

Risk Management in Practice

Lecture Title:
Legal and Ethical Responsibilities in Risk Management

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Undergraduate Diploma in
Occupational Health and Safety

Welcome and Objectives

Summary: Discusses legal frameworks and ethical considerations in managing occupational risks.

Learning Objectives:

- Identify key legal obligations related to OHS.
- Understand ethical principles in risk management.
- Apply legal and ethical standards to workplace scenarios.



What causes harm to Malta workers?

Top three causes of Fatalities

1. Fall from a height
2. Struck by moving vehicle
3. Struck by moving, including flying/falling, object

Approx: 200 accidents

Top three causes of Major Injuries

1. Slips, trips and falls on the same level
2. Fall from a height
3. Injured while handling, lifting or carrying

Approx: 30,000 accidents

Top three causes of absences over 3 days

1. Injured while handling, lifting or carrying
2. Slips, trips and falls on the same level
3. Struck by moving, including flying/falling, object

Approx: 120,000 accidents

Preventing fatalities saves lives. Preventing injuries saves livelihoods. Both matter for a strong safety culture

The costs of poor standards of health and safety

1. Fatalities, injury, disease and harm
2. Increased absences, poor morale, high staff turnover
3. Financial losses
4. Reputation, prohibition and closure



Benefits to *employers* of good health and safety

1. Increased productivity
2. Increased profit
3. Happier and better motivated workforce
4. Less time off
5. Fewer problems with health and safety inspectors
6. Lower insurance premiums



Why is it significant within the context of Risk Management in Practice?

1. Ethical Responsibility: Goes BEYOND compliance—promotes fairness, transparency, and worker well-being.
2. Risk Prevention: Builds a proactive safety culture, reducing accidents and harm.
3. Protects Vulnerable Groups: Safeguards young, pregnant, disabled, and migrant workers.
4. Professional Credibility: Strengthens trust and decision-making in health and safety roles.
5. Global Relevance: Aligns with international standards for modern workplace



Where Does the Legal & Ethical responsibilities fit in Risk Management Systems?

1. Policy Level

- Legal requirements shape the Health & Safety Policy, ensuring compliance with Maltese law and EU directives.
- Ethical principles influence the vision and values of the organization.

2. Planning Stage

- Risk assessments must follow legal standards (Chapter 646, EU Framework Directive).
- Ethical considerations ensure fairness and transparency in identifying hazards.

3. Implementation

- Control measures must comply with regulations and respect workers' rights.
- Ethical duty ensures decisions prioritize safety over cost-cutting.

4. Monitoring & Review

- Legal obligations require audits and reporting.
- Ethical responsibility drives continuous improvement and stakeholder engagement.

5. Culture & Leadership

- Ethics underpin a positive safety culture encouraging reporting and participation.
- Legal compliance reinforces accountability and governance.

Importance of Legal Compliance in OHS

Protecting Workers and Employers

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Legal compliance safeguards employees and protects employers from liability and reputational harm.

