

Administrative Instrument on the Protection of Workers from Heat Stress on Construction Sites

OCCUPATIONAL HEALTH AND SAFETY AUTHORITY

Administrative Instrument No. 2 of 2025

Our Ref: OHSA/ADMIN INST/02/2025

23rd of July 2025

Preamble

The Occupational Health and Safety Authority (OHSA) is issuing this Administrative Instrument in furtherance of its mandate under Chapter 646 of the Laws of Malta and specifically, in accordance with Article 17 of the Health and Safety at Work Act.

Therefore, whilst OHSA acknowledges that work in construction entails a higher risk to the wellbeing of workers and whilst OHSA endeavours to offer higher surveillance on the occupational health and safety protective measures being taken by the duty holders in terms of the prevailing health and safety at work legislation, it is publishing this administrative instrument with the aim of introducing statutory requirements in relation to the protective and preventive measures to be taken in regard to all construction workers working in direct sun light.

1. Citation

This instrument may be cited as the Administrative Instrument for the better protection of construction workers and self-employed persons, working in direct sunlight and their protection from a high UV index, particularly during the peaks of high sun intensity.

2. Commencement

This Administrative Instrument shall come into force on the 23rd of July 2025.

3. Interpretations

"Act" means the Health and Safety at Work Act (Chapter 646 of the Laws of Malta);

"Administrative Instrument" means such instruments in accordance with Article 17 of the Act which are required to discharge the Authority's functions and shall include any order, directive, protocol, guideline, explanatory memorandum, information circular, including notices, or other publication issued by the Authority;

"Authority" means the Occupational Health and Safety Authority as established by Article 4 of the Act;

"construction site" means any construction site at which building or civil engineering works are carried out, a non-exhaustive list of which is given in Schedule I of the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites Regulations), S.L. 646.25 (L.N. 88 of 2018)¹;

"client" means any natural or legal person for whom a project is carried out in terms of the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites Regulations), S.L. 646.25 (L.N. 88 of 2018);

"duty holder" means any person who has a duty or obligation to fulfil and, or the responsibility to ensure that a duty or an obligation is fulfilled by virtue of any requirement of this Act or of subsidiary legislation;

"project supervisor" means any natural or legal person responsible for the health and safety supervision of a project, appointed by a client in terms of the Work Place

¹ as from the 7th of September 2025, L.N. 88 of 2018 will be replaced by L.N. 52 of 2025.

(Minimum Health and Safety Requirements for Work at Construction Sites)
Regulations S.L. 646.25 (L.N. 88 of 2018);

"Tribunal" means the Health and Safety Tribunal as established by Article 23 of the Act.

4. Scope

The protection of workers and self-employed persons from heat stress on Construction Sites.

5. Applicability

This Administrative Instrument applies to all duty holders involved in construction work-related activities in direct sunlight.

6. Regulatory Measures and Requirements pursuant to this Administrative Instrument

6.1 Whereby as per Reg. 10 (1) of the General Provisions for Health and Safety at Work Places Regulations, 2003 (S.L. 646.11) every employer and self-employed person shall carry out or ensure that a risk assessment concerning all aspects of the work activity is carried out and that all the necessary control measures are in place to safeguard the health and safety of workers working in direct sunlight, the following regulatory measures and requirements are hereby being issued by the Authority in terms of this Administrative Instrument:

- 6.1.1. The provision of hydration stations with an adequate supply of drinking water.
- 6.1.2. Workers to be allowed regular hydration breaks as necessary in identified cool down areas, taking into consideration the nature of work being carried out, the size and nature of the site.

- 6.1.3. The provision of shelters for workers such as, but not limited to, tents or screens or other measures reducing exposure to UV levels where possible.
- 6.1.4. The provision of adequate sunscreen (e.g. creams) which are high in SPF.
- 6.1.5. The encouragement of workers to wear light clothing and, or other clothing protecting against risks from heat and, or sun where possible. Provided that this shall not prejudice the use of personal protective clothing needed as per the risk assessment. The practice of allowing shirtless workers on site shall be prohibited.
- 6.2. The protective and preventive measures shall also take into account other factors concerning environmental, personal and working conditions; all of which may influence heat tolerance, and which shall also be included as applicable in the risk assessment.
- 6.3. In the event that the ambient temperature reaches or exceeds 40 degrees Celsius, as officially reported by the Meteorological Office at the Malta International Airport, the project supervisor shall, in consultation with the respective duty holders, assess the prevailing site conditions and ensure that appropriate protective and preventive measures are implemented to safeguard the health and safety of workers. These measures may include, but are not limited to, the provision of shaded rest areas, increased hydration breaks, rescheduling of tasks, or the partial or temporary suspension of works in direct sunlight where deemed necessary.
- 6.4. Whereby, without prejudice to the general duties imposed on employers and self-employed persons, it shall be the duty of the appointed project supervisor to ensure that these measures are in place and implemented by

the relevant duty holder in the applicable sites and to where the provisions of this Administrative Instrument may apply, including by encouraging the scheduling of work activity in cooler hours to ensure compliance with this Instrument.

- 6.5. Exemption from the requirements of clause 6.3 shall only be allowed if such works are of National Interest, in which case more stringent measures shall be recommended by the appointed project supervisor and implemented by the relevant duty holder. A record of such exemptions, their justification and the more stringent measures implemented shall be kept in writing by the project supervisor.

7. Non-Exhaustive Legal Provisions

The General Duty of Care

Article 12(1) of the Health and Safety at Work Act imposes a duty on the employer to *“ensure the physical and psychological wellbeing of his workers at all times and of all persons who may be affected by the work being carried out for such employer at their workplace”*.

All responsibilities and obligations stated in the Health and Safety at Work Act, and any of the subsidiary legislation under this Act must be adhered to.

The General Principles under the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites Regulations), S.L. 646.25 (L.N.88 of 2018) and under the General Provisions for Health and Safety at Work Places Regulations, 2003 (S.L. 646.11) are included.

The statutory provisions applicable to employers are also imposed on self-employed persons by virtue of Article 16 of the Act.

Pursuant to Item 7 of Schedule IV (Part A) of the Work Place (Minimum Health and Safety Requirements for Work at Construction Sites Regulations), S.L. 646.25 (L.N. 88 of 2018), the temperature during working hours shall be appropriate for human beings, having regard to the working methods used and the physical demands placed on the workers.

8. Further Provisions

The Authority may, from time to time, vary, establish additional conditions, procedures, requirements, changes, limitations, or other necessary amendments to the binding instrument regulating occupational health and safety-related measures.

9. Appeals and Review Process

Any person who may feel aggrieved by the applicability of this Administrative Instrument may appeal before the Tribunal, on email: appeals.hst@gov.mt within 20 working days, in accordance with the procedure established by the same Tribunal.

Signed by:



Dr Josianne Cutajar

Chief Executive Officer

Occupational Health and Safety Authority