

INTRODUCTION TO LAW

Lecture 3 – The Subsidiary Legislation Part 1

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Undergraduate Diploma in
Occupational Health and Safety

Dock Safety Regulation – SL 646.02 LN 497 of 1953

- 3.(1) It shall be the duty of the person having the general management and control of a dock, wharf or quay, to comply with Part II:
- Provided that if any other person has the exclusive right to occupation of any part of the dock, wharf or quay, and has the general management and control of such part, the duty in respect of that part shall devolve upon that other person.
- (2) It shall be the duty of the owner, master, or officer in charge of a ship to comply with Part III
- (3) It shall be the duty of the owner of machinery or plant used in the processes, and in the case of machinery or plant carried onboard a ship not being a ship registered in Malta it shall also be the duty of the master of such ship, to comply with Part IV. In the case of machinery and gear in use on a ship not registered in Malta, the owner or master shall be deemed to have complied with Part IV in so far as they concern such machinery or gear if he produces to the satisfaction of the Authority for Transport in Malta a certificate of the competent authority purporting to show that tests substantially equivalent to those laid down in the Schedule have been carried out within the periods fixed in the regulations

Dock Safety Regulation – SL 646.02 – Part II

LN 497 of 1953

- 4.(1) Every area persons employed have to use for going to or from a working place at which the processes are carried on and every such working place on shore shall be maintained with due regard to the safety of the persons employed
- (2) Wharves and quays shall be kept sufficiently clear of goods & maintain clear passage.
- (3) Where any space is left along the edge of any wharf or quay, it shall be at least one metre wide and clear of all obstructions other than fixed structures, plants and appliances in use.
- (4) The following parts shall as far as practicable, having regard to the traffic and working, be securely fenced so that the height of the fence shall be in no place less than seventy-six centimetres, and the fencing shall be maintained in good condition for use:
 - (a) all breaks, dangerous corners, and other dangerous sparts or edges of a dock, wharf or quay;
 - (b) both sides of such footways over bridges, caissons, and dock gates as are in general use by person employed, and each side of the entrance at each end of such footway for a sufficient distance not exceeding four point five metres



Dock Safety Regulation – SL 646.02 – Part II LN 497 of 1953

- 5. Provision of items for rescue
 - : (a) a supply of life-saving appliances kept in readiness on the wharf or quay,
 - (b) means at or near the surface of the water enabling a person immersed to support himself or escape from the water
- 6. There must be sufficient light where persons are employed,
- 7. Adequate number of first aid boxes, stocked and marked & there must be an adequate number of first aiders 1:50



Dock Safety Regulation – SL 646.02 – Part III LN 497 of 1953

- If ship is laying in quay or wharf, there shall be a safe means of access. Ladder shall not be less than 56cm wide, properly secured, fenced throughout on each side to a clear height of eighty-four centimetres by means of upper and lower rails
- Provide safe means of access from one ship to another
- Where depth from level of the deck to the bottom exceeds 1.5mtrs, a safe means of access shall be provided
- Hatch covering shall be adequate and marked, and provided with hand grip

Dock Safety Regulation – SL 646.02 – Part IV LN 497 of 1953

- All lifting machinery shall have been tested and examined by a competent person in the manner set out in the Schedule before being taken into use (Schedule provides technical detail how tests are to be carried out)
- No chain, ring, hook, shackle, swivel or pulley block shall, ropes are to be used in hoisting or lowering unless tested by a competent person
- Ropes to be tested by a competent person once every 3 months
- Certificates to be kept on the premises
- Driver's platform to be securely fenced and provided with a safe means of access
- Any safe working loads to be visibly marked (crane, derrick, gantry, ropes, etc.)



