



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

**Report of Activities for the Period**

1<sup>st</sup> January 2022 - 31<sup>st</sup> December 2022

**Budgeted Income and Expenditure Account**

1<sup>st</sup> January 2023 - 31<sup>st</sup> December 2023

**Financial Statements**

1<sup>st</sup> January 2022 - 31<sup>st</sup> December 2022

**Occupational Health and Safety Authority**

17, Triq Edgar Ferro,  
Pietà, PTA 1533 MALTA

**2023**



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## Preface

The Occupational Health and Safety Authority Act, Cap. 424, was published on the 17<sup>th</sup> November 2000 and brought into force in its entirety on the 29<sup>th</sup> January 2002. In terms of the Act, it is the responsibility of the Occupational Health and Safety Authority (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 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2022 and is being published in terms of Article 37 of the Act. The report includes the Authority's Budgeted Income and Expenditure Account for the period 1<sup>st</sup> January 2023 to 31<sup>st</sup> December 2023 (prepared in terms of section 31 of the Act) and the audited statement of accounts for the period 1<sup>st</sup> January 2022 to 31<sup>st</sup> December 2022.

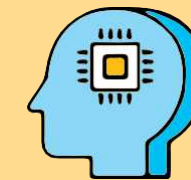
The Authority has three major sources of revenue - the annual grant made by the Ministry of Finance, and the collection of fines from persons who were informed by OHSA that they were in breach of the law. OHSA also generates a small amount of funds from the organisation of services for which a fee is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

## OHSA's Objectives

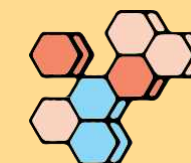
OHSA's overall objectives are:



to foster a culture which values prevention,



to increase awareness about the benefits of achieving and maintaining adequate levels of occupational health and safety,



to mainstream OHS into all policy areas including public policy, and procurement,



to maintain the downward trends with regards to ohs-related incidents which lead to injuries, disease, 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 to gather feedback on policies, generate commitment and obtain consensus. This reinforces the image which OHSA wants to project, namely that it is not solely a controlling, regulatory entity.

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



## Chairperson's Message

In the 20 years since it was set up, OHSa has evolved and adapted to the changing needs, and challenges faced by the new world of work, especially with regard to the potential risks of new technologies and materials to workers and the working environment - risks which at times are complex, intense, and fast-changing. The circumstances brought by the new world of work cannot be underestimated. They are exceptional and highly heterogeneous, with significant influence and implications for workers, the working environment, and society at large. Such a reality necessitates the need to adopt a flexible approach to be able to identify and manage new and emerging risks in a timely and effective manner.

While there have been great and positive improvements made over the years in relation to workplace accidents and ill health, the human toll of injuries and fatalities, especially in the construction sector, remains high. The serious and life-changing consequences of health and safety failures are well known and evident, especially to those who have experienced and lived such consequences.

Though OHSa is clearly the main regulatory driver for achieving healthier and safer workplaces, the real, tangible and on-the-ground responsibility to reduce workplace accidents and ill health necessitates a collective effort and the involvement of all key players including Government, employers, workers, developers, trade unions, professional bodies, and many more. All need to strive to collaborate and demonstrate greater leadership, commitment, and accountability by working together to drive healthier and safer workplaces. In order to achieve the desired results, key players must take real and tangible responsibility for and lead the necessary improvements in the workplace. Reducing workplace injuries, fatalities and ill health must remain the overarching priority of all parties in any thriving society, business or economy.

In conclusion, one must emphasize that health and safety is in everyone's interest as it affects every workplace, individual, industry sector and the national economy. We must be clear and committed not to accept that certain industries and work activities are dangerous with limited resolve, but rather take advantage of the disruption brought about by an evolving economy to proactively seek new and improved ways to sensitize, empower and improve current health and safety risk standards.

Perit David Xuereb,

Chairperson, OHSa.

## Members of the Authority

### Chairperson

Perit David Xuereb

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

Ms Diane Vella Muscat

### Members

Dr Zaid Teebi

Prof Stephen Montefort

Mr Joseph Delia

Ms Abigail Mamo

Mr Victor Carachi

Ms Sharon Galea Iriele (until 26<sup>th</sup> July 2022)

Mr Dolan Debattista (from 27<sup>th</sup> July 2022)

Mr Edwin Balzan (until 26<sup>th</sup> July 2022)

Mr Gian Paul Gauci (from 27<sup>th</sup> July 2022)

### 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

## Raising Awareness, 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 ‘Lighten the Load’ - EU-OSHA’s 2020-2022

The two-year campaign organised by EU-OSHA: Healthy Workplaces ‘Lighten the Load’ campaign came to an end in 2022. Organized by the European Agency for Safety and Health at Work (EU-OSHA), the campaign focused on the prevention of work-related musculoskeletal disorders (WMSDs) affecting the back, neck, shoulders, upper and lower limbs, causing damage to or disorders of the joints and soft tissues. The effect of the work environment and performance of work greatly contribute to WMSDs. Moreover, WMSDs can be easily made worse or persist longer due to poor work conditions.

At the national level, Healthy Workplaces Campaigns are coordinated by EU-OSHA’s focal point, namely OHSA. The main aim of the campaign was to raise awareness of the various risks posed by WMSDs and to provide several solutions to address and prevent them.

In the case of awareness-raising activities, the national focal point manager participated in various radio/tv programs which addressed the topic of WMSDs. Several EU-OSHA promotional and informational materials on WMSDs were also distributed to duty holders, stakeholders, and other interested parties providing information on how to identify, choose, and implement the required preventive and protective measures concerning WMSDs.

The focal point manager also replied to queries made by interested parties and held various meetings with key duty holders - employers, self-employed persons, clients (construction industry), project supervisors for health and safety (construction industry), OHS practitioners - to discuss their responsibilities under OHS legislation about WMSDs



and ways of fulfilling them. Other information on WMSDs was also shared through OHSA's official Facebook page.

Whilst awareness-raising activities are undoubtedly important to achieve long-term change in the management of occupational health hazards, effective implementation of the 'Lighten the Load' campaign at a national level involves more than just awareness-raising activities; it must also include an enforcement approach to ensure duty holders are taking the required actions to address WMSDs. Enforcement and sanctions play an important role in the promotion and achievement of healthier and safer workplaces. In this respect, OHSA-MT carried out various workplace inspections which also targeted issues pertaining to WMSDs. Significantly, a lot of good work has been achieved through awareness-raising activities and workplace inspections.

Whilst significant steps forward have been made, there is much more still to do. As already pointed out, the year 2022 saw the end of the 'Lighten the Load' campaign; however, this does not mean that issues pertaining to WMSDs will no longer feature in OHSA-MT's activities - on the contrary, OHSA-MT will keep targeting WMSDs and other occupational health hazards to bring about the culture change required for lasting improvements in the management of occupational health hazards.

In conclusion, OHSA-MT is now looking ahead to the next Healthy Workplaces 2023-25 campaign titled 'Safe and healthy work in the digital age'. The aim of this campaign is to raise awareness about the impact of new digital technologies on work and workplaces and the associated OHS challenges and opportunities.

## 4 Healthy Workplaces - Lighten the Load Webinar

As the 'Lighten the Load' Campaign 2020-2022 reached its conclusion, OHSA-MT felt it was opportune to dedicate another webinar on work-related musculoskeletal disorders (WMSDs). The webinar included four presentations that addressed the following topics: (i) Lighten the Load Campaign 2020-2022, (ii) WMSDs, (iii) WMSDs Risk Assessment, and (iv) Ergonomics.

The above-mentioned webinar was organized by OHSA-MT in collaboration with EU-OSHA and can be viewed online free of charge on OHSA-MT's official YouTube page<sup>1</sup>.

## 5 Managing Psychosocial Risks Webinar

The Occupational Health and Safety Authority Act, Chapter 424 of the Laws of Malta, imposes a general duty upon employers to take the necessary measures to prevent physical and psychological occupational ill-health. The subject of occupational health and safety (OHS) is generally associated with physical hazards only with the result that psychological occupational ill-health is rarely given its required attention.

Preventing psychological harm is an essential part of creating a healthy and safe workplace. OHSA in collaboration with the European Agency for Safety and Health at Work (EU-OSHA) and Richmond Foundation, organized a webinar titled 'Managing Psychosocial Risks'.

<sup>1</sup> <https://www.youtube.com/@occupationalhealthsafetyau4336>

The webinar consists of four presentations covering the following matters: (i) Managing Psychosocial Hazards - A Legal Approach, (ii) Psychosocial Risks: What is it and how much do Employers know about it? (iii) Organisational Aspects regarding Psychosocial Risks, and (iv). Dealing with Psychosocial Risk within the Organisation. The above-mentioned webinar can be viewed online free of charge on OHSA-MT's official YouTube page<sup>2</sup>.

