will build upon the previous theme 'Creating Connections' with the focus being on dealing with resistance to a *strong safety culture* and with other barriers associated with *psychosocial risks and mental health*. It will also take into consideration the promotion of *health at work* and of ensuring that workplaces take into consideration all employees without prejudice or *discrimination* particularly with regards to gender equality and disability, as well as tackle *workplace violence and sexual harassment*.

The second theme for 2023 is 'The Challenge of Change' and it will deal with *new and emerging risks*, and managing change brought by *green, digital and demographic transitions* and by changes to the traditional work environment.

For 2024, the themes identified are building for the future and sharing solutions. 'Building for the Future' will build further upon 'The Challenge of Change' initiatives whilst giving specific attention to *preparedness for any future pandemics*. It will focus specifically on giving greater priority to measures of increased *hygiene, non-pharmaceutical interventions, and mental health support* in response to such crises, as well as develop better synergies between *OHS and public health*.

The second theme for 2024 will be 'Sharing Solutions' and will focus on the *exchange of good practice* and building further *connections and partnerships*.

The PR plan also mentions internal communications and includes market research on current media trends together with a marketing strategy and plan.

19 Malta's Economic Vision 2021-2031

During 2021 the Ministry for the Economy and Industry launched a public consultation document outlining a new economic vision for 2021-2031 (A Future Proof Malta) to better prepare the economy against future challenges and render it sustainable and resilient. In July OHSa participated in a consultative seminar which discussed the first pillar of this economic vision - Sustainable Economic Growth. OHSa's CEO was also invited to form part of the panel discussing the main challenges in this area, with a special focus on the economic challenges of poor management of OHS.

20 Guidance Document on OHS Measures during Inclement Weather

OHSa issued a guidance document about the occupational health and safety measures one should take during inclement weather. This was meant to raise awareness amongst employers and workers to keep themselves abreast of the risks and dangers that could emanate from inclement weather conditions to safeguard against health problems and

accidents which could have serious repercussions.

The guidance covers issues such as risk assessment procedures, what to do in case of heavy rain or hail, what to do in case of high winds, as well as what should be done once the high wind warning or heavy rain would have passed. This guidance document is available in both English and Maltese and can be downloaded free of charge from OHSa's Facebook page.

21 Guidance on the Safe Use of Work Equipment

During the COVID-19 pandemic, the issue of transmission of the virus was a hot topic. OHSa issued a guidance document on Ventilation and Air-Conditioning in Workplaces. This dealt with the types and importance of ventilation and information on how to improve it.

22 Lifting of 'Franka' Slabs and Hollow Bricks in Construction

Another guidance document on Lifting of 'Franka' Slabs and Hollow Bricks in Construction was published. This document outlines the methods of lifting these materials and describes ways to carry out these operations safely. The obligations and duties of employers, employees and other stakeholders are also explained. Both documents were published in Maltese and English.

23 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.

24 Work in the Sun and Heat

The guidance document on Work in the Sun and Heat was revised and republished in Maltese and English. This document highlights the risks and consequences of working in excessive heat and sun. It mentions which workers and work activities are most likely to be affected and offers suggestions on measures that can be undertaken by employers and employees working together to minimise effects of working in environments with elevated temperatures and humidity.

B

Ensuring Compliance With Existing Legislation

Despite several limitations brought about by the pandemic and which could have impacted its operations, OHSA managed to carry out a record number of 4,159 workplace visits during 2021. This was possible as a result of changes in the way by which inspections were carried out, which nonetheless ensured both the effectiveness of the workplace visit and the interaction of the OHS Officers with the different duty holders, while guaranteeing the health and safety of the Officers themselves. The protocol devised by OHSA for carrying out inspections during the pandemic was in fact disseminated by the European Agency for Safety and Health to all its national Focal Points, as an example of good practice.

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.

1 Organisation of Campaigns

1.1 Follow-up of the Warehouse and Stores Campaign

OHSA revisited a number of large warehouses and stores in Malta and Gozo, as a follow-up to an inspection campaign carried out in previous years. Following the initial visits carried out in 2019, letters were sent by OHSA to all those storage facilities which were found non-compliant with several minimum requirements, including the carrying out of risk assessments, including specific ones for pregnant workers and young persons, the appointment of workers' health and safety representatives, the certification of fork lifters, and the implementation of measures for firefighting, evacuation procedures and first aid arrangements.

The follow-up unannounced visits involved meetings with representatives of management, and an inspection of the respective workplaces. A total of 47 storage facilities were inspected.

The majority of the companies were found to be fulfilling their legal obligations, with 7 being found in breach of various regulations.

At the end of the campaign, OHSA initiated enforcement action against all storage facility operators found in breach of the legislation.

1.2 SLIC Campaign on the Prevention of Musculoskeletal Disorders (MSDs)

During 2021, OHSA commenced its participation in a two-year EU-wide inspection campaign organized by the Senior Labour Inspectorate Committee (SLIC) to prevent injuries caused by musculoskeletal disorders.

The subject of this campaign was chosen by the SLIC Working Group due to the widespread occurrence of these types of injuries in all economic sectors. In Malta, the campaign is focusing on restaurants and hairdressing salons.

The aims of this campaign are to promote OHS and risk management measures to prevent MSDs and to broaden the knowledge of European labour inspectors about issues relating to the development of musculoskeletal disorders by finding the best ways of reducing risk factors for the occurrence of MSD in enterprises.

All participating member States will be given a common inspection document (checklist) which will be used as the main tool for carrying out inspections. The minimum number of inspections per Member State is that of 20 inspections in two main sectors. Focus of the campaign will be to address the quality of risk assessments and risk management measures regarding MSD prevention. The data compiled will be analysed and used for the final report drawn up by each Member State.

2 The Administrative Fines System

During 2021, OHSA issued 780 administrative fines having a total value of €289,750. Early in 2021, OHSA changed its electronic record keeping system to one which provides better security and facilitates audit trails. The new system provides a temporary solution until it could be integrated fully into the Management Information System (MIS) which is in the process of being developed. The MIS will allow 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.

3 Construction Activities

OHSA continues to give the construction sector the same level of attention as in previous years - not only did OHS Officers carry out a larger number of inspections than in previous years, and issued a larger number of administrative fines, but OHSA also developed several guidance documents useful to duty holders in the sector.