Dock Safety Regulation – SL 646.02 – Part V LN 497 of 1953

- Other precautionary measures:
 - Machinery not to be overloaded
 - Persons under 16 cannot be employed as crane drivers or signaller
 - Clear passageway to be kept on quay
 - Provides for staging of cargo and shoring

Dock Safety Regulation – SL 646.02 – Part VI LN 497 of 1953

- Other precautionary measures:
 - Removal of fencing that is there for safety purposes prohibited
 - Provide safe means of access
 - No person shall go upon the fore and aft beams orthwart ship beams for the purpose of adjusting the gear for lifting them on and off nor shall any person authorise or order another to do so
- Part VII
- All machinery and gear to comply with the legislation
- If general management and control of dock fails to provide lighting, then it is the responsibility of the owner/master/officer to do so
- Any certificates related to machine on the ship shall be kept on the ship
- The Director of Labour shall appoint competent persons to issue certificates with regard to the safety of all machinery and other gear used in connection with the processes. The Director of Labour shall also fix the maximum amount that may be charged by such persons for any certificate or other service given by them – VALIDITY?
- shall be the duty of the Director of Labour to see that the provisions of these regulations are duly complied with



Breaches to Dock Safety Regulation – SL 646.02 LN 497 of 1953

Legislation	Refer- ence number of the breach	Description of breach	Administrative Penalty (Maximum) (€)
Dock Safety Regulations (S.L. 646.02)	2	Failure to certify machinery, gear, lifting machinery and other requirements as required by the Dock Safety Regulations.	1500
	3	Failure to keep and maintain a register containing tests and certificates.	1000
	4	Failure to be in possession of a written approval from an engineer and permission from the owner or his responsible agent, when the safe working load of a crane is exceeded.	1500

Work Place (Health and Safety and Welfare) Regulation – SL 646.03 LN 52 of 1986

- Every teagle opening or similar to be fenced with secured hand holds
- Confined areas to have adequate access/egress not less than 45cm long/40cm wide or 45cm diameter
- Must have respiratory apparatus when accessing confined areas, must have adequate ventilation and free from material that can give off dangerous fumes
- Take precaution to prevent explosions from gas, fumes, explosive/flammable substance
- No person may, without the approval of the Superintendent, employ or suffer to be employed any woman in, or expose any woman to:
 - (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on;
 - (b) the manipulation, treatment or reduction of ashes containing lead, or the melting of scrap lead or zinc;
 - (c) the manufacture of solder or alloys containing more than ten per cent of lead;
 - (d) mixing or pasting in connection with the manufacture or repair of electric accumulators;
 - (e) the cleaning of workrooms where any of the processes aforesaid are carried on; and
 - (f) any process involving occupational exposure to ionising or non-ionising radiation



Work Place (Health and Safety and Welfare) Regulation – SL 646.03

LN 52 of 1986

- It shall be the duty of any person who designs, manufactures, imports or supplies any article for use at work –
 - (a) to ensure, so far as is reasonably practicable, that the article is so designed and constructed as to be safe and without risks to health when properly used; and
 - (b) to take such steps as are necessary to secure that there shall be available in connection with the use of the article at work adequate information about the use for which it is designed and has been tested, and about any condition necessary to ensure that, when put to that use, it will be safe and without risks to health.
- (2) It shall be the duty of any person who manufactures, imports or supplies any substance for use at work –
 - (a) to ensure, so far as is reasonably practicable, that the substance is safe and without risks to health when properly used; and
 - (b) to take such steps as are necessary to ensure that there will be available in connection with the use of the substance at work, adequate information about the results of any relevant tests which have been carried out on or in connection with the substance and about any condition necessary to ensure that it will be safe and without risks to health when properly used

Work Place (Health and Safety and Welfare) Regulation – SL 646.03 LN 52 of 1986

- For the purposes of these regulations any accident arising out of or in connection with work which results either –
- (a) in the death of or a major injury to any person; or
- (b) in the case of an employee at work, in that employee being incapacitated for work for more than three consecutive days, excluding those days on which he is not expected to report for work;

shall be a notifiable accident and as such shall be reported to the Director.

Notification to be received within 7 days from date of accident

"Director" means the Director of Labour;



Work Place (Health and Safety and Welfare) Regulation – SL 646.03 LN 52 of 1986

- There shall be kept in every work place or in such place outside the work place as may be approved by the Director and Superintendent a register, called the general register, and there shall be entered in or attached to that register:
 - (a) the prescribed particulars as to every case of industrial accident and industrial disease occurring at the workplace of which notice is required to be sent to the Director and the Superintendent; and
 - (b) all reports and particulars requested by any other provision of these regulations; and
 - (c) such matters as may be prescribed.



Work Place (Health and Safety and Welfare) Regulation – SL 646.03 LN 52 of 1986

In any proceedings for an offence under these regulations consisting of a failure to comply with a duty or requirement to do something so far as is practicable or so far as is reasonably practicable, or to use the best practicable means to do something, it shall be for the accused to prove (as the case may be) that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement.