Clear Responsibilities and Accountability

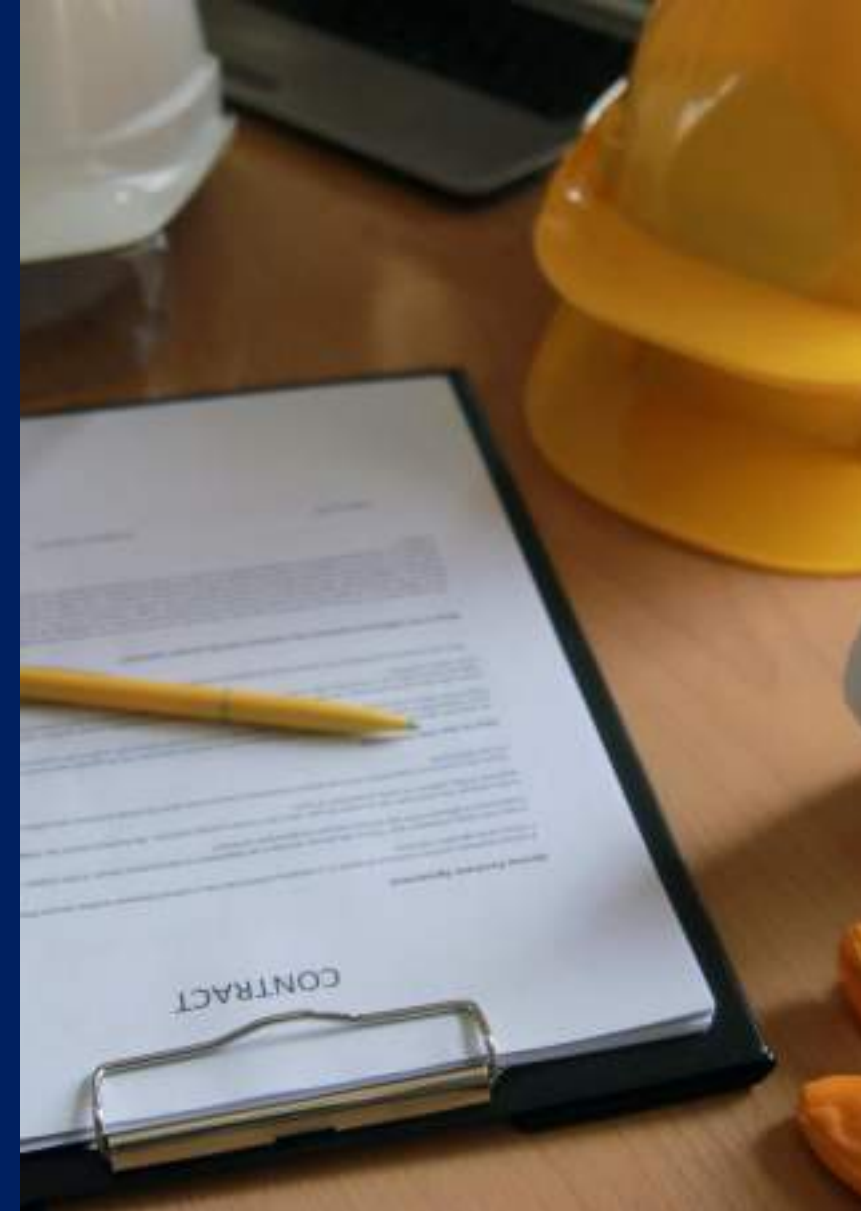
Compliance establishes clear roles and accountability to ensure preventive measures and risk mitigation.

Fostering Safety Culture

A culture of safety develops when all stakeholders understand their health and safety roles.

Ethical Commitment and Risk Management

Compliance reflects ethical practices and is essential to effective risk management strategies.



Link to EU Directives

Alignment with EU Standards

Malta's occupational safety laws closely follow EU directives to ensure consistent best practices across member states.