The question arises as to whether these initiatives are being effective and whether they are leading to improved standards in the prevailing levels of occupational health and safety. Whereas the number of reported injuries and fatal accidents remain more or less the same (actually the gross numbers have been showing a slight year-on-year decrease in trends since 2010), such figures have to be seen in the context of the exponential increases in construction activity. Furthermore, the denominator used to work out injury and fatality rates is based on the number of workers registered with Jobsplus as working in the industry. This does not provide a true picture of the situation,

since the actual rate should be based on the real total number of workers in the sector. It is a well-known fact that not all workers in the sector are officially registered as such, and therefore it is reasonable to assume that a more realistic rate would in fact be lower than the ones quoted elsewhere in this report, since the real denominator (that is the actual total number of workers) is larger than the official one.

To back this argument, OHS refers to the high proportion of foreign workers losing their lives at work, a large percentage of whom would not be registered as being employed or self-employed with the relevant authorities.

4 Notification of Injuries and Accident Investigation

A total of 468 injury notifications from employers were received at OHS during 2021, markedly less so during the previous year. As stipulated in L.N. 52 of 1986, every employer is duty bound to notify the OHS with workplace accidents which resulted in a worker being incapacitated for work for more than three consecutive days or which resulted in the injured worker being hospitalised for more than 24 hours beyond the period for observation. All notifications of serious injuries were investigated by OHS.

The decrease in the number of notifications received by OHS can be attributed to the fact that a lot of work was being carried out remotely.

5 Construction Notification Forms

OHS received 1842 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. During this year OHS continued to operate a sampling process to identify sites which will then be the subject of an inspection, or, in the case of large projects, a number of follow-up inspections to verify compliance by the stakeholders.

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.

OHS notes that more than three years after the enactment of the law, and the establishment of NSRPC, those employees originally employed by OHS to work in the field of nuclear safety and radiation protection have still not been absorbed by the new Commission but remain employed, and paid, by OHS.

Towards Q2 of 2021 these 2 officials relocated to their new NSRPC offices outside OHS.

It is being reported once again that 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.

7 Machinery, Equipment, Plant and Installations (MEPI)

OHS regulations concerning work equipment oblige employers to carry out periodic examinations of such equipment. The frequency of such examinations varies depending on the type of equipment and its use, and in general, the examination report is required to be kept available for inspection. In the case of lifts, escalators and moving walkways, the respective regulations specify that a copy of the report must be sent to the OHS. These reports, together with others requested by OHS officers are entered into the section's database; during 2021, a total of 4455 reports were entered into the database - 3112 for lifts, 218 for cranes, 60 for boilers, 298 for forklift trucks and 767 for other equipment. In those cases where the examining competent person signifies an immediate threat to safety, OHS takes rapid action to ensure that the work equipment is not used until the necessary remedial measures are undertaken.

OHS officers also conducted regular inspections related to work equipment, mostly lifts and lifting equipment. All complaints received were investigated and addressed. A proactive inspection campaign targeting concrete batching plants was also organised - a total of 24 concrete batching plants in Malta and Gozo were inspected, whilst another 6 plants were found to have ceased operations. OHS compiled a checklist to be used during these inspections and identify any shortcomings. Following the inspections, a total of 18 improvement notices were sent to employers operating the batching plants to rectify any occupational health and safety issues identified by the Officers. The main issues identified concerned general housekeeping, updating of risk assessments and inadequate guarding of conveyors.

A number of lifts, the inspection report of which was overdue were inspected and more than 300 lifts were found to be closed down or dismantled, consequently these were deleted from the section's database. Another exercise was carried out to ensure that lifts installed in schools are compliant with the requirements of the regulations. Further consultations and collaboration with the Malta Competition and Consumer Affairs Authority (MCCAA) regarding the proposed amendments to the Inspection of Lifts Regulations continued during this year to produce a final draft. Officers from this section also collaborated with other officers in various accident investigations where work equipment was involved.

As the lead authority within the Control of Major Accident Hazards (COMAH) Competent Authority, OHS organised and carried out inspections in all COMAH sites and participated in two emergency planning exercises. The EU Commission's database on Seveso establishments, eSPIRS (Seveso Plants Information Retrieval System), was updated to remove two establishments which are no longer classified under the COMAH regulations. The operators of these establishments emptied the storage tanks and submitted the COMAH notification forms to the Competent Authority. The list of COMAH establishments, including the date of the last COMAH inspection, was updated quarterly and posted on the Authority's website as required by the regulations. Two contracts with



foreign consultants for the evaluation of safety reports, preparation of guidelines and consultation zones for COMAH establishments were concluded.

8 Occupational Health

2021 has been another challenging year for occupational health in Malta. The Covid-19 pandemic has again dominated the scene this year with the Delta variant becoming the predominant strain in the middle of the year followed by the emergence of the Omicron strain towards the end of the year. This programme of vaccination helped in no small part to controlling the spread of COVID infections in Malta, including among the working population, so much so that in June the Maltese government decided to order its workforce which was working remotely to return physically to its place of work. Throughout the year OHSA remained constantly available to provide advice and support to workplaces as well as carrying out inspections in response to complaints by workers to ascertain that mitigation measures are in place.

During 2021, OHSA's specialist occupational health 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.

OHSA also co-operated with the public health department on a number of initiatives and provided input to the development of the guidance document "Improving employee health in the workplace: Guidelines for Employers and the Human Resources Team" drafted by Health Promotion and Disease prevention Directorate. OHSA also provided guidance to management and employees referred to it by the Superintendence of Public Health.

An OHSA representative participated in an international seminar on the protection of hospital workers from the occupational risks related to carcinogens. This seminar was organized by the Ministry of Labour, Family, Social Affairs and Equal Opportunities of the Republic of Slovenia during the Slovenian Presidency of the Council of the European Union.

OHSA also participated in an online workshop organized by the European Agency for Safety and Health at Work (EU-OSHA) discussing the health impacts and recognition of Covid-19 as a work-related health outcome. Covid-19 needs to be recognized as an occupational disease when there is evidence that it has been contracted at the place of work. This becomes even more important when some symptoms of Covid-19 infection persist in some workers for months after the initial infection rendering them unfit to work (Post Covid-19 condition or "Long Covid").

OHSA is represented on the EU Commission's Working Group on Occupational Diseases, as well as on an Expert Group developing diagnostic criteria for occupational diseases.

