

Administrative Instrument on the Protection of Workers from Extreme Weather Conditions

OCCUPATIONAL HEALTH AND SAFETY AUTHORITY

Administrative Instrument No. 0 of 2026

Our Ref: **OHSA/ADMIN INST/0x/2026**

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 outdoor work entails heightened risks during adverse weather conditions, and whilst OHSA endeavours to provide enhanced oversight of occupational health and safety measures undertaken by duty holders, it is publishing this Administrative Instrument to introduce statutory requirements for the protection of all workers and self-employed persons engaged in outdoor work, including, but not limited to construction work related activities, maintenance, civil engineering, landscaping, work at heights, maritime activities, road works and any other activities involving work undertaken outdoors.

1. Citation

This Instrument may be cited as the Administrative Instrument for the Protection of Workers and Self-Employed Persons from extreme gale-force conditions and red alert weather warnings.

2. Commencement

This Administrative Instrument shall come into force on the **0/2026**.

3. Interpretations

- i. **“Act”** means the Health and Safety at Work Act (Chapter 646 of the Laws of Malta).
- ii. **“Administrative Instrument”** means any instrument issued under Article 17 of the Act to discharge the Authority's functions, and shall include orders, directives, protocols, guidelines, explanatory memoranda, information circulars, notices, or other publications issued by the Authority.
- iii. **“Authority”** means the Occupational Health and Safety Authority as established by Article 4 of the Act.

- iv. **“Client”** means any natural or legal person for whom a project is carried out as per LN 52/2025
- v. **“Duty holder”** means any person who has a duty or obligation under this Act or subsidiary legislation, or the responsibility to ensure that such a duty or obligation is fulfilled.
- vi. **“Project supervisor for Health and Safety Matters”** means any natural or legal person responsible for health and safety supervision of a project or outdoor work activity, appointed by a client in accordance with applicable regulations.
- vii. **“Tribunal”** means the Health and Safety Tribunal established by Article 23 of the Act.
- viii. **“Red Alert Weather Warning”** means dangerous weather is expected and likely that there will be a risk to life, with substantial disruption to travel, energy supplies and possibly widespread damage to property and infrastructure.
- ix. **“Outdoor work”** means work carried out outdoors, including, but not limited to, construction work related activities, maintenance, civil engineering, landscaping, work at heights, maritime activities, road works and any other activities involving work undertaken outdoors.
- x. **“worker” means** any person employed by an employer to perform work, or who provides a service to another person under a contract of service or for service, whether such contract is in writing or otherwise, and includes a trainee, an apprentice, a volunteer, who were it not for the lack of remuneration, would essentially be undertaking responsibilities akin to those of a paid employee and a self-employed person, but shall not include the crew of a ship or an aircraft registered in Malta or any other person employed thereon as part of the ship or aircraft’s complement.

4. Scope

This instrument has been issued under the provisions of Part IV of the Act to ensure adequate health and safety standards at work. It addresses the protection of all workers and self-employed persons engaged in outdoor work during-extreme weather conditions.

Any interpretation made in regard to the contents of this Instrument shall reflect the principles and spirit of the Act.

5. Applicability

This Administrative Instrument applies to all duty holders responsible for outdoor work whenever adverse weather conditions prevail, including:

- i. Gale-force winds exceeding Force 9–10.
- ii. **Red Alert Weather Warning in relation to extreme storms** issued by the Meteorological Office.

6. Obligations pertaining to self-employed persons

Pursuant to Article 16 of the Act, the statutory provisions applicable to 'employers' shall also apply to a self-employed person.

7. Legislative Provisions

Below is **a non-exhaustive list** of legal provisions which apply to matters relating to adverse weather conditions. Other duties may apply:

- 7.1 General Duty of Care (Employer) – Art.12(1) of the Act.
- 7.2 General Principles of Prevention – Art.12(2) of the Act.
- 7.3 OHS Management – Reg.4 of S.L.646.11
- 7.4 Risk Assessment – Reg.10 of S.L.646.11
- 7.5 Vulnerable Worker – Reg.17 of S.L.646.11
- 7.6 Provision of information – Reg.12 of S.L.646.11
- 7.7 Workers' consultation and participation – Reg.13 of S.L.646.11
- 7.8 Training – Reg.14 of S.L.646.11
- 7.9 Falling objects – Item 4 of S.L.646.27
- 7.10 Work at Height – Item 5 of S.L.646.27
- 7.11 Scaffoldings and ladders – Item 6 of S.L.646.27
- 7.12 Work on roofs – Item 14 of S.L.646.27
- 7.13 Workstations – Reg.21 of S.L.646.08
- 7.14 General Duty of Care (Workers) – Art.15 of the Act
- 7.15 Obligations pertaining to self-employed persons – Art.16 of the Act

7.16 General Duties of the Project Supervisor for Health and Safety Matters – Reg.11 - 16 of S.L.646.27

7.17 General Duties of the Client – Reg. 3 – 7 of S.L.646.27

8. Regulatory Measures and Requirements

The following regulatory measures and requirements are hereby being issued by the Authority in terms of this Administrative Instrument:

8.1 Pre Phase – Preparedness/prevention.

Every workplace which is at risk of such weather must have the following in place