Workplace Safety Principles

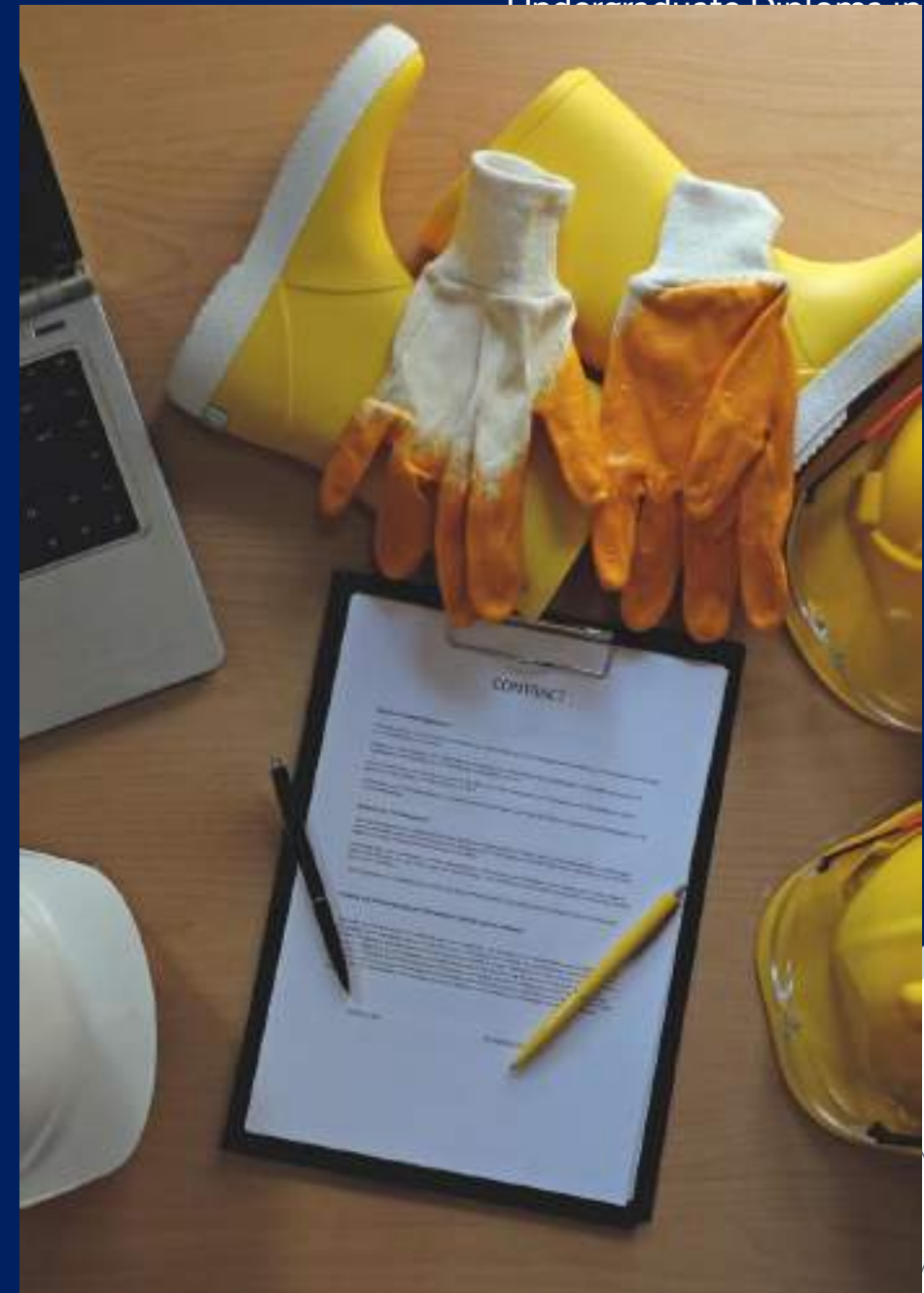
The Framework Directive 89/391/EEC promotes prevention, protection, and responsibility in occupational health and safety.

Harmonization Benefits

Harmonizing laws facilitates cross-border employment and ensures equal worker protection within the EU.

Continuous Improvement

EU directives emphasize risk assessment, worker involvement, and ongoing enhancement of safety practices.



Ethical Dimension in Compliance

Ethical Principles in Safety

Ethical principles like beneficence, justice, and autonomy guide safety decision-making beyond legal obligations.

Moral Duty of Employers

Employers must provide safe work conditions, adequate training, and mental health support to protect employees.

Building Trust and Communication

Ethical compliance fosters trust, improves communication, and increases hazard reporting among employees.

Enhancing Risk Management

Integrating ethics into compliance strengthens risk management and promotes humane workplace culture.



Core Legislation

ohsamalta.mt



Health and Safety at Work Act (Chapter 646)

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1. Comprehensive Worker Protection

The Act protects ALL WORKERS including contractors, volunteers, and self-employed, ensuring physical and mental well-being.

2. Risk Assessment and Prevention

Employers must conduct risk assessments and implement preventive safety measures to reduce workplace hazards.

3. Safety Representatives and Officers

The Act requires appointing safety representatives and Health and Safety Reporting Officers to ensure compliance and communication.

4. Enforcement and Compliance

Occupational Health and Safety Authority enforces regulations through inspections and penalties for non-compliance.



Subsidiary regulations: PPE, Young Workers, Exposure Limits

1. Personal Protective Equipment (PPE)

Employers must provide and maintain appropriate PPE free of charge to ensure worker safety.

2. Protection of Young Workers

Regulations restrict young workers from high-risk tasks and require extra supervision and training.

