# Introduction to Law

21 ACADEMY

Undergraduate Diploma in Occupational Health and Safety

**Date: 21 April 2026**

# Historical background

- In older days, social services were non-existent or extremely poor. To earn a living, one had to work, irrespective of the condition at the place of work.
- Work was mainly carried out manually, which involved the need of physical force.
- The industrial revolution gave rise to the first pivotal development in the quality of work. This is because different forms of jobs were being created, shifting the conditions of work from one involving physical force to a more repetitive type of work environment.
- More jobs were being created which triggered a change in the quality of the workforce, attracting more women and children.
- This type of work required repetitive and strenuous processes and entailed long hours of work.
- Laws regulating conditions of work were limited or non-existent
- Employers took advantage of the situation. Provision of a safe working environment was deemed to be an unnecessary expense and burden on the employers.

# Historical background..... Cont

- As businesses grew and expanded their workforce, solidarity between workers started to develop.
- Once workers were securing a living, their needs started to develop further.
- As people were feeling secure on their jobs, they realised that their working conditions needed to improve.
- Workers started to join forces and collectively ask employers for more dignity and appreciation.
- These conditions were not only related to financial appreciation but aimed to improve their working environment.
- This situation led to the need to have laws in place.
- For obvious reasons, employers were resisting having certain legislations imposed on them and saw them as additional expenses as they had these two options:
  - Either increase prices of their products, or
  - Reduce their profit margins

# Legislative developments

- Laws started to be enacted
- This increased the onus of responsibility on employers
- Disputes started to be registered in courts, as employees were suing their employers for damages
- Court decisions started to affect employers' pockets
- As a result more employers started to adhere to OHS legislations

# Statistical information about fatal accidents

**Table 15. Fatal occupational injuries per 100,000 workers - Incidence rates**

| Year | Number of employed persons [1] | Number of fatalities at work | Incidence rate |
|---|---|---|---|
| 2016 | 208,132 | 7 | 3.4 |
| 2017 | 220,489 | 1 | 0.5 |
| 2018 | 238,513 | 4 | 1.7 |
| 2019 | 254,756 | 3 | 1.2 |
| 2020 | 261,048 | 7 | 2.7 |
| 2021 | 269,562 | 9 | 3.3 |
| 2022 | 283,341 | 15 | 5.3 |
| 2023 | 298,502 | 5 | 1.7 |
| 2024 | 317,582 | 4 | 1.3 |

[1] Source 2016 – 2023: Annual Labour Force Survey (LFS) and 2024: Labour Force Survey Q1_Q3 2024

# Non Fatal Accidents

- Only in 2024, there were 2,188 Non Fatal Accidents
- Having a Standard Incident Rate of 689 workers per 100,000 worker
- Rate still high

# Historical Background in Malta

- The first documented publication dealing with occupational health and safety dates back to 1888, by Dr. Nicola Zammit in his publication titled '*Pensieri di un Retrogrado'*, which was a collection of essays '*dealing with a number of social, ethical and philosophical issues*'" affecting Maltese society at the time. Occupational Health and Safety Authority, 2017, Brief History of OHS in Malta.

- In these essays, Dr. Zammit mentioned risks to occupational health and safety in various sectors including:

- Work in the construction industry which focused particularly on those risks related to working at heights;
- Excavation of underground tunnels;
- Workers being exposed to direct and strong sunlight;
- Those risks possibly faced by persons who venture out to sea, particularly in fragile and badly equipped boats;
- Persons being made to work for more than ten hours in one day and,
- Hazards associated with those who were assigned work without being adequately trained to carry out the job.

# First Legislations in Malta

- In Malta, discussions related to occupational health and safety laws started in 1922. These discussions mainly addressed the minimum age for employment
- It took four long years for these discussions to yield fruit with the first published legislation in 1926.
- The title of this legislation was the Factorie's Regulation Act.
  - . This act regulated the '*employment of women and children and the conditions of employment of workmen in factories'*
  - Although the title of the legislation gives the impression that the law was only applicable to a factory environment, a thorough analysis of the act, reveals that this act did not just focus on employment in factories but also applied to works being carried out in the building industry and quarries environment
  - The main provisions of this act were related to child labour and women in employment. In fact, the law provided that for health and safety reasons, only children over the age of 14 and women over the age of 18 could participate in the labour market. This legislation also provided for break times and off-days. It is interesting to note that such benefits were only applicable to children and women.
  - According to this act, the persons responsible for ensuring occupational health and safety at the place of work included '*owners, managers and directors of industrial factories'* who employ workers to carry out works not only in the factories but also to adjoining buildings. The responsibility that each of these position entailed included that of taking '*the necessary measures to protect the health, the safety and the morals of their workers'*
  - Any person who breached this legislation would have been liable to a prison term which did not exceed three months, or to a fine of not higher than twenty pounds sterling, or both

- In 1929, another law providing for workers' compensation after sustaining an injury at work was published. This legislation was termed the Workmen's Compensation Act of 1929.
- In 1940, the Factories Ordinance was then published. The latter repealed the Factorie's Regulation Act (that was enacted in 1926).
  - The term factory also included workshops, which were defined as any premises where persons were employed in manual labour or in any incidental process, including '*altering, repairing, ornamenting, finishing, cleaning or washing or the breaking or demolition of any article*
  - One of the main developments brought about by this legislation was that the applicability of the law had been extended to all workers and was no longer limited to just children and women

The Factories Ordinance, also gave authority to the Governor to make additional regulations with regards to factories in a number of circumstances, which related to the following areas:

i. Cleanliness, overcrowding, lighting, temperature, ventilation, drainage of floors, sanitary conveniences and medical supervision in specific cases;

ii. Making provisions to ensure a safe working environment when working with machinery, lifts, lifting tackle, cranes, steam boilers, receivers and containers, dangerous fumes, gases and explosives;

iii. Carrying out regulation to ensure the welfare of employees in factories in general, particularly for the supply of drinking water, washing facilities, accommodation for clothing, facilities for sitting and even for first-aid;

iv. Providing for the notification and investigation of accidents and industrial diseases;

v. Improving the conditions of employment with regards to the hours of work of persons and for specified classes of workers and conditions related to overtime;

vi. Providing for the inspection of factories; and

vii. Making any additional provisions deemed necessary for the implementation of the Factories Ordinance.