## 6 Managing Occupational Health and Safety Webinar

The General Provisions for Health and Safety at Workplaces Regulations, S.L.424.18 impose an obligation upon employers to ensure the health and safety of workers at all times in every aspect related to the work. The said regulations also oblige employers to make such appropriate arrangements for the effective planning, organization, control, monitoring, and review of the preventive and protective measures, taking into consideration the nature of the activities and the size of the workplace.

The above-mentioned legal duties necessitate the need for employers to be aware of the elements needed for ensuring a successful and effective occupational health and safety (OHS) foundation. It is also extremely important for employers to be well acquainted with the framework of national OHS legislation, the role of the Maltese Occupational Health and Safety Authority (OHSA-MT) and the powers of its Officers, the costs of unsafe and unhealthy workplaces, the benefits of healthier and safer workplaces, the concept of risk assessment, the implementation of appropriate preventive and protective measures, and finally, the importance of ensuring effective supervision and providing workers with adequate training and information on OHS.

There is a strong case that proper occupational health and safety (OHS) management will reduce the likelihood of death, injury, and ill health. To this end, OHSA-MT in collaboration with the European Agency for Safety and Health at Work (EU-OSHA) organized a webinar titled 'Managing OHS' consisting of five presentations addressing the following matters: (i) OHS regulations, (ii) OHSA-MT, (iii) costs and benefits of OHS, (iv) OHS policy and risk assessment, and (v) the general principles of prevention.

The above-mentioned webinar can be viewed online free of charge on OHSA-MT's official YouTube page<sup>3</sup>.

## 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 the conclusion of a contract by the European Agency for Safety and Health at Work to produce OHS promotional material, OHSA started to benefit throughout 2022, and

<sup>2</sup> <https://www.youtube.com/@occupationalhealthsafetyau4336>

<sup>3</sup> <https://www.youtube.com/@occupationalhealthsafetyau4336>

was in receipt of several promotional items and services, including a promotional video, leaflet design and printing, social media posts, social cards, and promotional giveaways.

Over the past years, a total of 3102 accumulated Maltese OIRA assessments have been carried out by 2030 users, an increase of more than 20% over the previous year.

## 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.

Migrant workers are in effect a particularly vulnerable group in society. Indeed, a brief analysis of local data on work-related statistics show that 25% of all deaths in Malta involve foreign workers.

OHSA has 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 OHSA's various contacts including at UNHCR (the UN Refugee Agency), this document has been translated from English into several languages including Arabic, Bangla, French, Somali, Tigrinya, Albanian, German, Italian, Chinese, Serbian, Spanish, Turkish and Ukrainian. The guidance document was also promoted online during the International Migrants Day in December and it was accessed extensively.

OHSA also started an outreach programme targeting different communities with the scope of making workers and foreign employers residing in Malta aware of the need to safeguard occupational health and safety. The first to be contacted was the Maltese Islamic Centre in Paola, with the assistance of which, several awareness raising sessions on OHS focusing on construction safety were organised. These sessions were held every Friday at the Mariam Al Batool training centre in Paola. During these talks, the participants were made aware of their legal obligations and the safety measures that need to be implemented to safeguard their own health and safety and that of others.

OHSA has so far managed to establish contact with the Syrian, Albanian and Serb communities in Malta to promote this initiative. It is indeed unfortunate that the response from these communities has not had the desired outcome, as their response has been lukewarm at best.

## 9 Preparation of new guidance

OHSA has prepared new guidelines regarding the Lifting of persons with Cranes, together with a model lifting plan to facilitate compliance. These documents were produced in both English and Maltese.

## 10 Other Awareness-Raising Initiatives

OHSA also devoted more resources towards awareness raising and in fact its output in this area approached that achieved prior to the Covid era. The beneficiaries of these awareness raising events were workers and representatives of management from the public administration and the private sector covering most of the gainfully occupied spectrum. The participating sectors and professions included , engineering, the State Advocate's Office, , the Armed Forces of Malta, the Public Service, performing arts, and an NGO offering community, residential, and educational therapeutic services to individuals, children, and families. The thirteen courses held during this period were a mix of face-to-face delivery and online, three of which, dealing in warehouse safety, were customised for Armed Forces personnel.

In terms of participation, the *'Workers' Health and Safety Representative'*, remained the most sought-after core topic for OHSA's awareness-raising courses, followed by *'First Aid and Safety at Work'* - two of which were organised in Gozo in collaboration with St. John-Malta and the Ministry for Gozo.

## 11 OHSA Website

OHSA launched its new corporate website following a public procurement call. In line with the on-going rebranding of OHSA, the domain of the website was changed to [www.ohsa.mt](http://www.ohsa.mt).

The new website will allow OHSA's website administrators to easily add or amend most of its contents and layout, allowing the website to remain updated and relevant.

The analytics of OHSA's new website <https://www.ohsa.mt/> are based from the day of launch (the 1<sup>st</sup> October 2022) till 31<sup>st</sup> December 2022. In these 3 months, about 32,069 events were counted within the new OHSA website, including 11,380 user views. Moreover, 4,276 users surfed straight through the main home page - Home | OHSA. The second most viewed page was the legislation section - Legislation | OHSA with 1,343 users, followed by that on competent persons (667 views).

These statistics show that OHSA's website continues to serve its purpose of providing users with relevant, up-to-date information.



## 12 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. OHSA has increasingly been making use of its Facebook page to share information and raise awareness. Moreover, to facilitate ease of use, OHSA has also started to develop QR Codes for various communications means. This will enable users to easily scan a code and access data and documentation directly on their mobile devices. This is also a means how to communicate information effectively until it is complemented by a fully functional website.

During 2022, OHSA has uploaded several guidance documents on its Facebook page, including documents in several languages targeting foreign workers.

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.

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 2022, OHSA's FB page had close to 3,000 subscribers, a marked increase over the previous year.

## 13 Social Partners' Sponsorship Fund for OHS Initiatives

The OHSA's Social Partners' Sponsorship Fund, launched during 2014 to support social partners with OHS initiatives, remained open during 2022. 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 2022, no applications for funding under this initiative were received by OHSA.

## 14 Participation in UoM's Freshers Week

For the third consecutive year, OHSA participated during UoM's Freshers' Week, through the launch of 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.

## 15 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.

Throughout 2022, the Plan focused on several initiatives, including the celebration of OHSA's 20<sup>th</sup> anniversary as well as creating connections with different stakeholders.

*20 Years of OHSA - Exceeding the Vision* - was the theme of a PR campaign which highlights OHSA's achievements throughout its years of existence; the campaign ran throughout most of the year culminating in an international conference.

## 16 Making a Difference - 20<sup>th</sup> Anniversary Conference

OHSA organised a well-attended conference to celebrate its twenty years of existence. The keynote address was given by Mr Stefan Olsson, Deputy Director-General - Jobs, Skills and Social Policies, European Commission, Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL), who commended OHSA's efforts to make Maltese workplaces healthier and safer, results which should make OHSA proud; OHSA has also worked closely with the Commission, and in fact Malta has been a central actor in shaping the continuous development of health and safety at work laws and initiatives in the EU, in particular through its active memberships in the Advisory Committee on Safety and Health at Work (ACSH) and the Senior Labour Inspectors' Committee (SLIC), as well as in the Management Board of the European Union information agency for occupational safety and health (EU-OSHA).

Other speakers at the Conference dealt with the main legislative and other developments in occupational health and safety in Malta, and the moral construct of OHS. A statistical analyses of OHS injuries and fatalities between 2002 and 2021 was also presented at the Conference; importantly, the results of the analyses not only confirmed the persistent downward trends in both injuries and fatalities, but also identified a strong correlation between OHSA actions and injuries at work - essentially, the more inspections that are carried out, and the more administrative fines that are issued, the smaller is the number of injuries recorded. Interestingly, no similar correlation was noted between prosecutions and injuries, possibly due to the length of time between the occurrence of a breach of legislation and the end of the judicial process, thus lowering the deterrent effect.



The Conference was also addressed by the Acting Director, EU-OSHA, the Senior Network Manager at EU-OSHA, who dealt with OSH problems anticipated to occur in a future world of work, and the President, International ORP Foundation and Vision Zero Ambassador, who spoke about the necessary paradigm shift in adopting a Vision Zero approach towards OHS.

## 17 Code of Practice for the Construction Industry

The Code of Practice for the Construction Industry - which serves as a guidance for the implementation of legislation of occupational health and safety in the construction industry, continues being revised to reflect correct references to current legislation which has been changed or replaced in the past years. In view that the local regulations on construction safety at work will be revised sometime in 2023, the updated code of practice will be launched once these amendments have been published.