In the event of a contravention by any person of any of these regulations which expressly imposes any duty upon him, that person shall be guilty of an offence and the owner or the person in whose name the work place is carried on, as the case may be, shall not be guilty of an offence unless it is proved that he failed to take all reasonable steps to prevent the contravention. (2) Where an offence under these regulations is committed by a body or other association of persons, every person who, at the time of the commission of the offence, was a director, manager, secretary or other similar officer of such body or association, or was purporting to act in any such capacity, shall be guilty of that offence unless he proves that the offence was committed without his knowledge and that he exercised all due diligence to prevent the commission of the offence.



Breaches To - Work Place (Health and Safety and Welfare) Regulation

– SL 646.03

LN 52 of 1986

Work Places (Health, Safety and Welfare) Regulations (S.L. 646.03)	5	Failure to send a notification regarding an occupational disease unless a disease and, or obligation is elsewhere specified.	500
	6	Failure to send a notification regarding injuries or fatalities at work.	500
	7	Failure to keep a general register at the place of work.	500

Protection of Young Person at Workplaces Regulation – SL 646.04 LN 91 of 2000

- "young person" means a person under eighteen years of age, and includes a child and an adolescent
- Before engaging or offering work to any young person, an employer shall carry out an assessment of the occupational health and safety hazards which may be involved at the place of work, and such assessment shall be repeated whenever there is any major change in working conditions.
- In carrying out such an assessment, an employer shall take into consideration, as the case may be:
 - (a) the fitting-out and layout of the workplace and the workstation;
 - (b) the nature, degree and duration of exposure to physical, chemical and biological agents;
 - (c) the form, nature, range and use of work equipment, including any machine, apparatus, tool or device used at work, and the way in which they are handled;
 - (d) the arrangement of work processes and operations, and the way in which these are combined (organization of work); and
 - (e) the level of training and instruction given to the young person.#
- Where the assessment reveals a risk to a young person's health or safety, the young person shall be referred for examination by a medical practitioner, and such young person shall not be liable for any expenses incurred
- An employer shall inform the young person to whom work is to be assigned of the results of the assessments and of all the measures taken, or that are to be taken, concerning the protection of health and safety at work

Protection of Young Person at Workplaces Regulation – SL 646.04 LN 91 of 2000

- An employer shall ensure that any young person in his employ or to whom he has assigned work, is at all times adequately protected against any hazards which may result from the assessment referred to in the preceding regulation, and, in particular, shall ensure that the work assigned to the young person –
 - (a) is not beyond such young person's physical or psychological capacity; and
 - (b) does not involve any exposure to any of the chemical, physical or biological agents or to any of the processes listed in the Schedule, or to any other physical, chemical or biological agent which is toxic, carcinogenic, causes heritable genetic damage, causes harm to an unborn child or which in any other way chronically affects human health; and
 - (c) does not involve a risk of accidents which it may be assumed cannot be recognized or avoided by young persons owing to their insufficient attention to safety or lack of experience or training; and
 - (d) does not involve a risk to health from extremes of cold or heat, or from noise or vibration
- It shall be the duty of an employer who employs or gives out work to a young person to ensure that such young person is at all times:
 - (a) properly trained for the work assigned, taking into account any health and safety hazards which may be present; and
 - (b) supervised by a competent person who has been trained in the work activity assigned to a young person, including the use of tools, machinery and equipment, and who is aware of the risks involved and of the preventive measures to be taken

Protection of Young Person at Workplaces Regulation – SL 646.04 LN 91 of 2000

- An employer shall, before taking into his employment any young person, ensure that the young person has been examined by a medical practitioner, who shall certify that the young person is medically fit to carry out the work intended to be assigned to him. The employer shall further ensure that the young person is medically re-examined at least once every twelve months, or at any such other interval as directed by the Director:
- Provided that a parent or guardian of any young person shall have the right to be present during such medical examinations
- An employer shall keep a register at the place of work, in which shall be entered the name of the young person, his date of birth, the date on which he commences employment, the result of the medical examination, any condition or recommendation made by the medical practitioner, the name of the medical practitioner, the date when the next medical examination in respect of the young person examined is due, and the date on which such young person ceases to be employed