- Another important legislation was enacted in 1968, which aimed at safeguarding the health and safety of workers working in the construction industry

The main provisions of this regulation included:

- The need for employers to provide adequate supervision on-site;

- Guidelines that would ensure a safe assembly of temporary structures such as scaffolding. Such guidelines go into the detail of material with which such structures have to be built and even the placement of protection required to prevent the risk of falls from height;

- The need for appropriate ventilation for workers whilst carrying out excavation works;

- The necessity to maintain all working equipment and machinery in good working order; and,

- The obligation on employers to provide their workers with all the personal protective clothing that may be required by them to carry out their work safely.

# New Chapter in Malta vis-à-vis OHS Legislation

- Malta's application to become a full Member of the European Union necessitated that Malta transpose all the European *acquis* into the Maltese legislation

- This included those directives related to occupation health and safety

# How is the Law organised?

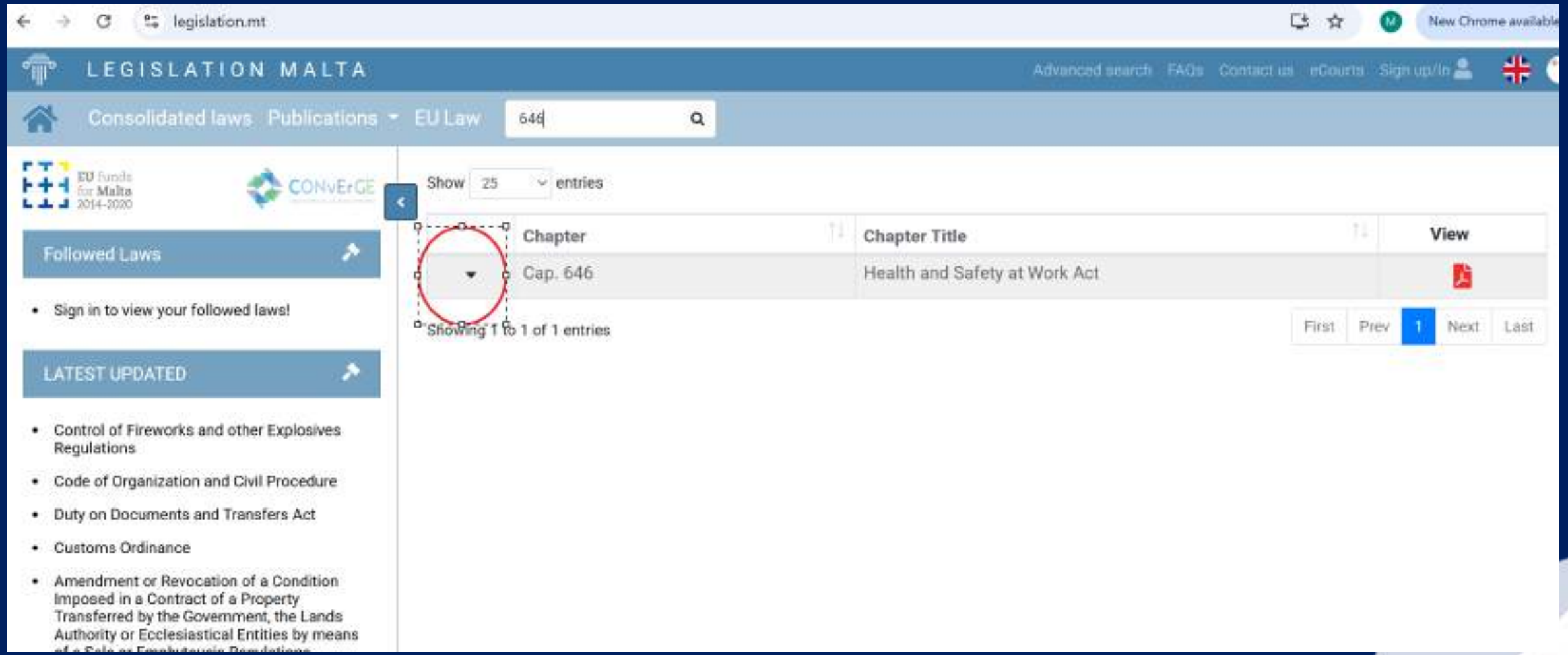
- Legislation is split up between:
  - A Main Act which is the
  - OCCUPATIONAL HEALTH AND SAFETY AT WORK ACT, CHAPTER 646 OF THE LAWS OF MALTA

  - 27 Subsidiary Legislations

# How to find the Act



## legislation.mt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EU Law
646
EU funds for Malta 2014-2020
CONvERGE
Show 25 entries
Chapter
Chapter Title
View
Cap. 646
Health and Safety at Work Act
Showing 1 to 1 of 1 entries
First
Prev
1
Next
Last
Followed Laws
Sign in to view your followed laws!
LATEST UPDATED
Control of Fireworks and other Explosives Regulations
Code of Organization and Civil Procedure
Duty on Documents and Transfers Act
Customs Ordinance
Amendment or Revocation of a Condition Imposed in a Contract of a Property Transferred by the Government, the Lands Authority or Ecclesiastical Entities by means