9 Coordination with the Building and Construction Authority (BCA)

OHSA held a meeting with the Parliamentary Secretary for Lands and Construction and several other meetings with representatives of BCA regarding the need to delineate in an unequivocal manner the operating parameters of OHSA and BCA. During these meetings OHSA emphasized the fact that whereas there is a huge scope for collaboration and cooperation between it and BCA, there still needs to be a clear line of demarcation between the two entities' respective responsibilities. This is since the health and safety of workers in the construction sector is not only regulated under Legal Notice 88 of 2018 (the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations), but is subject to all other provisions emanating from subsidiary legislation.

OHSA has also proposed a Memorandum of Association to BCA aimed at strengthening cooperation and collaboration while respecting the parameters of the legislation.

10 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 one year will be included in the activity report of the following year.

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, OHSA 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 nine fatal accidents at work in 2021, all of which were the subject of a Magisterial inquiry, while OHSA carried out its own investigation in terms of Article 9 (2) (j) of the Act. All fatal accidents involved male workers. Three workers were Maltese nationals, and the rest were all of foreign nationality. Six fatalities involved workers engaged by their employer, whilst the remaining three were self-employed. The majority of fatalities occurred in the construction industry or work related to this sector such as during the installation of solar panels. One worker involved in a fatality was employed



by the public sector, whilst all the others were employed by the private sector. Six fatalities resulted from fall from heights, two were struck by an object, whilst one died from asphyxiation whilst carrying out works in a confined space.

The trend in this year fatalities indicates that the construction sector stakeholders need to address more rigorously the risks of falls from heights, 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 OHSA 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
2020	261,048	2,328	892	8	3.0
2021	-	1,131 ⁵	-	9	-

¹ Gainfully occupied (yearly average), ETC data ² Labour Force Survey ³ Source: DSS / NSO, ⁴ Source: OHSA, ⁵ January – June 2021.

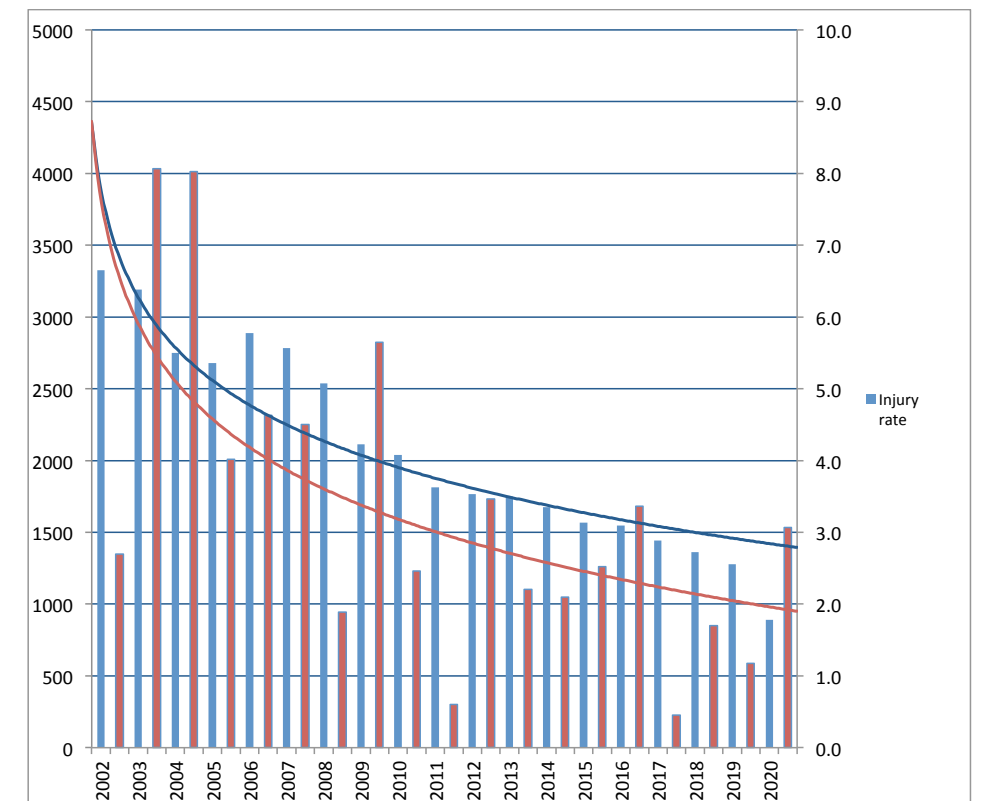


Figure: Injury and fatality rates: 2002 – 2020.

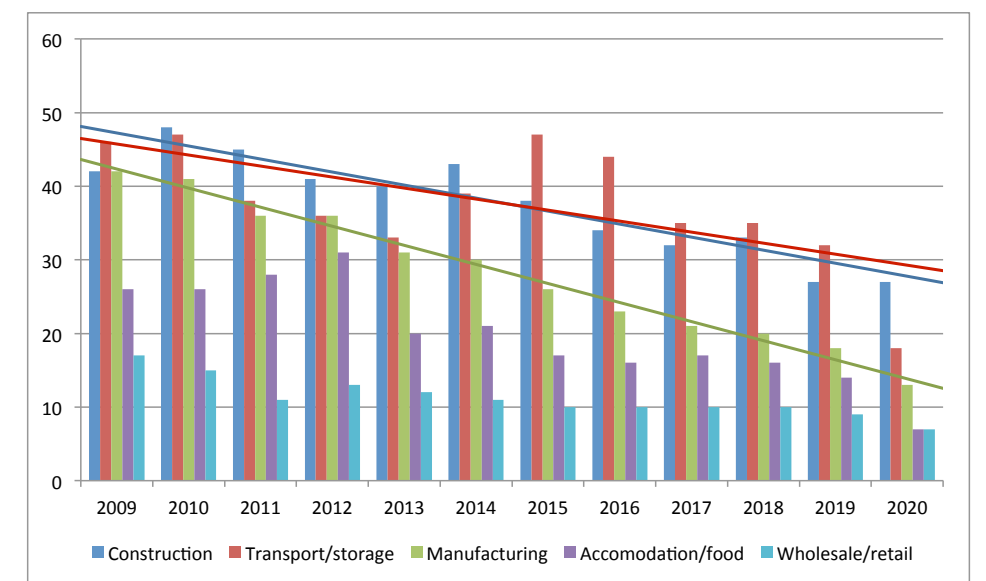


Figure: Sectoral injury rates, 2009 – 2020.

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).