Protection of Young Persona at Workplaces Regulation – SL 646.04 LN 91 of 2000

- Non-exhaustive list of agents and processes of work to which young persons cannot be exposed
 - Physical agents (a) Ionizing radiation;(b) Work in a high-pressure atmosphere, e.g. in pressurized containers, diving.
 - Biological agents Biological agents of risk groups 3 and 4
 - Chemical agents (a) Substances and mixtures which meet the criteria for classification under Regulation (EC) No 1272/2008 (ex. asbestos)
- Manufacture and handling of devices, fireworks or other objects containing explosives.
- Work with fierce of poisonous animals.
- Animal slaughtering on an industrial scale.
- Work involving the handling of equipment for the production, storage or application of compressed, liquified or dissolved gases.
- Work involving a risk of structural collapse.
- Work involving high-voltage electrical hazards.
- Work the pace of which is determined by machinery and involving payment by results.



Breaches to - Protection of Young Person at Workplaces Regulation – SL 646.04 LN 91 of 2000

Protection of Young Persons at Work Places Regulation (S.L. 646.04)	8	Failure to keep a register with the relevant details about the employment of a young person as specified by the Protection of Young Persons at Work Places Regulation.	500
	9	Failure to evaluate the potential health and safety at work risks at the workplace prior to hiring or assigning tasks to any young person.	750



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Protection of Maternity at Workplaces Regulation – SL 646.05 LN 92 of 2000

- "pregnant worker" means a pregnant worker as defined in the Employment and Industrial Relations Act, or in subsidiary legislation
 - These regulations shall apply to all employees who are pregnant, have recently given birth or who are breastfeeding;
 - "breastfeeding employee" means an employee who is breastfeeding during a period of up to twenty-six weeks after her date of confinement and who has informed her employer of her condition by means of a certificate issued by a registered medical practitioner or midwife
 - "employee who has recently given birth" means an employee who has formally informed her employer of her condition by means of a certificate issued by a registered medical practitioner or midwife, and whose date of confinement was:
 - (a) not more than fourteen weeks before in the case of a stillborn child, and
 - (b) not more than twenty-six weeks before in the case of alive birth;
 - "pregnant employee" means an employee who informs her employer in writing of her pregnancy and who subsequently, within fifteen days, formally informs her employer of her pregnancy and of the expected date of confinement by means of a certificate issued by a registered medical practitioner or midwife;



Protection of Maternity at Workplaces Regulation – SL 646.05 LN 92 of 2000

- (1) A female worker who becomes pregnant shall inform her employer of her condition as soon as she becomes aware of it. (2) No pregnant worker, mother or breastfeeding worker shall be required by any employer to perform any work which may endanger her health and safety, the safety or viability of her pregnancy or the health of her child, as the case may be
- Before assigning work to any pregnant or breastfeeding worker or to a mother, an employer shall assess the nature and degree of any hazard present at his workplace. Assessment to take into consideration both the physical and mental health
- An employer shall under no circumstance require a pregnant worker to perform duties for which the assessment has revealed a risk of exposure to the agents, processes or working conditions listed in Section A of the Second Schedule,
- An employer shall under no circumstance require a breastfeeding worker to perform duties for which the assessment has revealed a risk of exposure to the agents, processes or working conditions listed in Section B of the Second Schedule
- Employer shall inform worker about the results of the risk assessment

Protection of Maternity at Workplaces Regulation – SL 646.05 LN 92 of 2000

- If risk assessment reveals a risk to health or safety, to the pregnancy, or to the child, the employer shall take the necessary steps to remove the female from such exposures, either by temporarily adjusting the working conditions, and/or the working hours, or by assigning the worker to another job which is both suitable in relation to her and appropriate for her to do in the circumstances, under such terms and conditions of employment which are not less favourable than those stipulated in her contract of employment.
- No pregnant worker, mother or breastfeeding worker shall be required by any employer to perform any night work if the worker concerned submits to the employer a medical certificate which states that night work can have harmful effects on the pregnancy, or on the mother, or on the child, as the case may be
- A pregnant worker shall be entitled to time off, without loss of pay or any other benefit, in order to attend ante-natal examinations, if such examinations have to take place during working hours