Show 25 entries

| | Chapter | Chapter Title | View |
|---|---|---|---|
| ▲ | Cap. 646 | Health and Safety at Work Act | |
| | S.L. 646.01 | Work Places (Extension of Definition) Order<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.02 | Dock Safety Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.03 | Work Places (Health, Safety and Welfare) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.04 | Protection of Young Persons at Work Places Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.05 | Protection of Maternity at Work Places Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.06 | Work Place (First Aid) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.07 | Minimum Health and Safety Requirements for Work with Display Screen Equipment Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.08 | Work Place (Minimum Health and Safety Requirements) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.09 | Work Place (Provision of Health and, or Safety Signs) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.10 | Protection against Risks of Back Injury at Work Places Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.11 | General Provisions for Health and Safety at Work Places Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| | S.L. 646.12 | Control of Major Accident Hazard Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |

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|---|---|---|
| S.L. 646.13 | Minimum Requirements for the Use of Personal Protective Equipment at Work Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.14 | Protection of Workers from the Risks related to Exposure to Carcinogens, Mutagens or Reprotoxic Substances at Work Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.15 | Protection of Workers from the Risks related to Exposure to Asbestos at Work Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.16 | Protection of the Health and Safety of Workers from the Risks related to Chemical Agents at Work Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.17 | Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.18 | Protection of Workers in the Mineral Extracting Industries through Drilling and Workers in Surface and Underground Mineral Extracting Industries Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.19 | Work Place (Minimum Requirements for Work) (Confined Spaces and Spaces having Explosive Atmospheres) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.20 | Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Noise) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.21 | Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Vibration) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.22 | Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Artificial Optical Radiation) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |

| | | |
|---|---|---|
| S.L. 646.23 | Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Electromagnetic Fields) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.24 | Work Equipment (Minimum Safety and Health Requirements) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024* | |
| S.L. 646.25(R) | Work Place (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations<br>*These regulations have been transferred under Cap. 646 by Act XXXIII of 2024*<br>*Repealed by Legal Notice 52 of 2025* | |
| S.L. 646.26 | Health and Safety at Work (Procedures in relation to the Issuance of Administrative Penalties) Regulations | |
| S.L. 646.27 | Health and Safety at Work (Minimum Health and Safety Requirements for Work at Construction Sites) Regulations | |
| S.L. 646.28 | Health and Safety at Work (Administrative Penalties and Compromise Fines Publication) Regulations | |

# Why is provision of OHS important?

Employees have the right to a safe working environment. If an employer fails to provide adequate safety measures or ignores health and safety regulations, resulting in harm or injury to the employee, legal action can be pursued.

The law mandates that employers have a primary responsibility to ensure the health and safety of all individuals affected by their work activities. The underlying principle is that all workers, regardless of employment status—whether full-time, part-time, or temporary—have the fundamental right to work in a safe and healthy environment.

- The Law further states that any work-related accident resulting in death, major injury, or an employee being unable to work for more than three consecutive working days must be reported to the Director of the Department for Industrial and Employment Relations ('DIER') and the Occupational Health and safety Authority. These incidents are classified as notifiable accidents according to the regulations.

# What is the difference between an act and a Subsidiary Legislation?

Prior to an Act to come into force, this has to go through a number of parliamentary procedures.

- First Reading – present a motion in parliament
- Second Reading – publication of a Bill
- Committee Stage – debated before a Standing Committee
- Third Reading – Goes into Parliament Agenda and discussed in Parliament and approved by a vote of the Members of Parliament

# Subsidiary Legislation

- Subsidiary Legislation is in the form of Legal Notices issued by the Minister responsible for the regulation of Health and Safety in terms of a specific empowering clause contained in the Main Legislation; i.e. Occupational Health and Safety At Work Act (Cap 646 of the Laws of Malta)

# Types of liabilities

- Civil Liability
- Criminal Liability
- Moral Liability

These type of liabilities are not either or but can be instituted concurrently

# Civil Liability Vs Criminal Liability

- Civil liability is a legal obligation that requires a party to pay for damages or to follow other court-enforcements in a lawsuit.

- Different from criminal liability, which is often brought by the Government through the Police to redress a public wrong, civil liability is usually brought by a private party to sue for damages or to have other remedy.

- For example, in a workplace accident, the injured party can sue the employer and ask for monetary damages.

# Civil Liability Vs Criminal Liability

- A civil liability is usually a contractual liability or a tort liability.
- A defendant of a civil liability is either “liable” or “not liable”.
- If a defendant is liable, the court will order the defendant to pay or follow another remedy to the plaintiff, not to face the risk of prison as in many criminal cases.
- The standard of burden of proof in a civil liability case is lower than in a criminal liability case.
- While criminal cases require proof “**beyond a reasonable doubt**”, civil liability often may only require proof by “**level of probability**”.

# Civil Liability

- Request for compensation:
  - Lucrum Cessans
    - Lucrum cessans is a legal term that means "ceasing gain." It refers to damages that are awarded to compensate for a loss of anticipated profit in addition to an actual loss that has been realized. This term is also known as lucrum interceptum.
  - Damnum emergens
    - Damnum emergens is a Latin term that means "damage arising." It refers to an actual loss that has already occurred, as opposed to a potential future loss. For example, if someone's car is damaged in an accident, the cost of repairing the car is an example of damnum emergens
  - Moral damages?
- No capping on compensation – The sky is the limit!