3. Exposure Limits to Hazards

Maximum allowable exposure to chemical, biological, and physical agents prevents long-term health effects.



Enforcement and Penalties



Role of OHSA Authority

1. Regulatory Enforcement

OHSA enforces workplace safety standards through inspections and investigations to ensure compliance with laws.

2. Authority and Powers

OHSA officers can enter workplaces unannounced, issue stop work orders, and question staff to maintain safety.

3. Guidance and Support

OHSA provides organizations with advice and support to implement effective health and safety measures.

4. Culture of Safety

OHSA's proactive role helps prevent accidents and promotes a safety culture across various sectors.



Fines and Prosecutions

1. Strict Penalties for Non-Compliance

Malta enforces administrative fines up to €20,000 for safety regulation violations to ensure compliance.

2. Criminal Prosecution and Imprisonment

Severe violations can lead to fines up to €50,000 and imprisonment for up to two years.

3. License and Permit Cancellation

The law permits cancellation of workplace licenses and permits following safety offences.

4. Promoting Safety Accountability

Penalties deter unsafe practices and encourage employers to uphold legal and ethical responsibilities.



Inspection Process

1. Types of Inspections

Inspections can be scheduled or unannounced based on workplace risks and compliance history.

2. Inspection Activities

Inspectors assess safety measures, review documentation, and interview workers and management.

3. Enforcement Actions

If violations are found, improvement notices or prohibition orders may be issued, or legal action taken.

4. Purpose of Inspections

Regular inspections ensure workplaces meet safety standards and promote continuous improvement in safety.



Employer Duties



Cooperate with employer

1. Legal Duty to Cooperate

Employees must follow safety procedures and participate in training to maintain a safe workplace.

2. Reporting Unsafe Conditions

Promptly reporting hazards and incidents helps prevent accidents and ensures a safer environment.

3. Use of Protective Equipment

Using personal protective equipment correctly is essential to reduce risks and protect workers.

4. Ethical Responsibility in Safety

Cooperation reflects respect for colleagues and promotes a culture of accident prevention.



Report Hazards Promptly

1. Employee Reporting Duty

Employees must promptly report hazards that pose serious and immediate risks to health and safety as required by regulations.

2. Importance of Prompt Action

Timely hazard reporting allows employers to take corrective measures and prevent accidents effectively.

3. Encouraging Open Communication

Employers must foster a safe environment where employees feel empowered to report hazards without fear of retaliation.



Why Ethics Matter in Risk Management?

1. Beyond Legal Compliance

Ethics ensure fairness and transparency beyond minimum legal standards in risk management practices.

2. Prioritizing Health and Safety

Ethical principles guide organizations to prioritize worker health, safety, and well-being proactively.

3. Addressing Emerging Risks

Ethical risk management tackles psychosocial hazards like stress and harassment beyond legislation.

4. Enhancing Reputation and Accountability

Ethical conduct builds trust, improves reputation, and ensures integrity in decision-making.