## 18 Diploma in OHS - MCAST

OHSA initiated discussions with MCAST to launch a diploma level course in OHS, which would be recognized for entry level professionals into the field of OHS. Although discussions are still at a very early stage, it is anticipated that the course will be launched later in 2023. OHSA has already proposed the course outline and contents and has offered to coordinate the course once this is approved by MCAST and eventually launched.

This diploma course will fill a vacuum experienced by so many persons wanting to start a career in occupational health and safety and who are not eager to spend five years of study before they receive their first academic qualification.

# B Ensuring Compliance

During 2022, OHS Officers conducted 4,387 workplace visits, around 75% of which targeted the construction sector. 652 of these visits resulted in the issue of administrative fines or referral to the police for the institution of judicial proceedings. During the same time, OHS officers issued 576 orders to improve health and safety measures and 662 orders to stop work activities on site.

OHSA also held 530 separate meetings with duty-holders on its premises to discuss the findings of the visits, and explain the measures required to be taken. Such meetings on premises are held with duty-holders who would not have been present on site at the time of the inspection.

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 OHSA 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: Fuel Stations Campaign

Fuel stations in Malta and Gozo (76 in total, of which 6 were found to be non-operational) were inspected as part of an inspection and awareness raising campaign focusing on the required control measures to prevent or reduce exposure of fuel attendants to volatile organic compounds (VOCs) emitted from petroleum fuel. Other OHS requirements verified included risk assessments, the implementation of fire safety and first-aid measures, and health surveillance arrangements for workers.

Orders in terms of the Act were issued to non-compliant duty holders to ensure protection of the health and safety of the workers and compliance with OHS legislation.

Whereas the majority of fuel stations were equipped with a vapour recovery system which helps to collect petrol vapour released during unloading and refuelling and redirects it back to the fuel tanker and underground storage tank, only 2 fuel stations had compiled a risk assessment and organised health surveillance for workers. A total of 20 fuel stations had no fire-extinguishers in place while 24 had no first-aid box. Only fourteen fuel stations sent their workers for first-aid training, while forty-three fuel stations sent their workers for fire-training. Moreover, 3 fuel stations employed young workers under eighteen years of age. All fuel stations provided employees with the necessary personal protective equipment (PPE).

During the campaign a meeting was held with the Fuel Station Committee within the Malta Chamber of SMEs to explain the campaign's objectives and the main findings and to discuss the way forward.

## 2 The prevention of Musculoskeletal Disorders (MSDs) - Healthy Workplaces: Lighten the Load Campaign

OHSA has been participating over the past two years in an EU-wide inspection campaign which was organized by the Senior Labour Inspectorate Committee. The SLIC inspection and enforcement campaign also included a train the trainer event and the preparation of a common questionnaire to be used by the National Inspectorates across the EU.

The aims of the campaign were to promote the use of risk assessments and other management tools as part of the strategy to prevent musculo-skeletal disorders. The campaign also served to broaden the knowledge of European labour inspectors about issues relating to the development of MSDs and about ways of reducing risk factors for the occurrence of MSDs in enterprises. This campaign will also help to bring about a level playing field in the area of the prevention of MSDs with a view to promote the same level of OSH protection of workers in the EU and that enterprises have the same conditions of competition. During the campaign, SLIC cooperated fully with the European Agency for Safety and Health and its national Focal Points (in the case of Malta, OHSA).

Locally, OHSA focused its inspections on the health care sector and food and drinks industries. The inspections were conducted according to the uniform criteria established by the SLIC WG (EMEX) in the form of a common checklist for inspectors, which was also intended to evaluate the quality of risk assessments already carried out and the risk management measures in place.

20 inspections in each sector were carried out in accordance with what was agreed with the activity coordinators.

From the data collected it was observed that all the inspected enterprises had a written risk assessment in place but no evidence-based methods were used or mentioned MSDs in their RA.

Whereas workers' health and safety representatives had also been appointed in the majority of instances, they had not been consulted or were not allowed to give any input while the risk assessment was being carried out.

For all those enterprises which either did not have a risk assessment in place, or the assessment was deemed insufficient by the OHS Officers, a written order was issued to the employers to ensure that such an assessment is carried out with immediate effect, and to observe all regulatory requirements pertaining to such assessments.

Follow-up inspections will be carried out during 2023 to ascertain compliance with the orders issued and the law.

## 3 The Administrative Fines System

During 2022, OHSA issued 462 administrative fines having a total value of €177,000.

Whereas previously OHSA used to initiate judicial proceedings after a reasonable time in those cases which remained unsettled, it has now started a process of sending reminders before referring the cases to the police to initiate judicial action. This additional step has resulted in more fines being collected throughout 2022, while also decreasing the number of cases meriting judicial action, which now only commences if the intimated person similarly ignores the reminder letter.

## 4 Construction Sector Activities

Whereas OHSA remains committed to ensure the safeguard of the health and safety of all workers in all occupations, it gives more attention to those sectors of economic activity which are associated with a greater degree of risk.

One such sector is the construction sector, which receives an inordinate amount of attention through unannounced visits and awareness raising activities, including the publication of guidance documents.

Contrary to what many seem to think, a workplace visit, especially at construction sites, is not a simple five-minute exercise. Every site visit involves a thorough site inspection, speaking to any person who happens to be on site, and the registration of evidence through photographic means. Specifically in the case of construction sites, where important duty holders are often not on site during the inspection, the OHS Officers also organise meetings at OHSA premises to explain their findings to the relevant duty holders, and seek agreement on time frames for the implementation of remedial measures. Where orders have been issued by OHS Officers, the initial site visit is followed by further follow-up inspections to ascertain compliance with the orders and ultimately, with the law.

Following the visit, Officers are required to write a detailed report, which may include signed statements given by persons interviewed by the Officers on site or during subsequent meetings. Where legal action is to be initiated, OHS Officers are also required to prepare a written *affidavit*, which is later sworn in front of a legal attorney to be presented as part of the witness given in front of the Courts.

Thus, every site visit, which may in itself require half a day of work, is followed by a lengthy process which requires the full attention of the Officers involved so as to avoid making mistakes which can lead to serious consequences at a later stage (for example the failure of judicial proceedings based on a technical issue).

Neither does OHSA limit itself to the investigation of accidents or complaints but organises proactive inspections of construction sites. Whereas all serious accidents, and all complaints are investigated, these in fact constitute a small proportion of OHSA activities in this field.

OHSA also co-operates with other entities, such as Jobs Plus, the police and the Building and Construction Authority with which it carries out joint inspections on construction sites. Through such inspections, the different authorities check compliance of their respective legislations whilst providing logistic support to each other. OHSA is currently participating in a pilot project whereby OHS Officers are being paired with BCA officials on a weekly basis to ensure that legal requirements related to occupational health and safety and construction site management are being complied with.



## 5 Notification of Injuries and Accident Investigation

A total of 585 injury notifications from employers were received by OHSa during 2022. As stipulated in L.N. 52 of 1986, every employer is duty bound to notify OHSa with workplace accidents which resulted in a worker being incapacitated for work for more than three consecutive days or which resulted in the injured worker being hospitalised for more than 24 hours beyond the period for observation. All notifications of serious injuries were investigated by OHSa.

## 6 Construction Notification Forms

1,736 Construction Notification Forms were received in accordance with regulation 5 of L.N. 88 of 2018. During this year OHSa continued to operate a sampling process to identify sites covered by these notifications, which will then be the subject of an inspection, or, in the case of large projects, a number of follow-up inspections as well, to verify compliance by the stakeholders.

## 7 Radiation Protection and Nuclear Safety

During 2022, the 2 officials previously employed with OHSa who were responsible to enforce radiation related measures, were officially deployed with the Nuclear Safety and Radiation Protection Commission (NSRPC) and thus ceased to form part of OHSa's payroll.

From its inception in 2018, the NSRPC was assigned the regulatory function in the fields of ionising and non-ionising radiation, both from a public, as well as from an occupational point of view, yet once again, it is being reported 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 Nuclear Safety and Radiation Protection Act, leading to potential legal uncertainties.

## 8 Machinery, Equipment, Plant and Installations (MEPI)

During 2022, OHSa organised an inspection campaign targeting steam boilers. This equipment is covered by the Work Equipment (Minimum Safety and Health Requirements) Regulations, Legal Notice 293 of 2016 (S.L. 424.35). These regulations oblige the employer to have the steam boiler examined by a competent person once in every period of twelve months and to keep the inspection report available for inspection. OHSa officers conducted inspections in workplaces to verify whether the boilers were still active and whether they were covered by a valid examination report as required by law. Following the completion of this campaign, 166 boilers were struck off from the database because they were no longer operational while 107 steam boilers were found to be still operational. OHSa officers ensured that those steam boilers in operation were covered by a valid examination report.