Protection of Maternity at Workplaces Regulation – SL 646.05 LN 92 of 2000

- Section A of the 2nd Schedule
 - (a) Physical agents - Work in hyperbaric atmosphere, e.g. pressurized enclosures and underwater diving.
 - (b) Biological Agents: - toxoplasma, - rubella virus, unless the pregnant workers are proved to be adequately protected against such agents by immunization.
 - (c) Chemical agents - Lead and lead derivatives in so far as these agents are capable of being absorbed by the human organism.
 - Any other physical, biological or chemical agent regarded by the OHSA Act, as causing foetal lesions, and/or is likely to disrupt placental attachment, and/or is likely to cause serious disease to a pregnant woman
- Section B of the 2nd Schedule
 - Chemical agents - Lead and lead derivatives in so far as these agents are capable of being absorbed by the human organism.
 - Any other agent. Process or work activity which can have a harmful effect on the ability of a mother to breastfeed

ST in fresh denial of responsibility for baby's death

ST Microelectronics today again denied that a former employee had lost her premature baby because of contact with chemicals at her place of work, and insisted that the chemicals she had come in contact with were not harmful. The Kirkop firm was...

Malta

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- ST Microelectronics today again denied that a former employee had lost her premature baby because of contact with chemicals at her place of work, and insisted that the chemicals she had come in contact with were not harmful
- The Kirkop firm was replying to the second judicial protest filed by Bethany Cassar and her partner Claude Frendo. They had claimed the death was caused by exposure to melamine.
- "As Bethany Cassar very well knows, in her work-place at the Malta Plant only three cleaning products that have chemical properties are used. These are a cleaning compound in the form of pellets that are commercially known as NIKALET ECR, Cleaning Sheets that bear the commercial name of E-Z CLEAN and a conditioner that has the commercial name of HITACHI CEL RP2," the company said.
- "One of the constituents in the cleaning compound known as NIKALET ECR is a melamine resin that has totally different properties to melamine and has no toxic effects.
- "The two other products used, that is E-Z Clean and HITACHI CEL RP2 do not contain any melamine resin."
- The company said that according to the "Material Safety Data Sheet" issued by the manufacturers of the three products, it did not result that these products could cause any harm to a foetus.
- <https://timesofmalta.com/article/st-in-fresh-denial-of-responsibility-for-babys-death.277165>

Breaches to - Protection of Maternity at Workplaces Regulation – SL 646.05 LN 92 of 2000

Protection of Maternity at Work Places Regulations (S.L. 646.05)	10	Failed to evaluate the type and level of any potential danger at the workplace, when assigning tasks to a pregnant, breastfeeding worker, or a mother.	750
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Work Place (First Aid) Regulations – SL 646.06 LN 11 of 2002

- "first aid" means:
 - (a) treatment for the purpose of preserving life and minimising the consequences of injury and illness until such help is obtained from a medical practitioner or nurse, and
 - (b) treatment of minor injuries which would otherwise receive no treatment or which do not need treatment by a medical practitioner;
- "first aider" means a person who has received training and holds a valid certification attesting qualification issued by a first aid trainer
- An employer shall ensure that each of his workers and any other person present at the workplace shall have rapid access to first aid whenever needed and provide that equipment and facilities as are adequate and appropriate in the circumstances for enabling first aid to be administered
- First aid boxes shall be clearly identified as such by means of a white cross on a green background

Work Place (First Aid) Regulations – SL 646.06 LN 11 of 2002

- Contents of first Aid Box:
 - (a) a minimum of ten individually wrapped sterile adhesive dressings in various sizes;
 - (b) sterile eye pads with attachment;
 - (c) a minimum of three triangular bandages;
 - (d) a minimum of six safety pins;
 - (e) a minimum of three sterile unmedicated dressings in various sizes;
 - (f) a suitable supply of sterile eye wash;
 - (g) a minimum of three pairs of surgical gloves;
 - (h) a minimum of three roller bandages of different sizes;
 - (i) one personal protection shield for use during artificial respiration;
 - (j) three individually wrapped gauze pads