# Criminal Liability

- In Criminal Liability, one can be liable to a fine or imprisonment or both
- The Police prosecutes in a criminal action so the case will always be Police vs XXX
- The sittings will be heard in the Criminal Court

- In Criminal Liability, one may be prosecuted under a number of laws, not just under the Health and Safety at Work Act (Cap 646 of the Laws of Malta)
- A person can be prosecuted under the Criminal Code (Cap 9 of the Laws of Malta
- Can be prosecuted for other criminal offences

# Offences against the Health and Safety at Work Act Chapter 646 of the Laws of Malta

- (3) Any person who commits an offence against this Act or any regulations made thereunder shall, on conviction,
  - be liable to imprisonment for a term of not more than two (2) years, or to a fine (multa) of not less than one thousand euro (€1,000) but not exceeding fifty thousand euro (€50,000) **for every offence for which the person has been found guilty, or to both such fine and imprisonment.**

# Second Conviction

- On a second or subsequent conviction such person shall be liable to
  - a fine (multa) of not less than two thousand euro (€2,000) but not exceedingfifty thousand euro (€50,000) **for every offence** for which the person has been found guilty, or to imprisonment for a term of not less than one (1) year and not exceeding four (4) years, or to both such fine and imprisonment.
  - The Court may, at the request of the prosecution, cancel or suspend all or any permits issued in terms of or in relation to this Act including by regulations or administrative instruments, or all or any licences or warrants issued to or in the name of the person found guilty in connection with the workplace where the offence was committed

# Criminal Code (Cap 9)

- 225.(1) Whosoever, through imprudence, carelessness, unskilfulness in his art or profession, or non-observance of regulations, causes the death of any person, shall, on conviction, be liable to imprisonment for a term not exceeding four years or to a fine (multa) not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (€11,646.87).
- (2) Where the offender has caused the death of more than one person or where in addition to causing the death of a person the offender has also caused bodily harm to another person or other persons the punishment shall be that of imprisonment of a term of up to ten years.

# Criminal Code (Cap 9)

- 226.(1) Where from any of the causes referred to in the last preceding article a bodily harm shall ensue, the offender shall, onconviction, be liable - (a) if the harm is grievous and produces the effects mentioned in article 218, to imprisonment for a term not exceeding one year or to a fine (multa) not exceeding four thousand and six hundred and fifty-eight euro and seventy-five cents (€4,658.75);

# VERY IMPORTANT – Shifting of the Onus of Proof

- In any proceedings for the imposition of an administrative penalty or an offence under these regulations consisting of a failure to comply with a duty or requirement to do something in accordance with the Act and, or any regulations issued thereunder, 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

# Case Law – Il-Pulizija vs. Ibrahim Al Yassin

- Illi l-appellant ġie mixli b'numru ta' imputazzjonijiet quddiem l-Ewwel Qorti wara li fit-2 ta' Lulju 2019 uffiċjal tal-Awtorita' għas-Saħħa u s-Sigurta' fuq il-Post tax-Xogħol (OHSA) għamel spezzjoni fuq is-sit 128, Triq Dr. Nikola Zammit, Siġġiewi fejn kien qed isir xogħol ta' kisi. Mill-ispezzjoni rriżulta li **kien hemm xi ħaddiema li ma kienux libsa safety shoes** u kien hemm ukoll il-biża' ta' waqgħat mill-għoli……

- Illi din il-Qorti taqbel ma' dak hawn fuq ikkwotat u tagħmlu tagħha b'dan illi wara li rat il-piena erogata mill-Ewwel Qorti u ċioè dik ta' multa ta' erbat elef Euro (€4,000), il-Qorti ma tqiesx li din il-multa hija waħda eżaġerata u li ma tirriflettix ċ-ċirkostanzi tal-każ hekk kif isostni l-appellant u dana tenut kont ta' dak li tiddisponi l-liġi fir-rigward tal-piena għall-imputazzjonijiet li tagħhom l-appellant instab ħati.

# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Fatti tal-Kaz
- Nhar is-7 ta' Settembru, 2007 ghall-habta tat-8.00am, Joseph Spiteri kien qed jahdem gewwa fabbrika sitwata f'UB32, fil-Qasam Industrijali, San Gwann. Huwa kien qieghed jaqsam f'bicctejn, panel kbir tal-hgieg tat-tip laminated. Dan it-tip ta` hgieg jikkonsisti f'zewg folji hgieg mizmumin flimkien permezz ta` folja irqieqa ta` plastik li tkun inkollata maghhom. Biex jinqasam il-laminated glass, l-ewwel jehtieg li jinqasmu l-hgigiet bl-uzu ta` djamant u mbaghad, fix-xaqq maghmul mid-djamant f'wahda mill-folji tal-hgieg, jintefa ammont zghir ta` blue spirit (methylated spirit – klassifikat bhala *highly flammable*) li jigi mahruq u bis-shana l-plastik jirtaghab u jinqasam u konsegwentement il-hgigiet jigu sseparati. Jidher illi waqt li Joseph Spiteri kien qieghed jitfa dan l-ispirtu fix-xaqq, dan sploda.
- Irrizulta illi l-methylated spirit kien jitpogga go kontenitur tal-plastik li kellu tapp b'toqba zghira fih u minn din it-toqba kien jghaddi l-ispirtu li jitferra fix-xaqq ta` bejn il-hgieg. Dan il-kontenitur kien pjuttost qadim u kien jidher rigidu peress illi kien tilef il-plasticizer material li kien jirrendih artab u propju dan gara minhabba li kien jintela bil-methylated spirit.

# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Fatti tal-Kaz
- Irrizulta illi waqt din l-operazzjoni jidher illi l-kontenitur inqasam f'idejn Joseph Spiteri u minnu hareg il-methylated spirit kollu li kien hemm fih. Jidher illi f'dan il-waqt kien gia hemm il-fjamma taqbad u konsegwentement sehhet dik li tissejjah *unconfined vapour phase explosion* u sfortunatament Joseph Spiteri sab ruhu fil-fire ball li fformat.
- Joseph Spiteri kien ilu madwar hamsa u tletin sena f'dan ix-xoghol. F'dan l-incident huwa sofra 30% *partial thickness burns*, jigifieri hruq mhux fond kompletament, f'parti mill-gilda fuq in-naha ta` wiccu, ghonqu, it-trunk, il-kumplament tal-gisem, il-parti ta' fuq tal-gisem u idejh it-tnejn. Huwa originarjament iddahhal l-emergenza ikklassifikat *in danger of loss of life* (ara folio 76), izda mbaghad gie riferut gewwa l-*burns unit* bi hruq ikklassifikat bhala wiehed gravi; il-pazjent pero` kien qed jaghmel progress. Madanakollu, wara tlett ijiem, propju fl-10 ta` Settembru 2007 kellu kumplikazzjoni; intbaghat l-ITU u nstab li kellu *toxic shock syndrome* (*which is a recognised severe complication of patients with moderate to severe burns*) – ara folio 41.
- Mill-*medico legal post mortem examination* johrog illi Joseph Spiteri miet *due to septicaemia caused by burns*.

# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Nuqqas ta' Risk Assessment Specifiku
- Ġie soddisfaċentement ippruvat li l-inċident seħħ minħabba li Joseph Spiteri, ħaddiem fis-sengħa tal-qtugħ tal-ħġieġ b'aktar minn tletin sena esperjenza, iddeċieda li jaqta' biċċa ħġieġa *laminated* bl-użu tal-metodu "tradizzjonali" tal-qtugħ bid-djamant u l-*methylated spirit* minflok bl-użu tal-magna li taqta' bil-lażer. F'dan il-każ ġie wkoll soddisfaċentement pruvat li ż-żewġ metodi kienu jwaslu għal riżultat simili u setgħu jiġi wżati. Biss dan ma jfissirx li b'daqshekk l-appellant kien meħlus mid-dmirijiet tiegħu ta' saħħa u sigurta fuq il-post tax-xogħol. Fiż-żewġ każijiet **l-appellant kellu l-obbligu** li jara li dawn il-metodi differenti kif jiġi maqtugħ il-ħġieġ kienu jkunu **jissodisfaw il-kriterji ta' kontenenza ta' riskju u ta' sikurezza u; kif ukoll li l-ħaddiema jkunu imħarġa sew f'dak ix-xogħol u f'dawk il-prattiċi kollha l-oħra anċillari għall-dak ix-xogħol**.
- Ġie pruvat soddisfaċentement li f'dan il-każ **ma ġiex kummissjonat *risk assessment* speċifiku għax-xogħol** li kien jagħmel Joseph Spiteri u l-prattiċi użati minnu. L-argument tal-appellant li Spiteri kien mgħallem f'dik is-sengħa bi tletin sena esperjenza warajh ma jreġix u dan bil-provi għax minkejja dik l-esperjenza kollha, in konsegwenza għal dan l-inċident huwa korra u miet. L-evalwazzjoni tar-riskju kellha ssir mhux biss dwar il-metodoloġija ta' kif huwa kien jaqta' l-ħġieġ iżda wkoll ta' aspetti oħra ta' kif kellu jieħu ħsieb tiegħu innifsu u l-prattiċi li huwa juża meta jkun qiegħed jagħmel dan ix-xogħol jew bi preparazzjoni għal dan ix-xogħol.

# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Ġie soddisfaċentement pruvat li l-ħruq li sofra Spiteri kien konsegwenti ċ-ċediment tal-istruttura tal-flixkun tal-plastik tad-*Dermofardi* li fih kien hemm il-*methylated spirit* maħżun. Spiteri kien qiegħed juża dan il-flixkun tal-plasik biex jaħżen fih ammont żgħir – mhux aktar minn litru – *methylated spirit* biex imbagħad jużah fil-proċess tal-qtugħ bid-djamant tal-ħġieġ *laminated* – u kien waqt episodju ta' tali użu li huwa sofra l-ħruq f'ġismu li wassal imbagħad għall-mewt tiegħu.

- Għal dawn il-motivi din il-Qorti, tiddeċiedi illi tilqa' l-appell in parte u tvarja s-sentenza appellanta billi :
- (a) tikkonferma dik il-parti tas-sentenza fejn sabitu ħati tal-imputazzjonijiet miġjuba kontra tiegħu;
- (b) tikkonferma dik il-parti tas-sentenza fejn ikkundannatu għall-piena ta' disat elef euro multa (€9000);
- (c) tikkonfermaha fejn ikkundannat lill-appellant sabiex iħallas lir-Reġistratur is-somma ta' erba' mija u ħamsin euro wieħed u ħamsin ċenteżmi (€450.51) spejjeż in konnessjoni mal-mediko-legal post mortem examination, mar-relazzjoni tal-Professur Alfred Vella, u dawk tas-Scene of Crime Officer PS1184, filwaqt li
- (d) tħassar dik il-parti tas-sentenza fejn ikkundannat lill-appellant għall-piena ta' disa' xhur priġunerija li bis-saħħa tal-artikolu 28A tal-Kodiċi Kriminali ordnat li ma tidħolx fis-seħħ ħlief jekk, matul il-perjodu ta' sentejn il-ħ

# Il-Pulizija vs Susanna Zammit and Joseph Dalmas

Facts of the Case:

The facts of the case related to an injury suffered by one worker whilst working on a garbage collection truck. Inside the cabin of the truck, there was a rope. When the workers were driving the truck, part of the rope ended outside the window and got caught by one of the wheels. When the truck accelerated, the rope got pulled out of the truck with considerable force and in the process it pulled the foot of the victim who was sitting in the cabin of the truck. As a result some of his toes were amputated. During court proceedings, it was confirmed that although the rope was the property of the employers, they did not know that the rope was in the cabin of the truck as it did not have any use there. Additionally, they did not authorise any workers to move the rope into the cabin of the truck. The Court of Magistrates acquitted the accused from being responsible for the accident and held that this was a fortuitous event, which was entirely attributed to the worker who had failed to wear the safety shoes provided by the employers and had tried to take certain shortcuts in safeguarding his health. This decision was appealed by the Advocate General and was overturned by the Court of Appeal (Criminal Jurisdiction).