OHSa continued in its drive to reduce the amount of printed examination reports received by encouraging employers to send these reports electronically. In fact, over the past year the vast majority of reports have been sent through electronic mail. All work equipment used in workplaces is required to be examined either by a competent person or by a warranted engineer, depending on the type of equipment according to the Work Equipment regulations. Passenger and passenger/goods lifts must be inspected and examined according to the provisions of the Inspection of Lifts Regulations, Legal Notice 231 of 2007 (S.L. 427.63). This year, a total of 4886 reports were received (3338 for lifts, 379 for cranes, 60 for boilers, 384 forklift trucks and 725 for other equipment ranging from various types of lifting equipment to production machinery. All reports are vetted, entered into the database and acknowledged. OHS officers also ensure that any deficiencies noted by the examining competent person in these reports are acted upon by the employer.

Other work was carried out in collaboration with the Planning Authority to review and update the data on the Seveso sites in Malta on the INSPIRE geoportal managed by the Planning Authority.

Following the closure of two sites which were classified as Control of Major Accident Hazards (COMAH) establishments, the European Commission was informed through the eSPIRS (Seveso Plants Information Retrieval System) portal with the insertion of two new establishments. Currently there are ten COMAH sites in Malta. Seven are classified as upper tier sites and three lower tier. The COMAH Competent Authority carried out inspections in all sites and took part in three emergency planning exercises coordinated by the Civil Protection Directorate. These are legal requirements and must be reported to the European Commission in the four yearly report on the implementation of the Seveso III Directive. This year the regulatory inspection at the LNG terminal was carried out with the assistance of foreign experts. OHSa coordinates inspections, drafts inspection reports and corresponds with the operators and the European Commission on behalf of the Competent Authority.

## 9 Occupational Health

Worker's health is intrinsically related to workplace safety and the prevention of workplace injuries. The purpose of a workplace risk assessment is to identify workplace hazards which may lead to physical injuries as well as occupational diseases and propose control measures on how to prevent them.

Prevention of occupational diseases has always been a priority of OHSa. OHSa has worked collaboratively with the Department of Social Security to set up a list of recognized occupational diseases and also set up an occupational disease reporting system to be used by medical health professionals. An awareness campaign had been carried out with medical professionals to increase awareness and aid in identification of occupational diseases. OHSa is now looking at occupational disease reporting systems in other countries to improve the current system.

It is also imperative that, if identified in a risk assessment, health surveillance is carried out among the worker population to detect occupational diseases at an early stage. The risk assessment should also include an assessment of psychological hazards in the workplace. Prolonged stress due to various causes (excessive workload, lack of



workplace support, isolation, unclear role etc) can lead to burnout, depression and anxiety.

An employer has a statutory obligation to protect its workers at the place of work. For this reason the employer not only has to ensure that the work environment is safe but also that his workers are physically fit to carry out the task in hand. For this reason, a pre-employment examination and periodic medical examinations may be performed to ensure that the worker is fit to continue to work safely. Young workers and pregnant workers are groups of workers who are covered by specific OH legislation.

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 the Health Promotion and Disease Prevention Directorate. This guidance document was published and formally launched during September. OHSA also provided information and guidance to persons referred to it by the Superintendence of Public Health on matters which concern occupational health and safety.

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.

## 10 Coordination with the Building and Construction Authority (BCA)

OHSA held several meetings with the Minister for Planning and Public Works and representatives of the Building and Construction Authority on matters of mutual interest, including the better delineation of the roles and responsibilities of the two entities. This assumed greater importance when considering that OHSA still receives multiple complaints concerning matters which are not regulated by the OHS Authority Act, but which fall under the responsibility of BCA.

These discussions led to the finalisation of a Memorandum of Understanding between the two entities aimed at strengthening cooperation and collaboration while respecting the parameters of the legislation. The memorandum of understanding also aims to develop a practical and pragmatic approach for procedures in order to ensure a more efficient approach to enforcement and the sharing of information under confidential cover. In view of this OHSA embarked on a pilot project through which OHS Officers conduct joint inspections with BCA Officers on construction sites.

## 11 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, the National Statistics Office, as well as the Department for Social Security.

The long-term 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. This has also been shown through the extensive statistical analyses carried, the results of which were presented at OHSA’s 20<sup>th</sup> Anniversary Conference.

The numbers and rates of work related fatalities and injuries throughout the period 2002-2022 using a data set collated by OHSA were analysed. Trends were investigated using regression models, which are essential because apart from providing the size and direction of the trend they also indicate whether the relationship is significant.

The analysis also included an investigation using the One-Way ANOVA test of how the yearly injuries per 1,000 workers (averaged from 2009 to 2022) varies between those sectors associated with the highest number of injury reports (construction, transport and storage, manufacture, accommodation and food service, and wholesale, retail and repair). This analysis showed that the average yearly injuries per 1,000 workers in construction and transport & storage sectors (approx. 36.2 and 36.4 injuries each year respectively) are significantly larger than the average yearly injuries in the manufacturing and accommodation & food sectors (approx. 27.2 and 19.2 injuries each year respectively), which in turn are significantly larger than the average yearly injuries in the wholesale, retail and repair sector (approx. 11.0 injuries each year)

Correlation analysis was also used to investigate how the yearly injuries and yearly fatalities are related to a number of OHSA actions and interventions, including number of inspections, number of administrative fines, monetary value of fines, number of initiated prosecutions, number of vetted equipment certificates, duration of staff development and awareness raising.

This correlation analysis showed that yearly injuries are negatively and significantly related with the number of inspections carried out, the number of administrative fines issued, the monetary value of fines and the number of vetted equipment certificates. This implies that an increase in the number of inspections, number of administrative fines, monetary value of fines and number of vetted equipment certificates result in a significant decrease in the number of yearly injuries. The number of initiated prosecutions and duration of participant awareness raising are weakly related with the number of yearly injuries.

The number of yearly fatalities is negatively and significantly related with the number of vetted equipment certificates; however it is weakly related with the other deterrents. An unexpected result is the positive and significant relationship between staff development hours and the number of yearly injuries/fatalities - this can be attributed to the fact that staff who are receiving training are temporarily excluded from carrying out inspections, resulting in a decrease in the overall total number of inspections carried out.

Based on these analyses, a number of important conclusions can be made. The overall injury and fatality rates show persistent downward trends (a finding which is not attributed to chance). The sectoral rates show similar downward trends, however, the magnitude of this decrease varies across sectors. Wholesale, retail and repair sectors have the smallest reductions in injury and fatality rates, while the manufacturing sector has the largest decrease.

The mean annual fatality rate per 100,000 workers is 3.37, where a number of risk factors were found to increase the likelihood of fatal accidents. On average, work

in construction accounts for 2.02 fatalities per 100,000 workers, of which 1.17 occur as a result of dangerous falls. Foreign workers account for 0.99 annual fatalities per 100,000 fatalities, whereas foreign workers in construction account for 0.75 fatalities per 100,000 workers.

The analyses also highlight the positive impact of OHSA's actions on the injury and fatality rates, in view of the correlation observed between the number of accidents and several OHSA key interventions, including inspections and the issue of administrative fines. Conversely, the appointment of other legal duty holders, notably project supervisors has negligible impact on improvements in the observed rates of accidents.

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 fifteen fatal accidents at work in 2022, all of which were the subject of a Magisterial inquiry. Four of the accidents occurred during or as a result of an activity which is not regulated by the OHS Authority Act and were therefore not fully investigated by OHSA. Thus during 2022, there were eleven fatal accidents which fall under the applicability of the OHS Authority Act, two more than in 2021.

All fatal accidents involved male workers. Six workers were of foreign nationality. Twelve fatalities involved workers engaged by an employer, whilst the remaining three were self-employed. Eight fatalities occurred in the construction industry (one less than in 2021).

## 12 Enforcement

During 2022, OHS Officers carried out 4,387 workplace inspections, which resulted in 576 improvement notices being issued by OHSA. OHS Officers also issued a total of 662 orders to stop work activities, which orders remained in force until the necessary remedial measures are implemented. Furthermore 462 letters of intimation were issued to parties deemed in breach of legislation, resulting in a total of €177,000 fines being imposed. During the period, OHSA received a total of 45 objections, of which 18 were upheld (4% of all administrative fines issued).

During the same year, the Court handed down several judgements which included the imposition of €194,265 in judicial fines. Two persons were handed down an effective imprisonment sentence of two years and eighteen months respectively by the Criminal

Court of Appeal, whilst two persons were handed down an imprisonment sentence which was suspended.