Work Place (First Aid) Regulations – SL 646.06 LN 11 of 2002

- An employer shall ensure the presence at all times of such a number of first aiders as is adequate and appropriate in the circumstances for rendering first aid to his employees if they are injured or become ill at work
 - 1:100 – low risk environment
 - 1:50 – high risk environment
- Where two hundred or more employees are at work in a place of work, or where the type of activity or the frequency of accidents so dictate, an employer shall provide and adequately maintain a suitably equipped first-aid room which shall be readily accessible to stretchers

Work Place (First Aid) Regulations – SL 646.06 LN 11 of 2002

- Where employees are sent to work outside of their employer's place of work, their employer shall ensure, or ensure that there is made, adequate and appropriate first-aid provision for them:
- Provided that if their work involves special hazards, as in the case of use of potentially dangerous tools and machinery, the employer shall provide a suitably equipped first-aid box.
- A self-employed person shall provide, or ensure that there is provided, such equipment, if any, as is adequate and appropriate in the circumstances to enable him to render first aid to himself while he is at work, or for others to give him first aid
- An employer shall inform his employees of the arrangements that have been made in connection with the provision of first aid, including the location of equipment, facilities and personnel and any other information as may be necessary for the employees to avail themselves of the facility

Breaches to – Work Place (First Aid) Regulations – SL 646.06 LN 11 of 2002

Work Place (First Aid) Regulations (S.L.646.06)	11	Failed to put up signs indicating the name of every first-aider or appointed person, and how they can be contacted whenever first aid is required to be given.	500
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Minimum Health and Safety Requirements for work with Display Screen Equipment Regulation - SL 646.07 LN 43 of 2002

- "display screen equipment" means any alphanumeric or graphic display screen, regardless of the display process involved
- "workstation" means an assembly comprising:
 - (a) display screen equipment, whether or not provided with a keyboard or input device and, or software determining the operator/machine interface;
 - (b) any optional accessories to the display screen equipment;
 - (c) any disk drive, telephone, modem, printer, document holder, work chair, work desk, work surface or other item peripheral to the display screen equipment; and
 - (d) the immediate work environment around the display screen equipment
- **NON Applicability of the Regulation**
 - These regulations shall not apply to drivers' cabs or control cabs for vehicles or machinery, display screen equipment on board a means of transport, display screen equipment which is mainly intended for public use or operation, portable systems which are not in prolonged use at a workstation, calculators, cash registers or any equipment having a small data, or measurement display required for direct use of the equipment, typewriters of traditional design, of the type known as "typewriter with window"



Minimum Health and Safety Requirements for work with Display Screen Equipment Regulation - SL 646.07 LN 43 of 2002

- An employer shall identify all display screen equipment and workstations provided by him, or used at his place of work, for the purposes of his undertaking, and for such workstations and equipment, the employer shall keep and adequately maintain a written record thereof, including the names of the person or persons using the equipment, and of the measures taken to safeguard occupational health and safety
- For **each workstation**, the employer shall perform suitable and sufficient analysis for the purpose of assessing the health and safety risks to which workers are exposed in consequence of that use, including any possible risks to eyesight, physical problems and problems of mental stress.
- Where the assessment reveals a risk to health and safety, an employer shall take appropriate measures to remedy the risks
- The employer must plan the worker's activities in such away that daily work on a display screen is periodically interrupted by breaks or changes of activity reducing the workload at the display screen
- Workers shall be entitled to **appropriate eye and eyesight** tests which shall be carried out by a person having the necessary capabilities before they become habitual or regular users of display screen equipment, at regular intervals thereafter, and if they experience visual difficulties which may be due to display screen work.
- If the results of the test referred to in subregulation (1) or of the examination referred to in subregulation (2) show that it is necessary, and if normal corrective appliances cannot be used, workers must be provided by the employer, with special corrective appliances prescribed to correct vision defects at the viewing distance or distances, used specifically for the display screen work concerned and which are appropriate for the work concerned
- A worker shall in no circumstances suffer any deduction in wages or any loss of benefit, and shall not be liable for any expense in respect of any measure taken by the employer pursuant to these regulations



SCHEDULE

Minimum health and safety requirements for workstations and display screen equipment

Preliminary comments

The obligations laid down in this Schedule shall apply in order to achieve the objectives of these regulations and to the extent that the components concerned are present at the workstation, and that the inherent requirements or characteristics of the task do not preclude it.

1. Equipment

(a) General comment

The use as such of the equipment must not be a source of risk for workers.