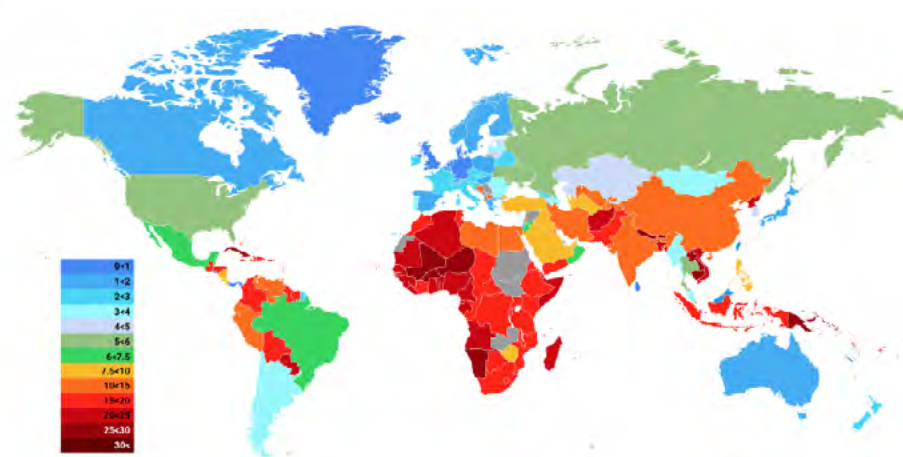
For the period 2015 to 2019, the transport and storage sector (which incorporates land, air and water transport, warehousing and support activities for transportation and postal and courier activities) was associated with the highest rate of claims (number of injuries per 1000 workers) for injury benefits in terms of the Social Security Act. During 2020, the construction sector was associated with the highest rates.

The rates obtained for those three sectors reporting the greatest number of social security claims, indicate downward trends, with the manufacturing sector having the steepest decline. During 2020, no sector experienced more than 30 injuries per 1000 employees, down from the rate of 35 previously registered. Rates for 2021 could not be determined since the data for the second semester of 2021 was not yet published 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.

11 Arinite Health and Safety Consultancy Survey

The British Health and Safety Consultancy firm Arinite carried out an analysis of the reported average workplace fatality rate per 100,000 workers across the globe to reveal which countries and industries were the most dangerous and safe for workers. In this analysis, Malta, Iceland and San Marino were the top three safest countries in the world. In comparison, Bhutan was deemed the most dangerous place for workers.





person, unless it can be proven that the witness was summoned but failed to appear.

During 2021, a number of court sittings were cancelled, with only one sitting being held during the first nine months of the year. Court sessions resumed in October, with cases being assigned to a different Magistrate.

As from October, the Court started allowing the presentation of sworn statements by OHS Officers who were therefore generally not required to be physically present in Court. An accused party retains the right to cross examine a witness presenting the affidavit by informing the police accordingly.

Despite the drive by the courts and the relevant authorities to issue and serve citations, several cases are deferred when citations remain undelivered. A substantial number of these are foreigners who remain untraced by the police.

15 Asbestos in Workplaces

A total of 82 notifications related to asbestos-removal projects were submitted to OHSA, as required by LN 323 of 2006. All the documentation submitted was checked while OHS Officers conducted site visits to ascertain compliance with the legislation and ensure that the workers involved were adequately protected. OHS Officers also carried out inspections in view of complaints received from third parties related to asbestos.

16 World Bank: Ease of Doing Business

During 2021, OHSA once again contributed to 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. Later in the year OHSA was informed that the World Bank Group will discontinue the Doing Business Report.

17 The Inspections Coordination Office

OHSA continued to participate in the activities of the Inspections Coordination Office within the Implementation Division of the OPM and acted upon information forwarded by other inspectorates regarding cases of non-compliance. This information triggered an inspection by OHS Officers and the issue of the appropriate orders, and where necessary the issue of administrative fines. During the year 2021 a total number of 238 reports were submitted by the Primary Inspectorate, out of which 182 merited an inspection due to OHS shortcomings. The workplaces visited were broiler farms, children's wear outlets, homes for the elderly, quarries, electronic shopping outlets, pet shops, petrol stations,

cold stores, detergent shops, household appliances shops and animal feed stores. 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.

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 2021, OHSA prepared several draft amendments to existing regulations intended to transpose EU Directives.

1 Amendments to the Biological Agents at Work Regulations

The Protection of Workers from risks related to Exposure to Biological Agents at Work Regulations lay down rules to protect workers against risks to their health and safety, arising or likely to arise from exposure to biological agents at work. Following the amendment of these regulations in 2020 to include SARS-CoV-2 in the list of biological agents known to infect humans, the regulations were amended again in 2021 to transpose Commission Directive (EU) 2019/1833 of 24 October 2019, which amended Annexes I, III, V and VI to Directive 2000/54/EC of the European Parliament and of the Council as regards purely technical adjustments. These amendments came into force during 2021.

2 Amendments to the Carcinogens and Mutagens at Work Regulations

These regulations require employers to eliminate or otherwise minimise exposure of workers to carcinogenic chemicals and lay down the general requirements to eliminate such risks to workers.

These regulations were amended several times throughout the years to reflect the addition of numerous carcinogens for which an Occupational Exposure Limit Value is established. Recently the European Commission proposed the addition of a 4th batch of carcinogens to the Carcinogens and Mutagens Directive, intended to reduce occupational exposure to three carcinogenic substances or groups of substances, namely acrylonitrile, nickel compounds and benzene.

Member States discussed these proposals at various Social Questions Working Parties carried out throughout the 2021 through informal videoconferences. Most of the Member States were in favour of these proposals, and possible compromises and outstanding issues still need to be discussed before this amendment is officially adopted.

3 Amendments to the Chemical Agents at Work Regulations

The Regulations on the 'Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work' aim to improve the protection of workers against the health risks arising from exposure to hazardous chemicals. These regulations were amended by the addition of a fifth list of chemical agents to Schedule V, together with their respective OELVs. The changes include new OELVs for several chemical agents, including aniline, chloromethane, trimethylamine, sec-Butyl acetate, 4-aminotoluene, isobutyl acetate, isoamyl alcohol, n-Butyl acetate and phosphoryl trichloride.

The Occupational Exposure Limit Value of 2-phenylpropane was also revised.

These amendments also take account of the possibility of penetration through the skin for certain substances, in order to ensure the best possible level of protection and came into force during 2021.

4 Inspection of Lifts Regulations

OHSA continued discussions with the Malta Competition and Consumer Affairs Authority (MCCAA) and Authorised Conformity Assessment Bodies (ACABs) regarding amendments to the Inspection of Lifts Regulations, L.N. 231/2007. Significant progress was made during 2021 to finalise the amendments. The principal regulations are issued under the Product Safety Act and the OHS Authority Act, and regulate the preventive inspection and thorough examination 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.