A record number of court sittings were held during 2022: 23 sittings in Malta and another 4 sittings in Gozo. This notwithstanding, OHSA is of the opinion that more sittings dedicated to occupational health and safety breaches are still required since current backlog of cases still to be appointed is of around 600 cases.

## 13 Prosecution

Occupational health and safety cases are prosecuted before the Court of Magistrates as courts of Criminal Judicature both in Malta and Gozo. Whereas OHS judicial cases are normally heard through summary procedures, cases are often being deferred and resumed on later dates. These cases remain 'sub-judice', preventing new cases from being appointed for hearing, increasing the backlog.

Nevertheless, despite these procedural setbacks, OHSA has presented 190 new cases in Court, while the number of decided cases totalled 132 - apart from fines (multi) being awarded, the Courts also imposed a suspended imprisonment sentence. Additionally, two persons were handed down an effective imprisonment of two years and eighteen months respectively by the Criminal Court of Appeal.

What has been encouraging during this year is that 23 court audiences were appointed in Malta and 4 sittings held in Gozo - in the latter case, all pending cases were decided.

In addition, a number of appeals were entered both by OHSA and by a number of aggrieved parties all of which require OHSA's presence.

## 14 Asbestos in Workplaces

In total, documentation relating to 61 notifiable asbestos-removal projects were submitted during 2022. All documentation submitted was checked in accordance with LN 323 of 2006. In certain instances, OHSA also had to intervene and carry out on-site inspections.

## 15 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 this year a total number of 293 reports were submitted by the Primary Inspectorate, out of which the absolute majority merited an inspection due to OHS shortcomings. The workplaces visited were quarries, animal feed stores, , pet shops, cold stores, detergent shops, manufacture/packaging of products of animal origin 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 2022, 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 2022 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 2022.

### 2 Amendments to the Carcinogens and Mutagens at Work Regulations

The European Commission proposed the addition of a 4<sup>th</sup> batch of carcinogens to the Carcinogens and Mutagens Directive in 2021. This proposal specifically aims to improve workers' health and safety protection by reducing occupational exposure to three carcinogenic substances or groups of substances, namely acrylonitrile, nickel compounds and benzene. After several discussions between Member States and the European Commission, consensus has been reached and this amendment was officially adopted in the first quarter of 2022.

At a national level, the drafting of this amendment will be finalised by the end of 2023 and by the beginning of April 2024 this EU Directive will be transposed into national legislation.

### 3 Inspection of Lifts Regulations

OHSA continued discussions with the Malta Competition and Consumer Affairs Authority (MCCAA) regarding amendments to the Inspection of Lifts Regulations, L.N. 231/2007, and significant progress was made during 2022. The principal regulations



are issued jointly 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 MCCA and OHSA, with the latter being responsible for the implementation of the regulations at workplaces. The amendments mainly concern the frequency of inspections and the obligation to send a copy of the reports to the authorities.

It is anticipated that the amended regulations will be published during 2023.

OHSA has also participated in discussions with MCCA on the proposed standard concerning photovoltaic installations, with OHSA contributing by providing information on those OHS measures intended to protect installers which will be included in the standard.

## 4 Amendments to the Asbestos Directive

During the third quarter of 2022, the European Commission proposed the amendment of Directive 2009/148/EC on the protection of workers from the risks related to exposure to asbestos at work. The main objective of the amendment being proposed is to make the occupational exposure limit value (OELV) under the asbestos directive more effective by updating it on the basis of scientific expertise, as well as to achieve a more uniform and better protection of workers across the EU against asbestos.

Discussions between Member States and the European Commission are currently in process and agreement has to be reached before this Directive is implemented.

## 5 Amendment to the Criminal Code

An accident causing death or grievous injury at a workplace gives rise to a so-called '*in genere*' Magisterial Inquiry in terms of article 546 of the Criminal Code and to a separate investigation by the Occupational Health and Safety Authority in terms of article 9 of the Occupational Health and Safety Act. The factual basis of both exercises namely the inquiring Magistrate and the OHSA and the legal and technical issues which they consider, overlap extensively. Despite this, the Inquiry and OHSA's investigations are often held separately and independently of each other, increasing the risk of arriving at different or conflicting conclusions. Furthermore, separate investigations necessitate a duplication of time and effort, since access to and examination of the incident site, as well as the hearing of witnesses occur separately.

This issue has also been raised in the past, and reported as a main concern, following evaluations of OHSA carried out by the Senior Labour Inspectors Committee, on behalf of the EU Commission.

The Ministry for Public Works and Planning and the Ministry for Justice have, after discussions on the matter, agreed to propose that an amendment be made to article 546 of the Criminal Code, so that when a Magistrate conducts an inquest relating to an industrial accident about which the OHSA is also entitled to hold an investigation the Magistrate will inform the OHSA about the inquest and to allow it to participate in its proceedings.

This measure should expedite the conduct of such inquests and avoid unnecessary duplication of work with possible conflicting outcomes. It should also increase the value of the final report of the inquest by ensuring a balanced spectrum of expertise.

## 6 A New Act for Occupational Health and Safety

A lot of work has been carried out by OHSA in preparing substantial amendments to the Principal Act for Occupational Health and Safety. Although the Act served its purpose well, as evidenced by the progress achieved by OHSA over the twenty years or so of its existence, it needs to be amended to reflect the changing world of work and to clear any provisions which could have given rise to misinterpretations. The draft amendments will include a revision of the judicial system, so that minor contraventions which would have received a fine from OHSA, will be heard by an *ad hoc* tribunal, rather than being heard by the Courts in those cases where fines remain unpaid.

The Ministry intends to launch a White Paper on the proposed amendments during the second quarter of 2023.



## 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 budgets €6,000 per annum for its collective training fund.

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 2022 staff development totalled 368 hours, which is an increase of 49% over last year's. In addition, all members of staff continuously receive ICT updates, guidelines and support for a more efficient and secure use of ICT.

### 2 Recruitment

As at 31<sup>st</sup> December 2022, the total human resource complement stood at thirty-five (35), including three persons seconded from Engineering Resources Ltd (ERL) and two persons on loan from Resource Support & Services Ltd (RSSSL). Efforts at recruiting were unsuccessful except for the securing of 2 replacements in January. 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 had 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 workflow 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 expired in December 2022. Management held several meetings with the union representatives, under the auspices of the Industrial Relations Unit and line ministry, with a view to finalise the new agreement governing relations with technical and support staff as soon as possible.

### 4 ICT Infrastructure

Considerable improvement in terms of administration, data storage and infrastructure continued during the period under review. Throughout 2022 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.

During 2022, OHSA continued its preparation to launch a tender for the development of a management information system for the inspectorate division. Discussions were held with the Ministry of Health's procurement unit (CPSU), the IMU-Health and MITA to draw up the tender documentation prior to the launch of this procurement. Eventually, OHSA was transferred to another Ministry following the General election and fresh discussions were held with the new Ministry. The tender preparation was conducted by OHSA under the direction of the Sectoral Procurement Directorate and led to the publication of the tender during Q4 of 2022. The tender offers will be evaluated in Q1 of 2023.

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 over the next 2 financial years.

### 5 Use of Premises

During the period under review, the Authority maintained a cautious approach with the use of its premises and sustained 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.

## 6 Equal Opportunities and Gender Mainstreaming

OHSA includes gender mainstreaming and ensures equal opportunities in its employment policies and activities as the OHS regulator in Malta. OHSA 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, working remotely as necessary. Seven of ten female personnel at OHSA are benefiting from a combination of such measures while one male employee is afforded long-term light work 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 Integrity Promotion, Awareness and Assessment for Public Employees

OHS Officers and support staff 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. 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 General Enforcement Aspects (GEA)

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.

The mandate of this WG was revised by SLIC during 2021 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 an online meeting of this WG held in April 2022 and in a physical meeting held last September. Besides one participating delegate, who is also the Chair of this WG, another member of OHSA was also tasked with assisting the Chair in minute keeping and other ancillary activities. Three Task Groups set up by this WG continued the assigned tasks previously agreed. The Chair and / or assistant also attended all the meetings of the Task Groups.

### 3 Labour Inspection Network and Information Exchange System (KSS)

Having a 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 investigation is a central theme of SLIC. In this regard, SLIC developed the 'Knowledge Sharing Site' (KSS) - an online platform that serves as the main vehicle to enable Member States to share with each other through their knowledge and experience, the required information and solutions to address certain obstacles faced by Member States themselves.

Every Member State has a national coordinator and a deputy. In the case of Malta, such positions are fulfilled by OHSA through its appointed persons. Since its very first day of establishment, the SLIC-KSS platform has proved to be a valuable resource for Labour Inspectorates so much so that questions dealing with various issues pertaining to OHS have been posted - even at the time of this writing - on a regular basis. Being a multidisciplinary field - one which encompasses a large number of disciplines and numerous workplace and environmental hazards - the questions pertaining to OHS issues would undoubtedly address various issues and areas.