(b) Display screen

The characters on the screen shall be well-defined and clearly formed, of adequate size and with adequate spacing between the characters and lines.

The image on the screen should be stable, with no flickering or other forms of instability.

The brightness and/or the contrast between the characters and the background shall be easily adjustable by the worker, and also be easily adjustable to ambient conditions.

The screen must swivel and tilt easily and freely to suit the needs of the worker.

It shall be possible to use a separate base for the screen or an adjustable table.

The screen shall be free of reflective glare and reflections liable to cause discomfort to the worker.

(c) Keyboard

The keyboard shall be tiltable and separate from the screen so as to allow the worker to find a comfortable working position avoiding fatigue in the arms or hands.

The space in front of the keyboard shall be sufficient to provide support for the hands and arms of the worker.

The keyboard shall have a matt surface to avoid reflective glare.

The arrangement of the keyboard and the characteristics of the keys shall be such as to facilitate the use of the keyboard.

The symbols on the keys shall be adequately contrasted and legible from the design working position.

(d) Work desk or work surface

The work desk or work surface shall have a sufficiently large, low-reflectance surface and allow a flexible arrangement of the screen, keyboard, documents and related equipment.

The document holder shall be stable and adjustable and shall be positioned so as to minimise the need for uncomfortable head and eye movements.

There shall be adequate space for workers to find a comfortable position.

(e) Work chair

The work chair shall be stable and allow the operator easy freedom of movement and a comfortable position.

The seat shall be adjustable in height.

The seat back shall be adjustable in both height and tilt.

A footrest shall be made available to any one who wishes for one.

2. Environment

(a) Space requirements

The workstation shall be dimensioned and designed so as to provide sufficient space for the worker to change position and vary movements.

(b) Lighting

Room lighting and/or spot lighting (work lamps) shall ensure satisfactory lighting conditions and an appropriate contrast between the screen and the background environment, taking into account the type of work and the worker's vision requirements.

Possible disturbing glare and reflections on the screen or other equipment shall be prevented by co-ordinating workplace and workstation layout with the positioning and technical characteristics of the artificial light sources.

(c) Reflections and glare

Workstations shall be so designed that sources of light, such as windows and other openings, transparent or translucent walls, and brightly coloured fixtures or walls cause no direct glare and, as far as possible, no reflections on the screen.

Windows shall be fitted with a suitable system of adjustable covering to attenuate the daylight that falls on the workstation.

(d) Noise

Noise emitted by equipment belonging to any workstation shall be taken into account when a workstation is being equipped, with a view in particular to ensuring that attention is not distracted and speech is not disturbed.

(e) Heat

Equipment belonging to any workstation shall not produce excess heat which could cause discomfort to workers.

(f) Radiation

All radiation with the exception of the visible part of the electromagnetic spectrum shall be reduced to negligible levels from the point of view of the protection of workers' health and safety.

(g) Humidity

An adequate level of humidity shall be established and maintained.

3. Interface between computer and worker

In designing, selecting, commissioning and modifying software, and in designing tasks using display screen equipment, the employer shall take into account

the following principles:

(a) software must be suitable for the task;

(b) software must be easy to use and, where appropriate, adaptable to the level of knowledge or experience of the worker; no quantitative or qualitative checking facility may be used without the knowledge of the workers;

(c) systems must provide feedback to workers on the performance of those systems;

(d) systems must display information in a format and at a pace which are adapted to workers;

(e) the principles of software ergonomics must be applied, in particular to human data processing.

Breaches to - Minimum Health and Safety Requirements for work with Display Screen Equipment Regulation - SL 646.07 LN 43 of 2002

Minimum Health and Safety Requirements for Work with Display Screen Equipment Regulations (S.L. 646.07)	12	Failed to keep a written record, with the specified details of all displayed screen equipment and workstations, their users and measures taken to safeguard health and safety at work.	1000
	13	Failed to maintain the written record of display screen equipment, the list of users, the measures to safeguard occupational health and safety in terms of regulation 4 of the Minimum Health and Safety Requirements for Work with Display Screen Equipment Regulations.	1000
	14	Failed to conduct suitable and sufficient analysis for the purpose of assessing the health and safety risks to which workers are exposed in consequence of using display screen equipment.	1000

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Undergraduate Diploma in
Occupational Health and Safety