5 Potential update of the EU Directives on Workplaces and Display Screen Equipment

OHSA participated in an EU-wide study to identify possible options for the update of the Directive 89/654/EEC (Workplace Directive) and Directive 90/270/EEC (DSE Directive) and to evaluate the possible impact of any amendment.

The study team has conducted an extensive literature review and collected data in all Member States and engaged stakeholders to describe this project and to define the policy objectives for each of the two Directives. During November 2021, the proposed preliminary policy options for the two Directives were presented during a 2-day online seminar to stakeholders, including Government officials and social partners. The various options were discussed, and feedback was collected accordingly.

OHSA participated in both online sessions which focused on each of the two Directives under review.

6 Amendments to the Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations

Annexes I, II and III of the Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations were amended to reflect the technical amendments laid down in Commission Directive 2019/1832. The annexes were amended to ensure consistency with the risk classification, terminologies used, and the types of personal protective equipment laid down in Regulation (EU) 2016/425, which lays down the provisions pertaining to the design, manufacture, and marketing of personal protective equipment.

The amendments referred to the following annexes:

- (a) **Annex I**, setting out a risk survey list for the use of PPE. The amendments introduce new types of risks that may be present at the place of work, and ensure consistency with the risk classification and terminology used in Regulation (EU) 2016/425.
- (b) **Annex II**, setting out a non-exhaustive guide list of types of personal protective equipment. The amendments reflect the new types of risks listed in the amended Annex I of the Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations. The amendments also include examples of personal protective equipment currently available on the market and in conformity with Regulation (EU) 2016/425.
- (c) **Annex III** – Annex III sets out a non-exhaustive guide list of sectors and activity which may require the use of PPE. This annex was restructured to ensure consistency between the terminology and classifications used across the three Annexes and with Regulation (EU) 2016/425. The amendments to Annex III will guide employers to better identify and provide the necessary and required personal protective equipment according to the activities and types of risks.

7 Cannabis Use and the Place of Work

OHSA presented a formal response to the White Paper published in March 2021, entitled 'Towards the Strengthening of the Legal Framework on the Responsible Use of Cannabis'.

While OHSA recognizes and understands the rationale for the decriminalization of the responsible, recreational use of cannabis, its response focused on the potential impact on workplace health and safety, in particular safety-critical tasks where any impairment can have serious consequences.

The relationship between cannabis use and the workplace was also discussed by OHSA during a webinar organised by the Malta Employers Association.

Consolidating the Authority's Resources



1 Staff Development

Staff development encompasses a life-long learning strategy which OHSA implements so that while continuing educating and training the public, its Officers and support staff continue to develop further their knowledge and skills on various aspects in the domain of occupational health and safety and management. OHSA encourages further self-development by part-sponsoring tuition fees where this was found to enhance the staff member's skills and abilities in line with the holder's job description. This was also complemented through qualification allowances, paid study leave and part-sponsorships to pursue further studies in OHS. By virtue of the new collective agreements, besides other improved salaries and conditions of work, OHSA has boosted the collective training fund to a maximum of €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 a number of information sessions held at OHSA premises during which topics of interest are discussed. During 2021 the subject areas covered included public procurement, HR software and training in ICT. All members of staff continuously receive ICT updates, guidelines and support for a more efficient and secure use of ICT.

During this period, OHSA kept up its guard in terms of protocols to protect its workforce against infection from the COVID-19 virus, ensuring the regular supply of pandemic items to its employees in all areas of operation. In deciding on the protocols to be followed, OHSA employees were involved at all times in the decision-making process.

2 Recruitment

As at 31st December 2021, the total human resource complement stood at thirty-five (35), including three persons seconded from Engineering Resources Ltd (ERL) and one person on loan from Resource Support & Services Ltd (RSSL).

The recruitment process continued with the securing of 3 replacements to start work during the second week of January, 2022. A second run to recruit one approved headcount did not yield the desired result. The 35-strong complement consists of nineteen persons in professional and technical grades and sixteen engaged in administration and support. During the year under review, no use of trainee and apprenticeship schemes was made of.

At the last quarter of 2020, the OHSA Board approved the thorough business analysis of OHSA operations and the preparation of an HR plan which it had commissioned in 2019. The business plan identifies 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, which includes the recruitment of 43 additional personnel and the establishment of 3 hubs to enhance the Authority's response as and where necessary. The project will



include succession planning, establishment of a knowledge, skills and abilities database, hierarchical changes and a training plan amongst other measures. Although the first year of the report shall be considered as 2022, a number of measures have been taken ahead of its implementation timelines and this includes the procurement of some of the recommended HR modules and also the partial digitalisation of internal work flow and the introduction of multifunctional printers.

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. The majority of the Authority's workforce are organised under two collective agreements – one which expired at the end of 2021, while the agreement for the managerial grades expires five months later. Union recognition for the non-management grades changed hands during this period. Management has held a number of meetings with the union representatives, under the auspices of the Industrial Relations Unit with a view to have a new agreement as soon as possible.

4 ICT Infrastructure

Considerable improvement in terms of administration, data storage and infrastructure continued during the period under review. Throughout 2021 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. During 2021 OHSA prepared the technical specifications and entered into discussions with CPSU, IMU-Health and MITA to draw up the tender documentation prior to the launch of this procurement. Since work on the vetting of the draft tender fell back mainly as a result of a change in procurement channels, the call is expected to be issued during 2022 and capital funds have been transferred accordingly.

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. The replacement of computers supplied via the MITA procurement channels fell back as a result of inadequate supply of hardware on the market. This major procurement exercise will be phased in over the next 3 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 which will allow for more digital flexibility and enable the procurement of further modules expected to performance

appraisal tooling and enhance other HR elements as provided for in the approved 3 year HR plan. This became fully operational during 2021.

5 Use of Premises

During the period under review, the Authority restrained the use of its premises due to the pandemic but devised alternate means of providing advice and information via electronic channels. The premises is the operational base for all OHSA staff, but also houses 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. The Commission for the Protection from Ionising and Non-Ionising Radiation (previously known as the Radiation Protection Board), which made use of OHSA's premises to hold meetings and as also as its operational base until a few months ago, moved out recently.

In order to mitigate the spread of the pandemic, protocols were regularly updated to protect the workforce. Where physical presence of third parties was necessary, social distancing through purposely procured partitioning and other measures were drawn up and maintained.