In general, questions are mostly technical or legal based and some may require intensive research and information. For the large part, the questions generally featured in this platform are of a technical and, or legal nature with some even requiring intensive research and information. In certain cases, some issues would also have been experienced by certain Member States. Hence, the KSS platform also serves as an exceptional means of educational support.

### 4 SLIC Thematic Days

The SLIC Thematic Day held virtually in May 2022 during the French Presidency discussed methods for evaluating the impact of Labour Inspectorate actions in the field of occupational health and safety. Participants discussed the process leading to the development of a strong targeting policy, and various possible qualitative indicators that could be used to measure effectiveness. This Thematic Day reaffirms the ongoing discussion at EU level highlighting the difficulties in identifying suitable indicators.

During October 2022, OHSA participated in the SLIC Thematic Day held virtually under the Czech Presidency, entitled 'The impact of occupational accidents and diseases

from an enforcement perspective: an analysis of occupational risks and their effect on the society.' Apart from presenting a number of good practice examples from across the Member States, a number of group discussions focused on the challenges and obstacles during investigations of occupational incidents, the prevention of occupational diseases, and risk rating systems for companies considered high risk.

## 5 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.

## 6 OiRA and IRAT Community Meeting

Three meetings were held online. The first was an information session from the OiRA team to outline the training feature in the OiRA tools. This feature provides a training presentation to the user and issues a certificate upon completion.

A second meeting was organised by the European Agency OiRA team to launch the new Agriculture OiRA tool developed at EU level. This tool is aimed to be used by all Member States and can be translated and adapted to other national legislations. An overview of the tool was presented. The tool covers a wide range of risks related to the Agricultural sector, including machinery and work equipment, hazardous substances, handling animals as well as psychosocial risks.

In the third meeting, participants were given information from the Agency and its contractor on the new features developed for the OiRA tools. The provision of the



certificate online is already available and so is the training function. The newest function being developed was presented. This allows the person doing the risk assessment to share it with another user or organisation. This multiuser function allows different users to access and give input to the same tool.

## 7 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 22<sup>nd</sup> 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 2022 ACSH held two plenary meetings as well as two other meetings of the different interest groups, with all four meetings being attended by the OHSa representatives 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.

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

Back to back meetings of the Seveso SEG and CCA were held on the 23<sup>rd</sup> June. These were attended online. A seminar on subcontracting and subcontractor qualifications was held on the previous day. Subcontractors are employed extensively in Seveso establishments and unfortunately, they were involved in 3.5% of accidents in the period

2015 - 2021. It was emphasised that works entrusted to subcontractors must be well planned and communicated so that they are aware of their responsibilities and any constraints. Subcontractors must also be qualified with the required technical expertise and trained. Operators should monitor the activities of the subcontractors to ensure compliance to the establishment's protocols.

The CCA meeting focussed on Article 27 of the Seveso III Directive. Coincidentally 2022 was the 40<sup>th</sup> anniversary of the original Seveso Directive first published in 1982. The EU Commission informed the participants of the revision of the reporting to the databases of eSPIRS and eMARS. These are being redeveloped and new reporting systems will be effective in 2026. There will be an integration with other reporting obligations by different entities. The SEG meeting provided information on the Terms of Reference of the group. The German delegate presented information on the accident in a waste plant in Leverkusen last year in which seven people were killed. Possible reasons which led to the explosion were discussed and recommendations to prevent similar accidents were suggested. Presently there are 11,396 Seveso sites in the EU, with Malta having the least number of sites at 10 but having the highest concentration of Seveso establishments. Further information on lessons learnt from industrial accidents and about the activities of the Major Accidents Bureau was presented. The Commission reported that it has opened fifteen infringement procedures against Member States (not Malta) for incorrect or inadequate transposition.

## 9 Technical Working Group for Seveso Inspections (TWG2) and Mutual Joint Visits (MJV)

The TWG2 organised a webinar in February on Ageing and Primary Containment Maintenance on Seveso and other Hazardous sites. This was a direct result of the Mutual Joint Visit for Seveso Inspectors organised by the European Commission's Joint Research Centre (JRC) together with the Maltese Occupational Health and Safety Authority and the subsequent publication of the Good Practice Report by the Major Accident Hazards Bureau entitled 'Risk Management and Enforcement on Ageing Hazardous Sites'. During this webinar, various issues related to ageing were discussed, including corrosion, pipe failure, underground services, obsolescence of technology and cybersecurity. Ageing affects multiple systems ranging from mechanical, civil engineering, electrical and electronic systems to procedures, documentation, communication and software. Participants from other Member States presented cases of a number of accidents and near misses as a result of ageing of equipment and management systems.

The online MJV meetings focused on the implementation of Article 14 of the Seveso III Directive which deal with Information to the Public. Besides being a legal requirement, the public has a moral and legal right to be informed so that in the event of a major accident, the public would know how to respond. In local legislation, it is the operator of a COMAH establishment who is responsible to provide this information and keep it updated. The information should be simple and effective providing adequate information on the appropriate behaviour. Challenges faced by industry and authorities in providing the appropriate information to the right persons were also discussed. Some operators may be reluctant to provide certain information about potential major-accident scenarios. Some Member States have web applications where the operator has to fill in the information as required by the directive, and this would then be made available to the public online.

## 10 SLIC WG MACHEX

A meeting was held online in March to discuss responsibility for modifications required to be carried out on machinery which is already CE marked. This discussion followed a spate of accidents in Portugal involving hydraulic press brakes. The WG agreed to seek information through the Knowledge Sharing Site on current practices within the Member States.

## 11 Occupational safety and health stocktaking Summit

In preparation for the May 2023 OSH Stocktaking Summit which will be organised by the European Commission in collaboration with the Swedish Presidency, a preparatory workshop was held online in December 2022. The workshops have, and will be attended by an OHSA representative.

A second workshop will be organised in February 2023. The aim of these workshops is to gather data and present the situation on different OSH topics, look at national good practices, and identify the most important areas for improvement and approaches for the future.

The stocktaking summit gathering the EU institutions, Member States, social partners, the EU-OSHA and other relevant stakeholders, will draw on the lessons learned and recommend any necessary redirection of the EU OSH Strategy.

## 12 EP Petition

OHSA was informed that Petition No 0495/2021 by Christopher Stott (British) on the application of health and safety measures in the construction industry in Malta was filed with the European Parliament. The **</TITRE>**petitioner claimed that “the construction industry in Malta does not comply with health and safety standards at the detriment of the construction workers while criticising the lack of action by the government to ensure effective protection of the safety of construction workers”. He called on the European Parliament to carry out an investigation into this problem and thus ensure that basic health and safety standards be enforced in the construction industry in Malta.

Whereas the Petition was declared admissible on the 9 August 2021, OHSA was only informed officially of this Petition in January 2022 following information provided by the Commission Services to the Parliament. The Commission also intimated that it will be seeking more information from the local authorities; subsequently requested information regarding occupational fatalities in construction, the circumstances of such accidents, and the measures taken by national authorities (specifically OHSA) in controlling the health and safety of workers in the construction sector.

OHSA provided an extensive reply to the Commission’s queries. Following a first assessment of the statistical data and information provided, the Commission services requested some further clarifications, to which OHSA promptly replied. Based on the information provided, the Commission services still need finalise their assessment of the issues raised in the petition.

## 13 Participation in Local Boards and Committees

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

- **The Commission for the Protection from Ionising and Non-Ionising Radiation** was setup during 2018, and a member of OHSA was appointed on this Commission to represent the interests of OHS.
- **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)**, is a forum where matters related to the construction industry are discussed. OHSA, being an active stakeholder in the construction industry, participates primarily on issues related to OHS.
- Following the reconstitution of the Council in March 2022, OHSA also started participating in the Education and Research working group, whilst remaining active in the Advisory Board and the Building Regulations working group. During 2022, OHSA actively participated in discussions related to the Health and Safety Cards Regulations, as well as the proposed legislation to regulate Construction Project Managers.
- OHSA also has a representative on the **Pesticide Control Board** and the **Plant Protection Board**.



## F

## Freedom of Information, Corporate Governance and General Data Protection

### 1 Freedom of Information Act

OHSA maintains the necessary structures and has the necessary systems in place according to the FOI Act. Throughout 2022, OHSA received 4 FOI requests which were handled within the time limit imposed by the Act in so far as information held by OHSA is involved. The requests dealt with OHSA investigations and contracts of, or for service.