Legal vs Ethical Responsibilities

1. Legal Responsibilities in OHS

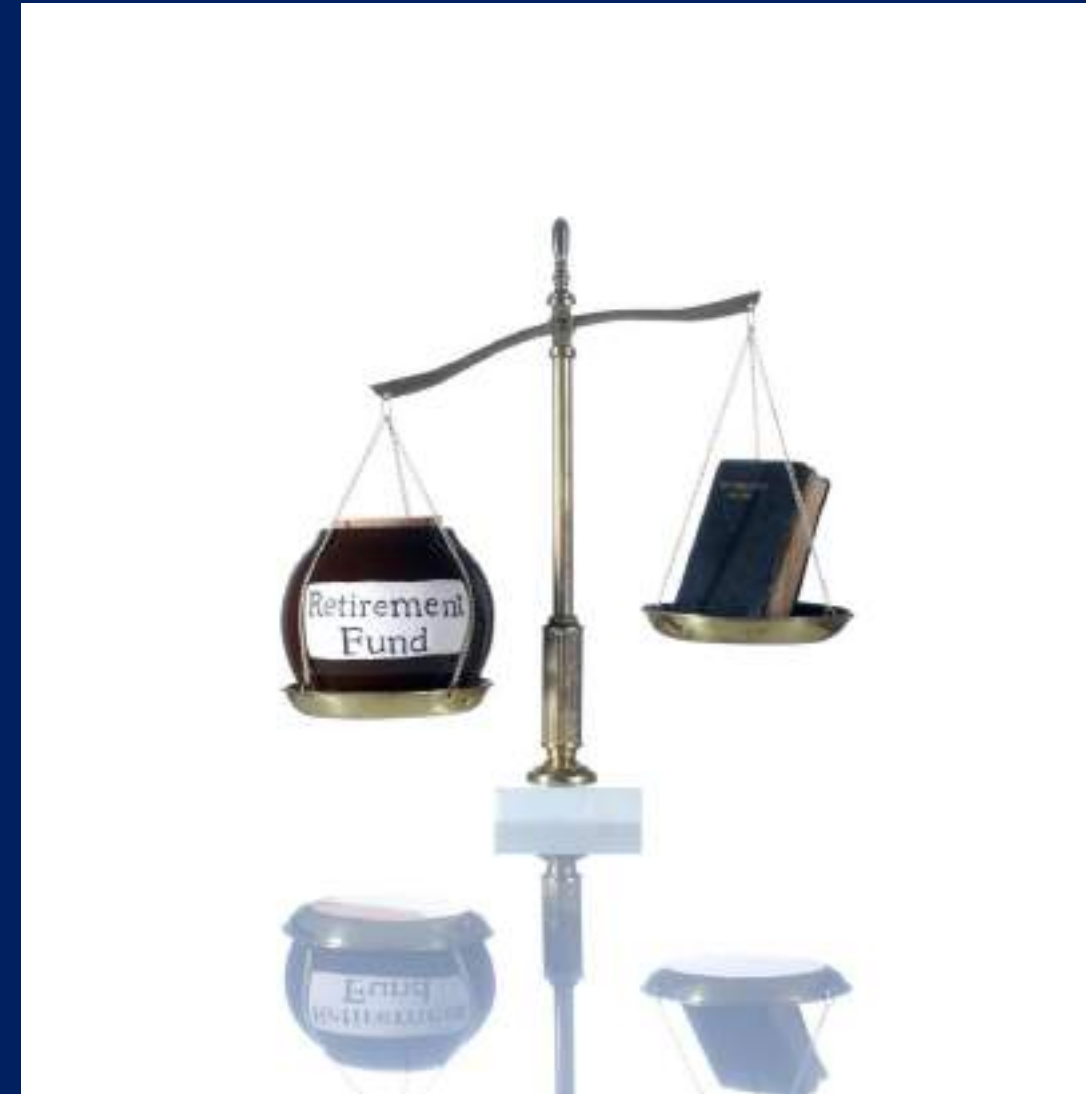
Legal responsibilities set minimum safety standards employers and employees must follow under national and EU laws.

2. Ethical Responsibilities Beyond Law

Ethical responsibilities include fairness, respect, and empathy that go beyond legal compliance in workplace safety.

3. Impact on Employee Well-being

Ethics promote a culture of care, inclusivity, and well-being beyond legal obligations in occupational health.



Core Ethical Principles



Beneficence

Promoting Worker Well-being

Beneficence means acting to promote health and well-being of employees in the workplace through proactive risk management.

Risk Identification and Mitigation

Employers must proactively identify workplace risks and implement measures to mitigate them to ensure safety.

Supporting Physical and Mental Health

Implementing ergonomic workstations and mental health support improves employees' physical and psychological welfare.

Benefits of Beneficence

Prioritizing beneficence boosts morale, productivity, and employee retention within organizations.



Non-Maleficence

Ethical Principle

Non-maleficence means avoiding harm and prioritizing safety in all workplace activities.

Risk Assessment

Conducting thorough risk assessments helps identify and mitigate potential hazards effectively.

Preventive Measures

Maintaining equipment and safe work practices prevents injuries and illnesses among employees.

Safety Culture

Upholding non-maleficence fosters a culture of safety and respect for human life.



Justice

Fairness in Risk Management

Justice ensures all workers are treated fairly with consistent safety measures across organization.