- i. **Risk Assessment** - Identify environmental factors that present an increased risk during extreme weather conditions, including but not limited to high wind exposure, work at height, work near the coast, transport, maritime, aviation and other activities where wind conditions may significantly elevate risk.
- ii. Duty holder must ensure that they have a **contingency plan for such circumstances**.
- iii. **Preparation** - Areas to be inspected and cleared from any material which may be affected by high winds such as but not limited to, unsecured temporary/permanent structures, scaffoldings (covering aspects of: incomplete erection/installation, additional ties to secure scaffold stability and prevent scaffold collapse), falling objects (materials which may be blown away), lifting equipment (ensure stability and issues which may prejudice structural safety).
- iv. **Vulnerable workers** – Persons requiring additional supervision and protection due to conditions involving issues pertaining to age, pregnancy, language barrier, etc..
- v. **Training, information and supervision** – Additional measures in relation to training, information, instructions and supervision.
- vi. **Emergency measures** – Measures in relation to the evacuation of workers and/or assistance in cases requiring medical attention/removal from worksites.
- vii. **On-site monitoring** – Continuous monitoring of site conditions to ensure that workers remain protected from hazards arising from extreme weather.
- viii. **Clothing and Personal Protective Equipment (PPE)** – Proper layering and provision of proper PPE.
- ix. **Engineering and Administrative Controls** – Implementation of suitable controls, including but not limited to the protection of workstations from extreme weather, reduction of exposure time, rotation of workers, and other administrative or engineering measures necessary to minimise risk.

8.2 During adverse extreme weather

Once clause 5 is in force the following steps must be implemented:

- i. Activating the contingency plan.
- ii. Stop all outdoor work, including any works on roofs, scaffolding, elevated walkways, or any temporary structures.
- iii. Secure or remove all loose materials, tools, equipment, and temporary structures.
- iv. Ensure signage, site communications, and warning systems reflect current weather conditions.
- v. Always maintain clear emergency access/egress.
- vi. Exercise caution near trees, power lines, areas visibly in danger of collapse and temporary structures.
- vii. Advise workers to plan travel carefully, allow extra time, and remain alert for debris or falling objects near entry points, car parks, and site perimeters.
- viii. Tower cranes or similar lifting equipment must be left free to slew when unattended and must not have suspended loads and chains attached to them.
- ix. Isolate all electrical power sources that may be affected.

8.3 Post storm

Once the relevant competent Authority lifts the weather warning alert:

- i. In case where the risk assessment does not provide for works during and post extreme weather conditions and/or in case where the situation has resulted in changes in the working environment/conditions, duty holders shall review and update all risk assessments to address such situations/ new conditions. Hence the duty holders shall review the workplace to address any hazards identified as a result of the storm and its aftermath.
- ii. Duty holders shall immediately address any provisions in the risk assessment that provide for corrective and control measures during and post extreme weather conditions, in order to ensure the ongoing health and safety of workers and third parties.
- iii. Should such provisions be not made available in the preventive phase duty holders shall immediately address any corrective or control measures identified, in order to ensure the ongoing health and safety of workers and third parties.

- iv. Findings and relevant safety instructions by any duty holder shall be communicated to all workers prior to the resumption of works.
- v. Workers must immediately inform the employer and, or the workers with specific responsibility for the health and safety of workers of any work situation they have reasonable grounds for considering represents a serious and immediate danger to health and safety and of any shortcomings in the protection arrangements as a result of the extreme weather conditions.
- vi. Workers shall cooperate with the employer and with the workers' health and safety representative or representatives at work, on all matters relating to health and safety.
- vii. Worker shall not engage in any improper conduct or behaviour that is likely to endanger his own health and safety at work or that of any other person.
- viii. Duty holders shall ensure that all protective and preventive measures remain in place and shall maintain continuous monitoring of weather conditions.
- ix. Duty holders shall inspect all workplaces to identify any areas, structures, equipment or systems that may have been affected by the extreme weather conditions and inform responsible persons including but not limited (depending on the workplace) the Project Supervisor in case of a construction site.
- x. Project Supervisors shall inspect all sites to ensure that the necessary protective and preventive measures have been implemented and safety has been restored by the duty holder.
- xi. Works that have been stopped as a result of the provisions of this administrative instrument shall only recommence once confirmation has been received that weather conditions have reduced to safe levels, as determined by the competent authorities, and after being instructed that it is safe to do so by duty holders, after fully implementing all required control measures

8.4 Exemptions from these requirements shall only apply for any works that needs to be carried out related to civil emergencies, to ensure public order, and to provide for public and workers protection

8.5 This Administrative Instrument excludes those workers providing essential or emergency services, such as personnel working within the Civil Protection department, the Police and the Armed Forces, including activities relating to civil emergencies, public order, national security or operations by the military.

8.6 Under adverse but less severe weather conditions, caution must be exercised in accordance with directives issued by the competent authorities.

8.7 The Client shall take into account any directions given by the Project Supervisor for Health and Safety Matters and shall take all reasonable measures to ensure that duty holders abide by their obligations within the limits of their respective responsibilities.

8.8 The employer, the self-employed person, the worker, and the client shall take comply without undue delay, with the directions given by the designated person and, or external services appointed in terms of regulation 9 of the General Provisions for Health and Safety at Work Places Regulations, S.L.646.11.

9. Further Provisions

The Authority may, from time to time, vary, establish additional conditions, procedures, requirements, or amendments necessary to enforce occupational health and safety measures during inclement weather.

Pursuant to Article 12(7) of the Act, any measure required to be taken in the interest of health and safety at work by virtue of any provision of the Act or of any regulations made thereunder, including but not limited to, any administrative instruments, guidelines or warnings issued by the Authority shall not involve financial cost to the workers.

10. Appeals and Review Process

Any person who may feel aggrieved by the applicability of this Administrative Instrument may appeal to the Tribunal by email at appeals.hst@gov.mt within 20 working days from the date of publication, in accordance with the procedure established by the Tribunal.

For ease of information, Article 23(1)(a) of the Act provides that the Tribunal shall be competent to hear appeals brought by any person following decisions, orders, or administrative instruments issued by the Authority.