# Il-Pulizija vs Susanna Zammit and Joseph Dalmas

*“l-appellati bhala responsabbli ghall-kumpanija ghandhom jassiguraw li l-vetturi jkunu liberi minn kwalunkwe xkiel jew perikli ohra li jistghu jikkawzaw hsara lill-haddiema. Fost dawn ghandhom jassiguraw illi fil-kabina ma jkun hemm xejn x’jimpedixxi s-sewqan tax-xufier kif ukoll min jkun bil-qeghda ma genbu.*

*L-appellati kellhom ikunu f’posizzjoni illi jipprevedu illi jekk ikun hemm affarijiet mhux awtorizzati fil-kabina, u anki f’postijiet ohra fil-vettura dawna jistghu jikkagunaw hsara lill-haddiema. Dan ir-riskju jista` jkun minimizzat bi twettieq ta studju li jidentifika l-perikoli u jissugerixxi mizuri sabiex dak il-perikoli jitnaqqsu jew jigu eliminati.*

*Iz-zewg appellati naqsu milli jaghmlu dak ix-xoghol ta’ kontroll u moniteragg tal-mizuri preventivi u protettivi fuq il-post tax-xoghol u naqsu milli jiehdu dawk il-prekawzjonijiet mehtiega skond il-ligi sabiex jigu evitati korrimenti u mwiet*

# Philip Agius vs The AV Warehouse Limited

- Fatti
- L-Attur safa' korrut serjament fil-lejl ta' bejn il-25 u s-26 ta' Settembru 2015 meta kien flimkien ma oħrajn qiegħed iżarma struttura  fil-kumpless Sportiv tal-Kottonera.Dan l-armar jappartjeni lis-soċjeta' konvenuta ma' min kien ukoll impjegatl-Attur bħala technician u rigger. Is-soċjeta' tipprovdi servizzi ta' dwalu akustika. F'din l-okkazzjoni kien event ta' boxing.
- **2.**Waqt li l-Attur kien qiegħed jipparteċipa fil-ħatt tal-istruttura inkwistjoni, parti minnha, magħrufa bħala truss, arbulat għal fuqu bil-konsegwenza li garrab griehi gravi f'rasu tant li ħarġet għadira demm u qasam il-kranju. Minħabba dan l-inċident l-Attur kien saħansitra fil-perikolu li jitlef ħajtu.
- **3.**Minħabba nuqqas ta' diliġenza talli ma provdietx *a safe system*of work u għalhekk qiegħed ifittex għad-danni minnu sofferti.

- Kalkolu tad-danni:
- *Kalkolu ta' danni*
- €20,000 (salarju) x 32 (aspettiva tal-ħajja = €640,000 –€89,600 (14% lump sum payment) = €550,400 = €440,320 (80% disability) + €10,000 (dannu psiko-soċjali) = 450,320 // 6%  (rata ta' inflazzjoni) + (€27,019) = €477,339.
- Għalhekk id-danni li sofra l-Attur jammontaw għalerbgħa mija u sebgħa u sebgħin elf, tlett mija u disgħa u tletin ewro (€477,339).

**George Borg**

**v.**

**1. Awtorità għat-Trasport f'Malta kif korrett b'digriet tal-5 ta' Ottubru 2015;**
**2. Valletta Gateway Terminals Limited (C-38888); u**
**3. Troy Ship Management Limited (C-36231**

- While unloading a load from a vessel, the plaintiff stepped on some plastic, but there was nothing underneath the plastic, so he fell through the plastic and fell around 2 floors.
- Plaintiff was only asking for Damnum Emergens – i.e. actually incurred damages of €86,433.60.

# Case Cont….. Contributory Negligence

- During the course of the case, the court considered that:
- Is-soċjetà appellanti tilmenta wkoll illi l-Ewwel Qorti naqset milli taddebita porzjon tar-responsabbilità kontributorja lill-attur appellat meta qieset hi stess illi Redent Zammit u l-attur appellat xehdu illi meta bdew jaħdmu rrejalizzaw illi l-merkanzija fuq il-vapur ma kinitx stivata b'mod regolari u "minkejja li ħassew il-ħtieġa li jiġbdu l-attenzjoni tal-*foreman* dwar dan, xorta waħda ddeċidew li jibdew ix-xogħol."

- In view of this, the court contributed 1/3rd of the damages to the injured person, i.e. the person does not receive that portion of the damages.
- He only got paid for the remaining portion of 2/3rd

# Other Civil Cases

- **Dejan Prodanovikj vs S. Borg & Sons Limited, Christopher Borg u John Borg**
- Fatti tal-kaz
  - L-attur kien qed isuq van tax-xoghol u skiddja u inqaleb bil-van. L-incident sehh minhabba li t-tyres tal-van ma kienux fi stat tajjeb, fost fatturi ohra. Fil-hin tal-incident, l-attur kellu idejh barra mit-tieqa u wegga'
- Decizjoni
  - tillikwida d-danni sofferti mill-Attur fl-ammont ta' disgħa u erbgħin elf sebgħa mija u sebgħa u disgħin ewro (€49,797) (Lucrum Cessans)

- **Kerstin Sant vs Trelleborg Sealing Solutions Malta Limited (C 388)**
- Fatti tal-kaz
  - Waqt li l-attur kien qieghed inaddaf injection moulding machine wegga' idejh. L-espert iddikjara illi kien hemm nuqqas ta' risk assessment u supervizjoni tal-impjegat u li certu xoghol perikoluz ma kellux isir minn persuna wahdu imma kellu jkun hemm tnejn min-nies
- Decizjoni
  - S-soċjeta` konvenuta hija responsabbli għall-inċident in kwistjoni, u ghandha tillikwida d-danni favur l-attur fis-somma ta' tmienja u sittin elf, u seba' mitt ewro u erbgħin ċenteżmu (€68,700.40

# Who is responsible for implementing OHS?

## Responsibility for Implementing Occupational Health and Safety (OHS) in the Workplace – Malta (Cap 646)

- Under **Chapter 646 – Health and Safety at Work Act**, the responsibility for implementing **Occupational Health and Safety (OHS)** in Maltese workplaces falls on multiple stakeholders, primarily:

# Specific responsibilities

- Duty Holder

  - "duty holder" means any person who has a duty or obligation to fulfill and, or the responsibility to ensure that a duty or an obligation is fulfilled by virtue of any requirement of this Act or of subsidiary legislation, and **shall include as the case may be, an employer, a self-employed person, a worker, a client, a project supervisor for health and safety matters, a manager who is responsible for workers, a supervisor who is responsible for workers, an HSRO and any other person** to whom this Act or any subsidiary legislation made thereunder assigns a duty or responsibility;.