Protection for Vulnerable Groups

Special safety protections are provided to vulnerable workers like pregnant employees and workers with disabilities.

Equitable Access to Resources

Access to training, resources, and support is equitably provided to promote inclusivity and prevent discrimination.



Autonomy

Informed Decision-Making

Autonomy means workers receive clear hazard information to make informed safety decisions.

Employee Participation

Involving employees in safety planning fosters engagement and shared responsibility.

Right to Refuse Unsafe Work

Workers can refuse unsafe tasks without fear, promoting ethical workplace culture.

Building Collaborative Culture

Supporting autonomy enhances compliance and builds respectful, collaborative workplaces.



Accountability

Responsibility for Safety

Accountability requires taking responsibility for decisions and actions that impact workplace safety and risk management.

Incident Reporting and Corrections

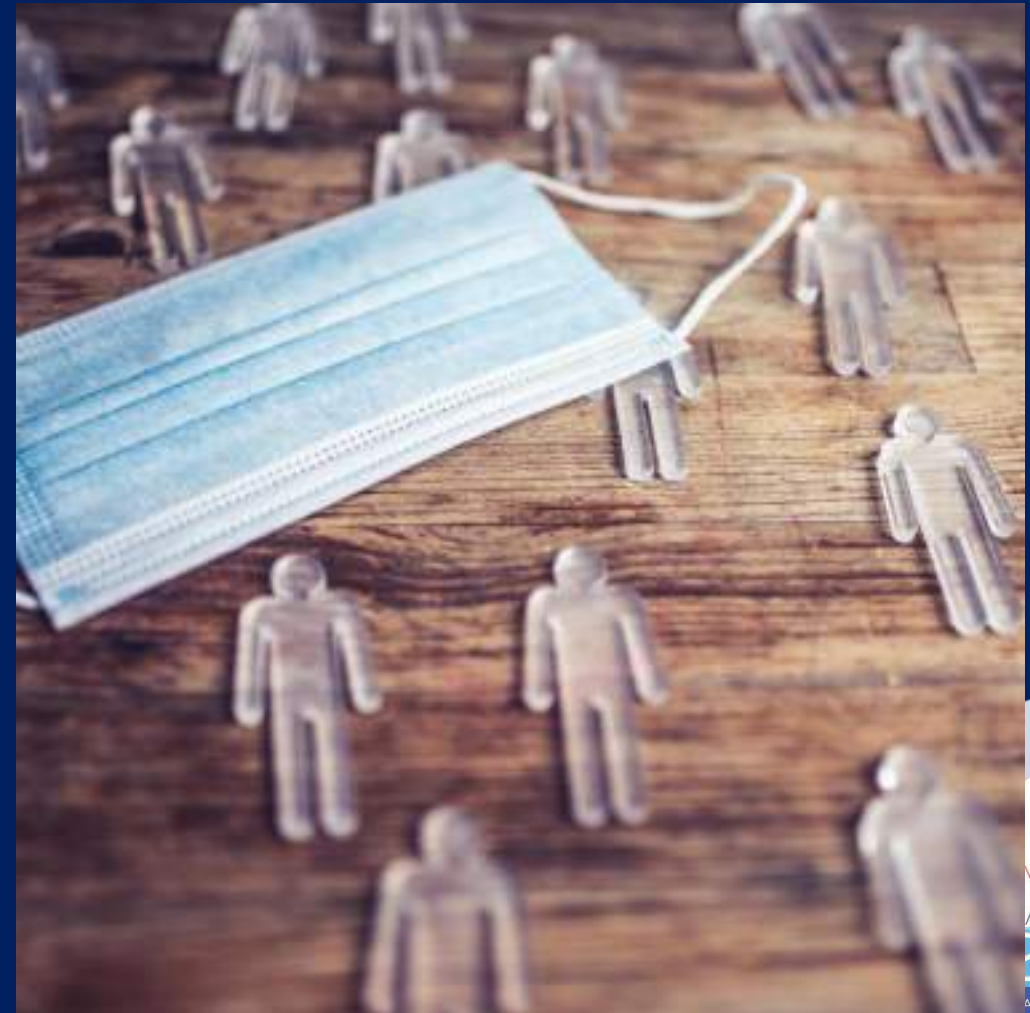
Effective accountability ensures incidents are reported, investigated, and corrective actions are promptly implemented.