6 Equal Opportunities and Gender Mainstreaming

OHSA includes gender mainstreaming and ensures equal opportunities in its employment policies and activities as OHS regulator. It works 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 long-term 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).

7 Employee Satisfaction Survey

Employee satisfaction surveys are an invaluable means to get deep insights into what drives engagement into an organization, and what could possibly be hindering it. They are also a good way to keep employees satisfied and retained. During 2021,



OHSA carried out such an employee satisfaction survey during 2021. This was carried out online and respondents were able to post their answers anonymously. Following an analysis of the answers received, a follow-up survey will be carried out in 2022 and periodically, and action taken on the issues raised.

8 Integrity Promotion, Awareness and Assessment for Public Employees

OHS Officers have successfully participated in the Integrity and Ethics Awareness-Learning Programme, organised by the Governance Action Directorate which sets to address the visible responsiveness of decision-based ethical conduct in the Public Administration amongst senior and executive public employees. OHS Officers and other senior members of staff were identified as potential candidates in line with clause 1.2 of Directive 15: Governing Policy for Integrity Promotion, Awareness and Assessment for Public Employees. After taking part in the online training, participants were assessed – it is encouraging to note that all OHSA employees who were assessed were successful at their first attempt.

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.

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.

2 SLIC WG Strategic Management / General Enforcement Aspects

This Working Group serves as a forum for the rapid information exchange between inspectorates and 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. It 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.

During 2021, the mandate of this WG was revised by SLIC and rebranded as the SLIC WG General Enforcement Aspects (SLIC WG GEA). The stated objectives of this WG are to contribute to the process of promoting the equivalent, effective and efficient enforcement of secondary European Union law on health and safety at work in the

Member States by highlighting relevant topics, making recommendations and preparing decisions of SLIC focusing on general aspects of enforcement.

OHSA participated in both online meetings held last year, including those meetings to revise its mandate. Besides one participating delegate, another member of OHSA was also tasked with assisting the Chair of the WG in minute keeping. With the rebranding coming into effect towards the second part of the year, OHSA's Chief Executive Officer was approached to chair the newly formed GEA WG. The December 2021 meeting, which was the first for WG GEA, focused on the new mandate and established a plan of action to address the tasks agreed by SLIC. Three sub task groups were set up by this WG to fulfil its mission, which should have their first meetings in early 2022.

3 Labour Inspection Network and Information Exchange System (KSS)

The Senior Labour Inspectors Committee (SLIC) has continuously reiterated the importance of having a reliable and efficient system that allows and facilitates the sharing of information between Labour Inspectorates, which share common challenges and problems in relation to health and safety inspections and accident investigations. Others may be unique to a particular Member State or States. The knowledge, experience, and information gained in other Member States plays a crucial role in addressing such obstacles, hence the need of having an effective and reliable system to ensure and facilitate exchange of information.

To this end, SLIC developed the 'Knowledge Sharing Site' (KSS) - an online platform which facilitates the exchange of information between European Labour Inspectorates. Every State has a national coordinator and a deputy. In the case of Malta, such positions are managed by OHSA through its appointed persons.

Throughout the years, SLIC-KSS platform has proved to be a valuable resource for Labour Inspectorates so much so that questions dealing with various issues pertaining to occupational health and safety (OHS) are posted on a regular basis. Since OHS encompasses many areas and disciplines, questions may address various aspects. In general, questions are mostly technical or legal based and some may require intensive research and information.

This year's questions addressed various topics such as but not limited to, use of silica sand for sandblasting, lifting of persons with loader cranes, accidents at work due to COVID-19 restrictions, fatal accidents involving wheel loaders, modifications of machines, excavations, health surveillance, lifting chains accidents, use of scaffolding, and ergonomics issues. As in other years, Malta posted its own question which concerned supervision in construction sites.

4 SLIC Thematic Days

During May 2021, OHSA participated in the SLIC Thematic Day held in Portugal which focused on

Teleworking and its implications for OHS. The various presentations included an overview of the trends, opportunities, challenges and risks and their control and the effectiveness of the regulatory framework.

Participants were also informed about the experiences from OHS inspectors carrying out inspections on teleworking across Member States. Group discussions focused on the required control and enforcement on teleworking risks especially the role of labour inspection, the methodology of intervention and the legal responsibilities in place.

The SLIC Thematic Day held under the Slovenian Presidency of the Council of the European Union was held online on the 15th of October 2021 and was titled 'COVID 19 Pandemic and the OSH Enforcement Approach to overcome the Spread of Disease'. Various topics were discussed including OHS legislation and risk assessments to ensure the safety and health of labour Inspectors. Participants were also updated on the EU-OSHA activities and guidance being prepared by the Agency.

Several good practice initiatives across the EU were also shared with the participants.

Participants also discussed psychosocial risks to inspectors during COVID, the impact of media reporting on the supervisory work of inspectors and the different approaches of inspectorates, which have to tread a fine line between providing advice and enforcement.

5 Second Annual EaSI Conference

OHSA participated in the second annual Employment and Social Innovation (EaSI) conference on "Supporting the implementation of the European Pillar of Social Rights and synergies with other EU programmes and initiatives", which was held online in March 2021. The topics raised included the achievements and lessons learned from the EaSI programme and the adaption to change during the 2014-2020 programming period.

Various interactive sessions were held, with OHSA participating in a workshop discussing fair working conditions. This workshop also discussed the recent Peer Review on 'the practical management of psychosocial risks at work' which was held in Stockholm during 2019. This peer review provided an opportunity to share experiences and information on the different legislative and enforcement approaches implemented by Member States to prevent and protect workers from psychosocial risks.

6 High-Level Conference: Quality Work for the Quality of Life

OHSA participated in the High-level Conference entitled 'Quality Work for the Quality of Life', held online on the 7th October 2021, as part of the activities of the Slovenian Presidency of the Council of the European Union.

This conference discussed various themes including sustainable, quality work during and after recovery and the challenges to provide sustainable work. Specific interventions focused on the EU Strategic Framework on Safety and Health at Work 2021-2027, the digital transition and occupational safety and health challenges and the supervision of employees.

7 European Agency for Safety and Health at Work

The European Agency for Safety and Health at Work (EU-OSHA) is a tripartite European Union organisation and brings together representatives from three key decision-making groups in each of the EU's Member States – governments, employers and workers' organisations. It was set up in 1994 by Council Regulation (EC) No. 2062/94 of 18 July 1994 with the aim of encouraging improvements in the field of occupational health and safety as provided for in the Treaty and successive action programmes concerning OHS. Its main role is to provide the Community bodies, the Member States and those involved in OHS with the necessary technical, scientific and information of use in the field of OHS.