  - 4 (2) The Authority shall be responsible for promoting health and safety at work as defined in the Act and to ensure, within the limits of its responsibilities as prescribed in this Act, that **duty holders fulfil their obligations at law**.

# Employers (Primary Responsibility)

- Employer's responsibility (Cap 646)
  - 12.(1) It shall be the duty of an employer to ensure the **physical and psychological wellbeing** of his **workers** at all times and of **all persons who may be affected by the work being carried out** for such employer at their workplace.

# Employers' Responsibility

## Employer Responsibilities:

1. **Ensure a Safe Workplace** – Employers must provide a safe and healthy work environment, free from risks to health.

2. **Risk Assessments** – Conduct regular risk assessments to identify and mitigate hazards.

3. **Provide Information, Training, and Supervision** – Ensure workers are informed about risks and trained to handle them.

# Employers' Responsibility

## Employer Responsibilities:

4. **Safe Equipment & Systems** – Maintain equipment and ensure safe work procedures.
5. **Emergency Planning** – Implement measures for fire safety, first aid, and emergency response.
6. **Consultation with Workers** – Engage employees in discussions about health and safety.

# Employers' Responsibility

## Employer Responsibilities:

7. **Report and Investigate Accidents** – Notify the Occupational Health and Safety Authority (OHSA) of any serious incidents.
8. **Prepare and review** a statement of the general policy with respect to health and safety at work, which shall include the main measures for the implementation of such a policy, and to bring the declaration and any review of it to the notice of all the workers and their representative

# Specific Employers' Responsibilities

**Work Equipment**: Ensure that all work equipment meets minimum safety and health requirements

Employers must ensure that all **tools, machines, and equipment** used in the workplace are:

- ✅ Suitable for their intended purpose.
- ✅ Maintained in **good working order.**
- ✅ Regularly **inspected and tested.**
- ✅ Used only by **trained and competent** employees.

🔴 **Example of Non-Compliance:**

- A faulty **lifting machine** causing an accident due to poor maintenance.
- Use of **unapproved electrical tools** that pose fire hazards.

**Employer Action:**

- Conduct **regular maintenance checks.**
- Provide **protective guards and safety features** for machinery.

**Display Screen Equipment**: Assess and mitigate risks associated with the use of display screen equipment, providing appropriate training and eye tests for employees

Employers must assess **ergonomic risks** for employees using computers/screens for extended periods.

**Requirements:**

- ✅ Conduct risk assessments of **workstations** (chair height, screen distance, lighting).
- ✅ Allow employees to take **regular breaks** from screen work.
- ✅ Offer **free eye tests** to employees upon request.
- ✅ Provide adjustable chairs, desks, and **anti-glare screens**.

🔴 **Example of Non-Compliance:**

- An office without proper ergonomic chairs, leading to back pain and strain injuries.
- Employees suffering from eye strain due to poor screen positioning.

**Employer Action:**

- Adjust workstations **based on ergonomic principles**.
- Educate employees on **correct posture and screen use**.

## First Aid:

Employers must provide **adequate first aid facilities and trained personnel** in case of workplace injuries.

## Requirements:

- ✅ Maintain a **fully stocked** first aid kit in the workplace.
- ✅ Designate **trained first-aiders** to assist injured workers.
- ✅ Display **clear signage** for first-aid locations.
- ✅ Establish procedures for **reporting accidents** to OHSA Malta.

## 🔴 Example of Non-Compliance:

- No **trained first aider** on site during an emergency.
- A **missing or expired** first-aid kit in a workplace.

## Employer Action:

- Arrange **first-aid training courses** for staff.
- Regularly **check and restock** first-aid supplies.

# More Specific laws on Employers

**Maternity Protection:** Implement measures to protect pregnant and breastfeeding workers from work-related risks, ensuring they are not exposed to hazardous conditions.

- **Protection of Young Persons at Work Places Regulations (S.L. 646.04):** Mandates that employers assess and mitigate risks to workers under 18, ensuring their tasks do not exceed their physical or mental capacity.
- **Control of Major Accident Hazard Regulations (S.L. 646.12):** Obliges employers handling dangerous substances to implement safety management systems, prepare emergency plans, and inform the public about potential hazards.

# More Specific laws on Employers

**Work Place (Provision of Health and, or Safety Signs) Regulations (S.L. 646.09)**: Stipulates that employers must provide appropriate safety signage to warn of hazards, indicate mandatory actions, or provide emergency information

**Protection against Risks of Back Injury at Work Places Regulations (S.L. 646.10)**: Requires employers to assess manual handling tasks, implement measures to reduce injury risks, and provide training on safe lifting techniques.

**Protection of Workers from Risks related to Exposure to Biological Agents at Work Regulations (S.L. 646.17)**: Mandates risk assessments for exposure to biological agents, implementation of control measures, and provision of information and training to employees

# More Specific laws on Employers

**Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to Noise) Regulations (S.L. 646.20):** Obliges employers to assess noise exposure levels, implement noise reduction measures, and provide hearing protection when necessary

Employers must familiarize themselves with these regulations to ensure compliance and maintain a safe working environment.

# Employees' Responsibility

- 15.(1) It shall be the responsibility of each worker to take care as far as possible of his own health and safety and that of other persons affected by his acts or omissions at work in accordance with his training and the instructions given by his employer.