Transparency and Communication

Ethical accountability involves transparent communication and an ongoing commitment to improving safety standards.

Building Trust and Safety

Fostering accountability helps organizations build trust, reduce risks, and enhance overall safety performance.



Ethical Foundations in EU and Maltese Legislation



EU Framework Directive 89/391/EEC

General Safety Principles

The directive sets principles like risk avoidance, risk evaluation, and combating risks at the source to ensure workplace safety.

Worker Rights and Training

Informs, consults, and trains workers to uphold autonomy and justice in occupational health and safety.

Continuous Improvement

Encourages member states to adopt stricter measures, promoting ongoing ethical responsibility in safety.



Integration of Ethics in Maltese OHS Law

Ethical Focus on Well-Being

The law highlights protection of physical and psychological well-being as fundamental ethical principles in workplace safety.

Prevention Policies Development

Employers must create coherent prevention strategies reflecting technological advances and social dynamics.

Worker Consultation and Transparency

Mandatory worker consultation and transparent safety practices promote justice, autonomy, and accountability.

Alignment with EU Directives

Malta's laws align with EU standards, showcasing commitment to ethical and legal risk management.



Practical Applications of Ethical Risk Management



Implementing Ethical Practices in the Workplace

Fair Risk Assessments

Conducting inclusive and fair risk assessments ensures all hazards are identified and addressed ethically.

Honest Communication

Transparent communication about workplace hazards fosters trust and ethical responsibility among employees.

Employee Empowerment

Empowering employees to participate in safety decisions promotes shared responsibility and ethical work culture.

Mental Health Support

Addressing psychosocial risks by promoting mental health support and preventing harassment protects employee welfare.



Ethical Decision-Making in Risk Scenarios

Stakeholder Impact Evaluation

Ethical decision-making prioritizes the safety and well-being of all stakeholders in risk management processes.

PPE Selection Criteria

Choosing PPE involves balancing cost, comfort, and suitability for a diverse workforce to ensure effective protection.

Ethical Leadership and Trust

Leaders must foster trust and protect employees from retaliation to encourage ethical reporting and compliance.

Balancing Compliance and Morality

Organizations must align legal compliance with moral responsibility for a values-driven approach to safety.



Case Studies and Ethical Dilemmas



Case Study: PPE Allocation

Legal Compliance Achieved

The company provided PPE to all employees, meeting legal safety requirements but not fully addressing user comfort.

Ethical Dilemma Identified

Management faced a dilemma between budget constraints and investing in higher quality PPE to ensure worker well-being.

Need for Beneficence

Ethical responsibility demands prioritizing worker safety and comfort, even if it requires additional costs.



Case Study: Reporting Systems and Trust

Challenges in Reporting

Workers hesitated to report hazards due to fear of retaliation, despite legal reporting systems.