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

The Agency's principal safety and health information network is made up of a 'Focal Point' in each EU Member State, in the four EFTA countries and in the Candidate countries. This network is an integral part of the Agency's organisation and Focal Points are nominated by each government as the Agency's official representative in that country and are normally the competent national authority for safety and health at work. In the case of Malta, OHSA is the Focal Point of the Agency and a national information network was also set up locally to ensure that the views of all stakeholders are represented during Focal Point meetings. Members of this network include government departments and entities, trade unions, employers' associations and various NGOs.

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

8 OiRA and IRAT Community Meeting

For the second year running, due to COVID-19 pandemic, meetings of the OiRA partners and the European Agency for Safety and Health at work were held online. Two informal meetings were held in March and April. The discussions focused on the statistics tool and other new features in OiRA intended to provide more information and render OiRA tools even more user friendly.

9 Advisory Committee for Safety and Health at Work

The Advisory Committee for Safety and Health at Work (ACSH) 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 conducts exchanges of views and experiences regarding existing or planned regulations, and helps to devise a common approach to problems in the fields of safety and health at work. It also identifies 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.

During 2021 ACSH held two plenary meetings as well as two other meetings of the different interest groups, with all four meetings being attended virtually by the OHSA representative on ACSH. During these meetings several policy actions and possible initiatives were discussed, as well as amendments to a number of EU Directives (which amongst other things will see the addition of reprotoxic substances to the scope of the Carcinogens and Mutagens Directive, amendment to the Asbestos Directive and the addition of new occupational limit values for a range of chemical agents and carcinogens). A Working Group of ACSH is working on the development of a questionnaire which will be distributed to all Member States to gauge the level of practical implementation of ohs-related Directives, and which will require the preparation of a National Implementation Report. To date, OHSA has prepared and presented two such reports for the periods 2007 – 2012 and 2013 – 2017, following which Malta did not receive any negative remarks from the Commission. The period to be covered in the next practical implementation report is expected to be 2018 to 2022.

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

A SEG meeting was held online in February which included a presentation on an accident which occurred in the Lubrizol plant in 2019 resulting in a fire and toxic cloud with a loss of 9000T of flammable substances. Another presentation concerned an accident occurring in 2020, when a reactor with 4T ethylene oxide exploded, killing two workers in the control room and one person 2.5 km away in his home who was hit by a projectile from the reactor. These presentations allow participants to learn about the causes of such accidents and the remedial measures implemented, which in several instances include legislative amendments.

The contractor engaged by the EU Commission presented initial feedback on the 2015-2018 Seveso III Directive implementation report. There are currently 11,315 Seveso establishments in the EU, with Malta having the smallest number (10). The report confirmed that there was improvement in the implementation of the directive and fewer accidents being registered amongst the participating countries (all EU Member States, Norway and the UK).

Other online meetings and webinars for Seveso inspectors were held in January, February and September. The Seminar on integrated management of safety and security in Seveso sites dealt with security, emerging risks, malware that can harm IT systems and cybersecurity. 78 cybersecurity accidents were reported in the past 20 years, 39% of which targeted the petrochemical industry - one cyber-attack on the BAKU-Tbilisi-Ceyhan crude oil pipeline caused overpressure and explosion.

The webinar on Seveso Enforcement and Site risk management during Covid-19 tackled the safety aspects due to the pandemic, the development of a pandemic plan and the measures implemented. In Malta, no on-site emergency planning exercises were held as a result of the pandemic, since the main priority was the safety of personnel and inspectors. Difficulties encountered during the pandemic include personnel management, training difficulties, lack of maintenance, inability for long term planning, slow down of activities, delayed improvement projects and delays in delivery of raw materials.

One meeting was held in September in Norway, with the Maltese participant attending virtually. The Major Accident Hazards Bureau (MAHB) presented a number of documents that were recently published or are in the process of being finalised. One such document was a good practice report from the Seveso Inspection Series entitled 'Risk management of ageing hazardous sites' resulting from the Mutual Joint Visit (MJV) held in Malta in 2019. Participants delivered presentations on recent major accidents in Spain, Austria and Germany.

11 MACHEx

The Senior Labour Inspectors' Committee (SLIC) WG MACHEx deals with the technical and administrative aspects of meeting health and safety objectives when working with machinery. Although MACHEx is a long-standing Working Group, OHSA participated for the first time in this group in March 2021. During the meeting, presentations were made on the safety of refuse vehicles and related accidents, mobile work platforms, hydraulic press brakes, robots and transportation equipment. The members of this working group discussed priorities for an amended including the preparation of guidelines on pressure vessels, lifts, rope access equipment and scaffolding, as well as the training and exchange of inspectors.

12 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 COMAH CA.
- The **Building Industry Consultative Council (BICC)**. The Building Industry Consultative Council (BICC) is a forum where matters related to the construction industry are discussed. OHSA, being an active stakeholder in the construction industry, participates in this forum, primarily in issues related to occupational

health and safety. OHSA participates in the Advisory Board and the Building Regulations working group. An OHSA employee is appointed to serve as OHSA's representative in these boards whilst another employee is appointed as a substitute. Meetings are held at regular intervals, and are currently being held by means of teleconferencing, in line with the current Covid-19 safeguards. During 2021, 9 meetings of the Advisory Board and 4 meetings of the Building Regulations working group were held. The topics discussed included the Quintano Report regarding improved methods of excavation, and the newly proposed Building Code. Briefings were also given to stakeholders about legislation, which is currently being drafted. These include legislation regulating the licensing of contractors and Health & Safety Cards in the construction industry.

- OHSA representatives also participated in one-to-one meetings with BICC to discuss issues related to the health and safety file and the National Building Code. OHSA provided written feedback on the Quintano report and the National Building Code, as requested by BICC. The annexes of the National Building Code are discussed in the Building Regulations working group. During 2021 the topics of Building Regulations for Structures, Sustainability and the Products directive were discussed.
- OHSA also has a representative on the **Pesticide Control Board** and the **Plant Protection Board**.



F

Strategic Plan for Occupational Health and Safety 2022-2027

There is widespread consensus amongst stakeholders with whom OHSA has fostered a very positive relationship during the years, that maintaining high levels of OHS and preventing harm to workers is critical to a company's success and sustainable growth. Indeed, any cost-benefit analysis of OHS clearly shows that investing in occupational safety and health yields positive results – at an individual, enterprise and national level.