### 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 control 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

During 2022, a complaint was lodged with the Information and Data Protection Commissioner pursuant to article 77(1) of the General Data Protection Regulation<sup>1</sup> alleging that the Occupational Health and Safety Authority unlawfully disclosed complainant's postal address to a third party when summoning him in relation to construction site issues and where he is acting as the Project Supervisor, and that it did not provide him with a data protection policy at the time of submitting the Construction Notification Form, which the Project Supervisor is legally obliged to submit to OHSA. OHSA replied in full to the Commissioner's request for information.

The Commissioner decided that the processing of the personal data pertaining to the complainant did not cause any unreasonable and unwarranted level of interference with the fundamental rights and freedoms of the complainant, and thus, any risks were deemed to be very minimal or non-existent. However the Commissioner deemed it fit to issue a reprimand to OHSA for failing to provide information about the processing activity at the time of collection of the complainant's personal data.

OHSA took immediate steps and reviewed its procedures and policies concerning data collection and storage, to the satisfaction of the Commissioner.

## G

## Financial Review - 2022

The Occupational Health & Safety Authority registered a surplus of €146,720 for the year ended 31 December 2022, compared to a surplus of €62,147 in 2021.

The government subvention was a major contributor to this increase in surplus over the previous year. The subvention granted in 2022 was of €1,225,000, a revised amount from €1,400,000 committed by government following an expenditure review co-ordinated by the new line Ministry for Public Works and Planning. In 2021, only €1,042,500 was granted as a subvention. The Authority generated an income of €198,612 in administrative fines and other fees, when in 2021 the income amounted to €286,255, a decrease of €87,643 or 30%. This decrease in the administrative fines arose from the issue of 467 fines in 2022 as compared to 780 fines issued in 2021. The outstanding Administrative Fines as at the end of the year stand at €66,400 (€99,650 in 2021). It is the policy of the Authority to fully provide for the outstanding dues.

Staff costs amounted to €1,015,968 (€1,113,817 in 2021) a decrease of 9%. In early 2022, two employees departed to the newly set up Commission for Protection from Ionising & Non-Ionising Radiation. The operating expenses accumulated to €274,181 (€166,527 in 2021). The contributing factors to this increase were the costs of the twentieth anniversary conference held in November and the expenditure on the upgrades performed in the Authority's office building. Travel abroad costs were introduced following a moratorium of two years.

The total expenditure of the Authority in 2022 accumulated to €1,290,149, an increase of €9,805 over the expenditure of €1,280,344 incurred in 2021.

A capital vote of €100,000 allocated in this year's financial estimates was partially absorbed by the purchase of computer equipment and some standalone air conditioning units to relieve the ailing system commissioned in 2004.

The financial position of the Authority strengthened from a net asset position of €1,144,684 in 2021 to €1,206,831 in 2022.



## Outlook for 2023

The Occupational Health & Safety Authority is poised to continue its trend of positive financial results in 2023. The Authority has received a recurrent government grant of €1,500,000, which is an increase of €100,000 from the previous year. OHSA has also been allocated €20,000 for capital projects, part of other funds previously committed by the Ministry of Finance for the development of a Management Information System, estimated at €138,503. These funds which were allocated for 2021/2022, were not utilised since the relative tender could not be issued for technical reasons.

OHSA plans to continue the implementation of the HR Business Plan, which will involve the engagement of 43 members of staff over a three-year period. The Authority's expenditure on personal emoluments is expected to exceed €1.3 million as the staff complement increases with a Chief Operating Officer, three positions at management level, and ten other positions earmarked to strengthen the following sections: Construction, General, Chemical, Policies & Programmes, Communications and Corporate Services. It is intended that the staff complement continues to be strengthened in 2024 and 2025. During the year, collective agreement negotiations for the technical and support staff as well as those for the managerial grades may come to a conclusion. During 2023 the authority's operational expenses are expected to reach €328,854.

The Budgeted Income and Expenditure Account for the period 1<sup>st</sup> January 2023 - 31<sup>st</sup> December 2023 is being published as Annex 2.

The audited Financial Statements of the Authority are being published as Annex 3.

## Annex 1: Key Activities Carried Out by OHSA

### January 2022 - December 2022

	Total
Workplace visits	4,387
Equipment certificates vetted (3338 lift reports, 379 cranes, 60 boilers, 384 forklift trucks and 725 other work equipment)	4,886
Construction site notifications received	1,736
Asbestos removal project notifications	61
Staff development (person hours)	369
Number of administrative fines issued	462
Monetary value of fines issued	€177,000
Judicial proceedings initiated	218
Awareness raising (person hours)	1,423
Course participants	138

## Annex 2: Budgeted Income and Expenditure Account

### 1<sup>st</sup> January 2023 - 31<sup>st</sup> December 2023

	€	€
<b>Income</b>		
Government recurrent grant	1,500,000	
Awareness raising campaigns	6,600	
Competent person register	2,400	
Administrative fines	166,000	
<b>Total Income</b>	<b>1,675,000</b>	
<b>Personal Emoluments</b>		
Staff Salaries		1,008,603
Honoraria to OHSA members		42,173
NI Contributions		76,221
Overtime / Allowances / Statutory Bonuses		209,346
<b>Total Personal Emoluments</b>		<b>1,336,343</b>
<b>Operational Expenses</b>		
Utilities		24,255
Material & Supplies		37,231
Repair & Upkeep		35,495
Rent		28
Office Services		41,642
Transport		61,203
Travel		10,000
Information Services		20,000
Contractual Services		73,000
Professional Services		18,000
Training and CPD		6,000
Hospitality		1,500
Incidental Expenses		500
Depreciation		14,000
Transfers from government capital grants		(14,000)
<b>Total Operational Costs</b>		<b>328,854</b>
<b>Contributions and Initiatives</b>		
Appeals Board		2,000
Social Partners' Fund		5,000
<b>Total Contributions/Initiatives</b>		<b>7,000</b>
<b>TOTAL OPERATIONAL COST</b>		<b>1,672,197</b>
<b>Budgeted Surplus</b>		<b>2,803</b>

Expenditure on personal emoluments reflects the financial packages at 2023 rates, and do not take into account any possible increases due following the termination of negotiations on OHSA's two Collective Agreements.

For 2023, OHSA has been allocated €20,000 for capital projects, which will be added to other funds previously committed by the Ministry of Finance for the development of a Management Information System (€138,503).



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

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

25<sup>th</sup> January 2023

**Re: Audited financial statements for  
the year ended 31<sup>st</sup> December 2022**

Dear Sir,

Following our audit for the year ended 31<sup>st</sup> December 2022, we have reviewed the audit file in order to find weaknesses which we could include in a management letter. Our scope of reference is the financial aspect of the Authority, any weaknesses as regards organisation, administration and policy is beyond our scope of reference. Hence in our opinion no management letter is necessary for the year ended 31<sup>st</sup> December 2022 since we are happy as regards the financial aspect of the Authority. In particular the Authority ended the year with a surplus of Eur 146,720 and a net assets position of Eur 1,353,551.

Yours faithfully

Mr. Christopher Spiteri

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

## Occupational Health & Safety Authority

### Financial Statements

Year ended 31st December 2022

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#### Schedule :

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



## Occupational Health &amp; Safety Authority

## Chief Executive Officer's Report

Year ended 31st December 2022

The chief executive officer presents herewith the annual report together with the audited financial statements for the year ended 31st December 2022.

## 1 PRINCIPAL ACTIVITY

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

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

## 2 RESULTS

The results for the year ended 31st December 2022 are shown in the income and expenditure account on page 4. The surplus for the financial year was Eur 146,720.

## 3 POST BALANCE SHEET EVENTS

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

## 4 CHIEF EXECUTIVE OFFICER

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

## 5 AUDITOR

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

Signed on behalf of the members on  
by :

Dr. Mark Gaudi  
Chief Executive Officer

17, Triq Edgar Ferro,  
Pieta' - PTA 1533

Perit David Xuereb  
Chairperson

## Occupational Health &amp; Safety Authority

## Statement of Authority's Responsibilities

Year ended 31st December 2022

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

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

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

Signed on behalf of the members on

by:

Dr. Mark Gaudi  
Chief Executive Officer

Perit David Xuereb  
Chairperson

**Auditor's Report****To the members of Occupational Health & Safety Authority**

Year ended 31st December 2022

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

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

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

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

**Basis of opinion**

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

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

**Opinion**

In my opinion, the financial statements give a true and fair view of the state of the Authority's affairs as at 31st December 2022 and of the results of its operations and its cash flows for the year then ended and have been properly prepared in accordance with International Financial Reporting Standards as adopted by the EU and comply with the Occupational Health and Safety Act, 2000.

