

Workers' Rights and Responsibilities

The right to a healthy and safe workplace

The Occupational Health and Safety Authority Act, Chapter 424 of the Laws of Malta lays down a general duty of care on employers to ensure the health and safety at all times of all persons who may be affected by the work being carried out for such employers. The general duty of care is further expounded through specific provisions laid down in subsidiary regulations.

The concept behind such 'duty of care' is based on the principle that workers, irrespective of whether being employed on a full-time, part-time or temporary basis, have a fundamental right to work in a healthy and safe workplace. Occupational health and safety legislation also provides for a number of obligations which every worker must adhere to.

Workers' Rights

Workers have the following rights:

- To working conditions which safeguard their health and safety.
- To be provided with adequate training on occupational health and safety.
- To be provided with comprehensive information on any matter pertaining to occupational health and safety.
- To be represented by a Workers' Health and Safety Representative (where the number of workers is deemed sufficient so as to permit the appointment of a representative) on matters pertaining to occupational health and safety.
- To work with equipment which is suitable for the work to be carried out or properly adapted for that purpose and which may be used without impairment to their health and safety.
- To be provided with adequate supervision.
- To not be placed at any disadvantage because of any action taken in the interest of occupational health and safety.



- To undergo health surveillance at regular intervals whenever the risk assessment required to be carried out by the employer reveals (i) an identifiable disease or adverse health conditions related to the work involved, and (ii) the likelihood that such disease or condition may occur under the particular conditions of work.
- To take the appropriate organizational measures and, or provide workers with appropriate means so as to avoid the need for the manual handling of loads whenever there exists a risk of injury, including injuries to the back as a result of such operations.
- To be provided with personal protective equipment free of charge. Personal protective equipment must be used when the risks cannot be avoided or sufficiently limited by technical means of collective protection or by measures, methods or procedures of work organisation, or as otherwise required by the general principles of prevention. Personal protective equipment must be in good working order and kept in satisfactory hygienic condition through the necessary maintenance, repair and replacements.
- To be provided with adequate and appropriate welfare facilities.
- To have rapid access to first aid provisions whenever needed.
- To not suffer any charge or deduction in wages in respect of anything done or provided in the interests of occupational health and safety.
- To be informed of any orders made in writing or inspection reports issued by the Occupational Health and Safety Authority.
- To make representations to the Occupational Health and Safety Authority if they consider that the measures taken, and the means employed by the employer are inadequate for the purposes of ensuring health and safety at work.
- To refuse to carry out work that may seriously endanger their health and safety.

Where the Occupational Health and Safety Authority issues an order in writing or an inspection report to an employer, a copy of such must be posted by the employer in a conspicuous place or places at the place of work where it is most likely to come to the attention of workers.



Workers' Duties

Besides having various rights intended to ensure their health and safety at work, workers also have the duty to take care as far as possible of their own health and safety as well as that of other persons who can be affected by their acts or omissions at work. In order to meet such duty, workers have to, among others:

- Co-operate with their employer, the Worker's Health and Safety Representative and the person assisting the employer in the measures required to be taken (often referred to as the company's Health and Safety Officer) on all matters pertaining to occupational health and safety. During construction activities, workers also have the duty to cooperate with the Project Supervisor (appointed by the Client to prepare the required occupational health and safety documentation, and to coordinate health and safety measures and actions during construction works). The term 'construction' may include, among others, plastering, tile laying, refurbishment and maintenance of buildings.
- Make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production.
- Make correct use of personal protective equipment.
- Refrain from disconnecting, changing or removing safety devices fitted to machinery, apparatus, tools, plant and buildings, and to use such safety devices correctly.
- Immediately inform their employer and workers with specific responsibility for the health and safety of workers of any work situation which workers may have reasonable grounds for considering that it represents a serious and immediate danger to health and safety and of any shortcomings in the protection arrangements.
- Refrain from any horseplay or take any risks at work which can endanger health and safety.



Disclaimer

The contents of these guidelines are intended for information and general guidance only. The rights and duties outlined in these guidelines are not exhaustive and do not constitute legal advice. The guidelines are not a substitute for legal or other professional advice.

For further information about occupational health and safety you may contact OHSa at:

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01 Oct – 15 Jun: Monday – Friday: 07:30 – 16:45

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In case of emergency, the Duty Office may be contacted after Office Hours on Tel: 99496786