The last 20 years have seen significant improvement in health and safety at work in Malta. Apart from a new legislative framework and partnerships with entities and stakeholders at the national and international level, there has also been a substantial downward trend in both the occupational accident and fatality rates during this period.

OHSA has worked on formulating a new strategic plan that covers the period until 2027 and outlines its intention and direction. The main aim of this strategy is to take stock of past experiences and continue building on what has been achieved so far, while pushing for a wider and concrete ownership of OHS by all. It will address significant challenges and strategic objectives, as well as activities and instruments to address them. In so doing, it aims to respond to keep as a fulcrum the evolving worker protection concerns brought on by digital and green transitions, new types of employment, and the COVID-19 pandemic. Simultaneously, the strategy will still take into consideration traditional risks and issues.

In the area of anticipating and managing change in the new world of work, this strategy will focus on the impact of the digital, green, and demographic transitions, particularly with regards to the increase in remote working. OHSA, in line with action at EU-level, will endeavour to modernise and simplify OHS rules particularly those related to workplaces, display screen equipment and ergonomics. It will also focus on psychosocial risks and mental health which have seen a surge since the COVID-19 pandemic. It will also take into consideration the European Parliament resolution on the right to disconnect and will work with social partners to further promote the framework agreement on stress at work while also taking on board any initiatives endorsed at EU-level. It will also work with the Mental Health Commissioner in Malta to plan and implement further joint actions targeting workplaces. OHSA also plans to ensure that OHS is in line with the green transition and review the current limit values of certain hazardous substances such as lead, cobalt, and asbestos; these will be done in line with action taken at EU-level.

Under the prevention component of the framework, OHSA will endeavour to improve the prevention of work-related accidents and illnesses at work and strive towards 'Vision Zero' regarding occupational fatalities, in line with the European Parliament resolution on just transitions which urges the EU member states to "commit to eliminating work-related deaths and reducing work-related illnesses by 2030". This strategy will also include the endorsement of the European Commission's updates of rules and regulations on hazardous chemicals to combat cancer, and reproductive and respiratory diseases. It will also take into consideration the promotion of health at work and of ensuring that workplaces take into consideration all employees without prejudice or discrimination particularly with regards to gender equality and disability, as well as tackle workplace violence and sexual harassment.

The third objective of this strategy emanated directly from the COVID-19 experience. OHSA will take action to increase preparedness and to respond rapidly to any future health threats and crises. It will focus specifically on giving greater priority to measures of increased hygiene, non-pharmaceutical interventions, and mental health support in

response to such crises, as well as develop better synergies between OHS and public health. As this pandemic has highlighted, having an overall framework obligation of risk-assessment and preventive measures by the employer for addressing health risks to workers in case of a health crisis is of paramount importance.

These objectives will be achieved through improved social dialogue so as to encourage more meaningful social partner participation, strengthening of the evidence base so as to prioritise action and where appropriate change focus, strengthening of enforcement and its deterrent effect, and providing sustained and targeted awareness raising. OHSA will endeavour to work closely with social partners and all stakeholders to ensure that this strategy is endorsed and acted upon by all for the betterment of OHS at worker, enterprise, and national levels.

In achieving these stated objectives, action will be taken by OHSA in the following areas:

- 1. Legislation, compliance and enforcement:** An effective legislative framework which is free of unnecessary bureaucratic burdens and updated regularly to reflect current trends and developments; a consistent and transparent enforcement process model that ensures compliance with health and safety legislation; the support of duty holders, especially SMEs to help them achieve compliance, including through the dissemination of adequate information and guidance, and the provision of advice to all who require it; soliciting action and initiatives by all duty holders to decrease reliance on OHSA services including by promoting and facilitating self-regulation and compliance.
- 2. Capacity building:** The development of the Authority's human resources through recruitment, training and retraining as necessary, to ensure that all members of staff are competent and updated on all developments in the field; the availability of information and tools to assist OHS Officers and other employees of the Authority.
- 3. Communicating the benefits of ohs:** seeking partnerships with all stakeholders so as to further develop a preventive culture that encourages holistic approaches towards healthy lifestyles; increasing the level of awareness regarding the benefits of adequate health and safety levels; disseminating information on the evaluation of risks and their control.
- 4. Taking appropriate action against existing and emerging risks:** Fostering and promoting action against both traditional risks and emerging ones, based on appropriate research, including on psychosocial risks at work; increasing OHSA's capabilities to carry out research; improving the quality of service provided by occupational health service providers, and improving the effectiveness of health surveillance; promoting training among duty-holders; improving data capture for occupational incidents and cases of occupational ill-health.
- 5. Evaluating effectiveness of actions taken:** Actions will be assessed against KPIs determined or adopted by the Authority, whilst ensuring the efficiency of all services provided.

This national Strategic Plan will be formally launched during 2022.



1 Freedom of Information Act

OHSA maintains the necessary structures and has the necessary systems in place according to the FOI Act. Throughout 2021, OHSA received one FOI request which was handled within the time limit imposed by the Act in so far as information held by OHSA is involved. The request concerned deaths and injuries of workers in construction sites.

2 Corporate Governance

OHSA subscribes to the principle that corporate governance provides the framework for attaining its objectives, and that it encompasses every sphere of management, from the elaboration of action plans and the institution of internal controls to performance measurement. Thus, while valuing its autonomy as a public sector organization, it also takes on board and follows 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 People and Standards Division on matters concerning salaries, honoraria and employment packages, other conditions of employment and recruitment, the management of its own finances, auditing, information systems and public procurement.

3 General Data Protection Regulation

In line with the requirements 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 regarding the processing of personal data and the free movement of such data, OHSA has reviewed 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. Following its own internal review, OHSA ensures that all newly-recruited staff are trained in the GDPR requirements.



Financial statements

The audited accounts and records for 2021 and the estimates of the Authority for 2022 are being published separately.

Key activities carried out by the OHSA

January 2021 – December 2021

	Total
Workplace visits	4,159
Equipment certificates vetted (3112 lift reports, 218 cranes, 60 boilers, 298 forklift trucks and 767 other equipment)	4,455
Construction site notifications received	1,842
Asbestos removal project notifications	82
Staff development (person hours)	132
Number of administrative fines issued	780
Monetary value of fines issued	€297,750
Judicial proceedings initiated	164
Awareness raising (person hours)	1035
Course participants	78



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