**CHRISTOPHER SPITERI B.A. (HONS) Accty, F.I.A., C.P.A.**

Registered Auditor

Date: 25-Jan-23

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Cospicua Road,  
Paola- PLA 1902  
Tel : 21488239 /21493759  
Fax : 21499573  
E-mail: chris\_spiteri@mlta.com

**Occupational Health & Safety Authority****Income and expenditure account**

Year ended 31st December 2022

	Note	2022 Eur	2021 Eur
<b>Income</b>	<b>3</b>	<b>1,436,869</b>	<b>1,342,491</b>
<b>Expenditure</b>			
Staff costs	<i>Schedule a</i>	(1,015,968)	(1,113,817)
Other operating expenses	<i>Schedule b</i>	(274,181)	(166,527)
		<u>(1,290,149)</u>	<u>(1,280,344)</u>
<b>Operating surplus for the year</b>	<b>4</b>	<b>146,720</b>	<b>62,147</b>
<b>Surplus for the year</b>		<b>146,720</b>	<b>62,147</b>
<b>Accumulated fund brought forward</b>		<b>1,206,831</b>	<b>1,144,684</b>
<b>Accumulated fund carried forward</b>		<b>1,353,551</b>	<b>1,206,831</b>



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## Occupational Health &amp; Safety Authority

## Balance sheet

31st December 2022

	Notes	2022 Eur	2021 Eur
<b>Fixed Assets</b>			
Tangible assets	5	873,933	855,817
		<u>873,933</u>	<u>855,817</u>
<b>Current assets</b>			
Debtors	6	9,915	2,888
Cash in hand and at bank	7	1,169,478	1,030,800
		<u>1,179,393</u>	<u>1,033,688</u>
<b>Creditors : amounts falling due within one year</b>	8	(63,415)	(64,430)
<b>Net Current Assets</b>		<u>1,115,978</u>	<u>969,258</u>
<b>Total assets less current liabilities</b>		1,989,911	1,825,075
<b>Deferred income - Government capital grants</b>	9	(636,360)	(618,244)
<b>Net Assets</b>		<u>1,353,551</u>	<u>1,206,831</u>
<b>Financed by:</b>			
Accumulated fund		1,353,551	1,206,831
		<u>1,353,551</u>	<u>1,206,831</u>

Signed on behalf of the members on

Dr. Mark Gauci  
Chief Executive Officer

by :

Perit David Xuereb  
Chairperson

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## Occupational Health &amp; Safety Authority

## Cash flow statement

Year ended 31st December 2022

	Note	2022 Eur	2021 Eur
<b>Cash flows from operating activities</b>			
Operating surplus for the year		146,720	62,147
Adjustments for:			
Depreciation		<u>13,257</u>	<u>13,736</u>
<b>Operating surplus before working capital movements</b>		159,977	75,883
Movement in debtors		(7,027)	4,489
Movement in creditors		<u>(1,015)</u>	<u>(8,260)</u>
<b>Cash generated from operations</b>		<u>151,935</u>	<u>72,112</u>
<b>Net cash generated from operating activities</b>		<u>151,935</u>	<u>72,112</u>
<b>Cash flows from investing activities</b>			
Payment to acquire tangible assets		<u>(31,373)</u>	<u>(2,040)</u>
<b>Net cash used in investing activities</b>		<u>(31,373)</u>	<u>(2,040)</u>
<b>Cash flows from financing activities</b>			
Government capital grants		<u>18,116</u>	<u>(13,736)</u>
<b>Net cash flows from financing activities</b>		<u>18,116</u>	<u>(13,736)</u>
<b>Movement in cash and cash equivalents</b>		138,678	56,336
<b>Cash and cash equivalents at the beginning of the year</b>		1,030,800	974,464
<b>Cash and cash equivalents at the end of the year</b>	10	<u>1,169,478</u>	<u>1,030,800</u>

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

31st December 2022

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

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

**2 Principal accounting policies**

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

**Accounting convention**

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

**Tangible assets**

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

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

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

**Debtors**

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

**Government grants**

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

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

31st December 2022

**Note****3 Income**

Income receivable is represented by :

	2022 Eur	2021 Eur
Government recurrent grants	1,225,000	1,042,500
Recharges and miscellaneous income	198,612	286,255
Government capital grants (note 9)	13,257	13,736
	<u>1,436,869</u>	<u>1,342,491</u>

**4 Operating surplus for the year**

	2022 Eur	2021 Eur
The surplus on operations is stated after charging:		
Members' remuneration	40,116	38,024
Auditor's remuneration	1,098	1,098
Depreciation	<u>13,257</u>	<u>13,736</u>



## Occupational Health &amp; Safety Authority

## Notes to the financial statements

31st December 2022

Note

5 Tangible assets	Property improvements Eur	Property improvements Eur	Computer equipment Eur	Office equipment Eur	PABX system Eur	Furniture & fixtures Eur	Motor vehicles Eur	Soft furnishings Eur	Lift Eur	PV panels/EES system Eur	AC system Eur	Total Eur
Cost - beginning of year	373,760	463,853	255,337	5,820	19,888	44,149	36,369	5,558	46,268	68,791	4,721	1,324,514
Additions new this year	-	-	26,432	-	-	-	-	-	-	-	4,941	31,373
Additions second hand this year	-	-	-	-	-	-	-	-	-	-	-	-
Revaluations	-	-	-	-	-	-	-	-	-	-	-	-
Disposals this year	-	-	-	-	-	-	-	-	-	-	-	-
Cost - at end of year	373,760	463,853	281,769	5,820	19,888	44,149	36,369	5,558	46,268	68,791	9,662	1,355,887
Acc.depreciation - start of year	-	-	248,332	4,976	19,756	33,926	36,369	5,558	46,268	68,791	4,721	468,697
Charge for the year	-	-	9,997	281	132	2,023	-	-	-	-	824	13,257
Disposals	-	-	-	-	-	-	-	-	-	-	-	-
Acc.depreciation - end of year	-	-	258,329	5,257	19,888	35,949	36,369	5,558	46,268	68,791	5,545	481,954
Net book value end 2021	373,760	463,853	7,005	844	132	10,223	-	-	-	-	-	855,817
Net book value end 2022	373,760	463,853	23,440	563	-	8,200	-	-	-	-	4,117	873,933

## Occupational Health &amp; Safety Authority

## Notes to the financial statements

31st December 2022

Note

6 Debtors	2022	2021
	Eur	Eur
Debtors	770	1,650
Prepayments	1,345	1,238
Payments in advance	7,800	-
	9,915	2,888
7 Cash in hand and at bank	2022	2021
	Eur	Eur
Bank	1,168,986	1,030,691
Petty cash	492	109
	1,169,478	1,030,800
8 Creditors : amounts falling due within one year	2022	2021
	Eur	Eur
Suppliers	60,416	61,316
Accruals	2,775	2,353
VAT payable	224	511
Advance deposits	-	250
	63,415	64,430
9 Deferred income - Government capital grants	2022	2021
	Eur	Eur
Government capital grants represent funds available to the Authority for the purchase of tangible fixed assets as follows:		
Received from Central Government - beginning of year	1,095,164	1,095,164
Received from Central Government this year	31,373	-
Government capital grants available to date	1,126,537	1,095,164
Transfer to income - beginning of year	(476,920)	(463,184)
Transferred to income this year	(13,257)	(13,736)
	636,360	618,244
Government capital grants have been utilised as follows:		
Capital expenditure - beginning of year	1,095,164	1,095,164
Capital expenditure during the year	31,373	-
Unutilised funds	-	-
	1,126,537	1,095,164
10 Cash & cash equivalents as at the end of the year	2022	2021
	Eur	Eur
Cash in hand	492	109
Net bank balance	1,168,986	1,030,691
	1,169,478	1,030,800



## Schedule a ; b

## Occupational Health &amp; Safety Authority

## Schedule

Year ended 31st December 2022

	2022 Eur	2021 Eur
<b><u>Schedule (a) - Staff costs</u></b>		
Members' remuneration & allowances	40,116	38,024
Staff salaries	971,535	1,073,321
Staff uniforms	1,614	238
Staff training	1,460	87
Staff welfare	250	83
Continued professional development	993	2,064
	<u>1,015,968</u>	<u>1,113,817</u>

**Schedule (b) - Other operating expenses**

Advertising	8,064	2,498
Car hire	21,965	21,965
Travelling expenses	5,258	-
Rent	28	28
Legal & professional fees	95,710	49,969
Stationery, printing and postage	10,474	9,811
Telecommunications	23,842	15,952
Water & electricity	11,404	10,824
Repairs & maintenance	27,044	19,959
Motor vehicles running expenses	15,718	16,176
Transport expenses	2,098	1,599
Audit fee	1,098	1,098
Events & conferences	36,889	554
Depreciation	13,257	13,736
Bank charges	1,114	1,009
General expenses	-	795
Sponsorships	218	554
	<u>274,181</u>	<u>166,527</u>