Ethical Principles

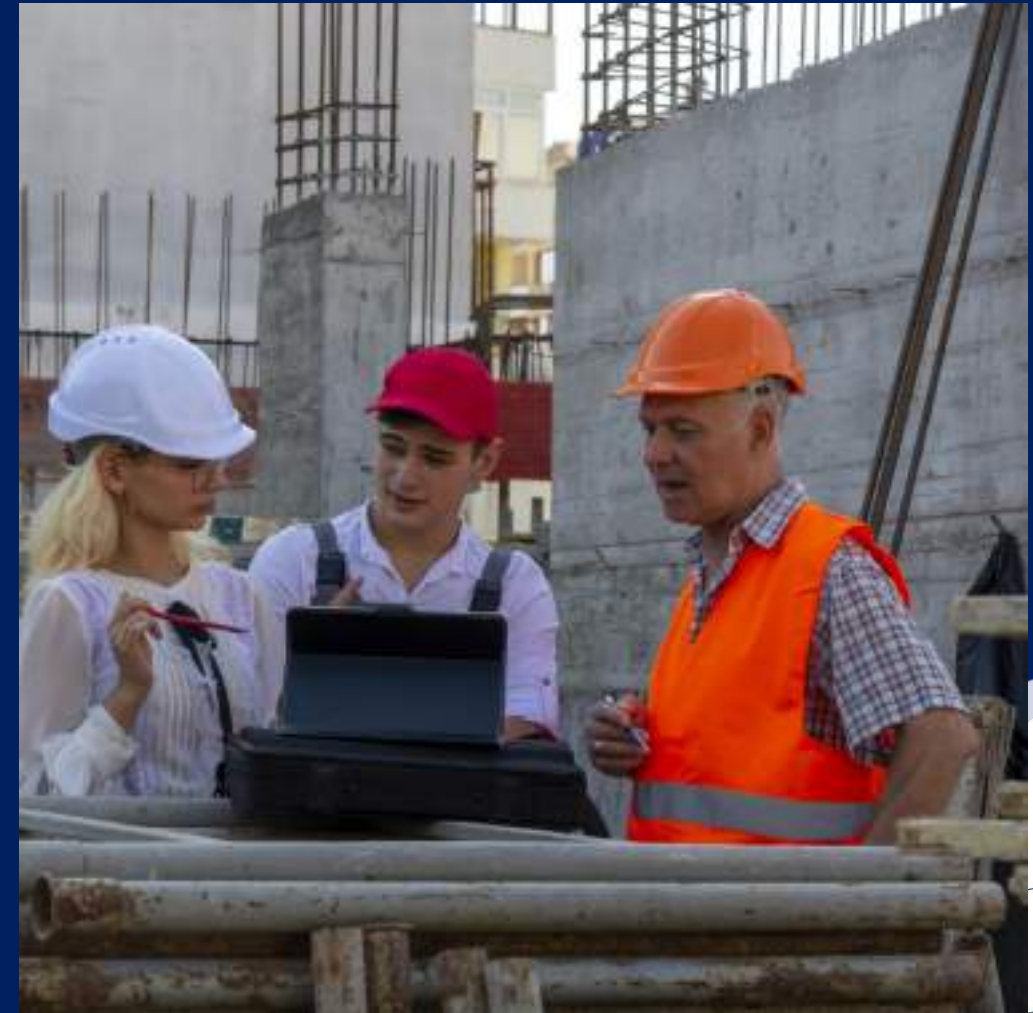
Autonomy and accountability are key ethical principles guiding hazard reporting and risk management.

Building Trust Culture

Creating a trust culture ensures employees feel safe to share concerns without fear of punishment.

Confidential and Supported Reporting

Reporting must be confidential, non-punitive, and backed by leadership to promote transparency.



Summary and Key Takeaways

Ethics in Risk Management

Ethical principles are crucial for enhancing workplace safety and complement legal compliance in risk management.

Core Ethical Values

Values like beneficence, justice, autonomy, and accountability guide responsible and compassionate organizational behavior.

Legal Frameworks

EU directives and Maltese laws emphasize psychological well-being, consultation, and transparency in organizations.

Practical Impact

Ethics-driven decision-making fosters a safety culture that protects workers, builds trust, and supports sustainability.



1. What is the difference between legal compliance and ethical responsibility in risk management?
2. Can you think of an example where something is legal but not ethical in workplace safety?
3. Why do you think ethics are important even when laws exist?
4. Which ethical principle means “do no harm”?

5. What does beneficence mean in risk management?
6. Who enforces health and safety laws in Malta?
7. Name one EU directive that influences Maltese health and safety law.
8. Which ethical principle ensures equal protection for all workers?

9. Give an example of autonomy in OHS.
10. What does accountability require from employers?
11. If a company meets legal standards but ignores mental health risks, is it ethical?
12. If an employer hides a hazard to avoid downtime, which principle is violated?



13. Why is transparency an ethical obligation in risk management?
14. What is an example of beneficence in workplace safety?
15. What is an example of non-maleficence in workplace safety?
16. Why do ethics help address emerging risks?



Next: Lecture 6: Risk Communication & Stakeholder Engagement

Focuses on effective communication strategies and stakeholder involvement in risk management.

Learning Objectives:

- Recognize importance of stakeholder engagement.
- Develop effective risk communication plans.
- Facilitate collaborative risk management processes.

