



PRESS RELEASE

HEALTH AND SAFETY IN CONSTRUCTION

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The Occupational Health and Safety Authority refers to photos that are intermittently posted on the media showing unsafe construction work practices and feels that it is opportune to clarify various misconceptions.

1. **Photos posted by media** – Whilst understanding the general interest of media and civic minded persons in reporting unsafe work practices to media and thus contributing in the prevention of accidents at work, unfortunately such approach will not reach the effectiveness desired if OHSA is not immediately informed. This is being said in view of the fact that most of the time, photos are published hours and even months after the occurrence of the unsafe work practice, hence leaving the same person/s being exposed to serious and imminent danger in particular when risks of falls from height are concerned. To this end, concerned persons are being urged to immediately inform OHSA in cases where unsafe working situations are noted. OHSA adopts a confidentiality reporting procedure in order to secure the confidentiality of the complainant.
2. **Occupational Health and Safety in Construction Sites** – The construction industry is undoubtedly considered as one of the most hazardous work environments, mainly due to the continuous changing of work situations and exposure to risks of falls from height. This can be also confirmed by the number of enforcement actions taken by OHSA in cases where breaches of occupational health and safety legislation have been noted. In view of this matter, OHSA is reminding all duty holders of the legal provisions laid down in the Occupational Health and Safety Authority Act XXVII of 2000 and in particular in L.N. 281 of 2004 – Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations.

L.N. 281 of 2004 lays down the minimum health and safety requirements for work at construction sites which shall be followed by a number of duty holders being the Client, Contractors, Project Supervisors and Workers themselves. The term “client” means any natural or legal person for whom a project is carried out and whom is vested with the most important legal provisions. One of the main duties of the client is to appoint a project supervisor for the design stage and a project supervisor for the construction stage. Such appointment shall be made in respect of every project. The client may assume such roles, however, in order to do so one must be competent in matters pertaining to occupational health and safety. In cases where work is scheduled to last longer than thirty working days and on which more than twenty workers are occupied simultaneously, or on which the volume of work is scheduled to exceed five hundred person-days, the Project Supervisor shall submit the Construction Notification Form to OHSA at least four calendar weeks before work starts. Project Supervisors are vested with a number of other duties which shall be followed in particular those pertaining to the compilation of the required occupational health and safety documents and the coordination of the implementation of the general principles of prevention and safety.

Being a complex subject, occupational health and safety requires the cooperation of stakeholders and duty holders. Healthier and safer workplaces can only be achieved if all duty holders recognise that it is in their best interest to adhere to their duties imposed by occupational health and safety legislation. Whilst recognising the pivotal role OHSA has to maintain compliance with occupational health and safety legislation, it would be unreasonable to expect OHSA to be physically present in all workplaces at all times. This has been reflected in the legislation both on a local and European level, where in the case of construction works, the client has been endowed with the main and ultimate responsibility to ensure the appropriate management of health and safety. This is also clearly reflected in L.N. 281 of 2004 which stipulates that the appointment of Project Supervisors (as laid down in the same legislation), does not relieve the client from his legal responsibilities.

On finding a breach of health and safety legislation, OHSA will take the necessary and appropriate legal action. It is worthy to point out that legal action will invariably be taken against clients. For this reason, it will be in the client's best interest to appoint reputable project supervisors and contractors who have the necessary capabilities and technical knowledge to perform well and safely the task to be entrusted to them. This essentially means that when evaluating quotations, the client should not automatically choose the cheapest one, unless it can be shown that adequate safety control measures will be taken.

- 3. Tougher penalties for breaches of Occupational Health and Safety legislation** – Whilst acknowledging the importance of establishing a risk preventive culture through education channels, OHSA is currently working on dramatically increasing the penalties to be handed out in cases where occupational health and safety legislation is being breached. This approach will be reflected in an increase in the maximum fines and imprisonment terms. The intention of such approach is to deter duty holders from breaching occupational health and safety legislation.

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