# Employees' Responsibilities

- **Follow Safety Instructions** – Employees must comply with safety procedures and policies.
- **Use Protective Equipment** – Wear and use personal protective equipment (PPE) as required.
- **Report Hazards** – Notify the employer of any dangers or unsafe conditions.
- **Cooperate with the Employer** – Assist in maintaining workplace safety.

# Case Law – Il-Pulizija vs. Ibrahim Al Yassin

- Illi l-appellant ġie mixli b'numru ta' imputazzjonijiet quddiem l-Ewwel Qorti wara li fit-2 ta' Lulju 2019 uffiċjal tal-Awtorita' għas-Saħħa u s-Sigurta' fuq il-Post tax-Xogħol (OHSA) għamel spezzjoni fuq is-sit 128, Triq Dr. Nikola Zammit, Siġġiewi fejn kien qed isir xogħol ta' kisi. Mill-ispezzjoni rriżulta li **kien hemm xi ħaddiema li ma kienux libsa safety shoes** u kien hemm ukoll il-biża' ta' waqgħat mill-għoli……

- Illi din il-Qorti taqbel ma' dak hawn fuq ikkwotat u tagħmlu tagħha b'dan illi wara li rat il-piena erogata mill-Ewwel Qorti u ċioè dik ta' multa ta' erbat elef Euro (€4,000), il-Qorti ma tqiesx li din il-multa hija waħda eżaġerata u li ma tirriflettix ċ-ċirkostanzi tal-każ hekk kif isostni l-appellant u dana tenut kont ta' dak li tiddisponi l-liġi fir-rigward tal-piena għall-imputazzjonijiet li tagħhom l-appellant instab ħati.

# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Fatti tal-Kaz
- Nhar is-7 ta' Settembru, 2007 ghall-habta tat-8.00am, Joseph Spiteri kien qed jahdem gewwa fabbrika sitwata f'UB32, fil-Qasam Industrijali, San Gwann. Huwa kien qieghed jaqsam f'bicctejn, panel kbir tal-hgieg tat-tip laminated. Dan it-tip ta` hgieg jikkonsisti f'zewg folji hgieg mizmumin flimkien permezz ta` folja irqieqa ta` plastik li tkun inkollata maghhom. Biex jinqasam il-laminated glass, l-ewwel jehtieg li jinqasmu l-hgigiet bl-uzu ta` djamant u mbaghad, fix-xaqq maghmul mid-djamant f'wahda mill-folji tal-hgieg, jintefa ammont zghir ta` blue spirit (methylated spirit – klassifikat bhala *highly flammable*) li jigi mahruq u bis-shana l-plastik jirtaghab u jinqasam u konsegwentement il-hgigiet jigu sseparati. Jidher illi waqt li Joseph Spiteri kien qieghed jitfa dan l-ispirtu fix-xaqq, dan sploda.
- Irrizulta illi l-methylated spirit kien jitpogga go kontenitur tal-plastik li kellu tapp b'toqba zghira fih u minn din it-toqba kien jghaddi l-ispirtu li jitferra fix-xaqq ta` bejn il-hgieg. Dan il-kontenitur kien pjuttost qadim u kien jidher rigidu peress illi kien tilef il-plasticizer material li kien jirrendih artab u propju dan gara minhabba li kien jintela bil-methylated spirit.

# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Fatti tal-Kaz
- Irrizulta illi waqt din l-operazzjoni jidher illi l-kontenitur inqasam f'idejn Joseph Spiteri u minnu hareg il-methylated spirit kollu li kien hemm fih. Jidher illi f'dan il-waqt kien gia hemm il-fjamma taqbad u konsegwentement sehhet dik li tissejjah *unconfined vapour phase explosion* u sfortunatament Joseph Spiteri sab ruhu fil-fire ball li fformat.
- Joseph Spiteri kien ilu madwar hamsa u tletin sena f'dan ix-xoghol. F'dan l-incident huwa sofra 30% *partial thickness burns*, jigifieri hruq mhux fond kompletament, f'parti mill-gilda fuq in-naha ta` wiccu, ghonqu, it-trunk, il-kumplament tal-gisem, il-parti ta' fuq tal-gisem u idejh it-tnejn. Huwa originarjament iddahhal l-emergenza ikklassifikat *in danger of loss of life* (ara folio 76), izda mbaghad gie riferut gewwa l-*burns unit* bi hruq ikklassifikat bhala wiehed gravi; il-pazjent pero` kien qed jaghmel progress. Madanakollu, wara tlett ijiem, propju fl-10 ta` Settembru 2007 kellu kumplikazzjoni; intbaghat l-ITU u nstab li kellu *toxic shock syndrome* (*which is a recognised severe complication of patients with moderate to severe burns*) – ara folio 41.
- Mill-*medico legal post mortem examination* johrog illi Joseph Spiteri miet *due to septicaemia caused by burns*.



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# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Nuqqas ta' Risk Assessment Specifiku
- Ġie soddisfaċentement ippruvat li l-inċident seħħ minħabba li Joseph Spiteri, ħaddiem fis-sengħa tal-qtugħ tal-ħġieġ b'aktar minn tletin sena esperjenza, iddeċieda li jaqta' biċċa ħġieġa *laminated* bl-użu tal-metodu "tradizzjonali" tal-qtugħ bid-djamant u l-*methylated spirit* minflok bl-użu tal-magna li taqta' bil-lażer. F'dan il-każ ġie wkoll soddisfaċentement pruvat li ż-żewġ metodi kienu jwaslu għal riżultat simili u setgħu jiġi wżati. Biss dan ma jfissirx li b'daqshekk l-appellant kien meħlus mid-dmirijiet tiegħu ta' saħħa u sigurta fuq il-post tax-xogħol. Fiż-żewġ każijiet **l-appellant kellu l-obbligu** li jara li dawn il-metodi differenti kif jiġi maqtugħ il-ħġieġ kienu jkunu **jissodisfaw il-kriterji ta' kontenenza ta' riskju u ta' sikurezza u; kif ukoll li l-ħaddiema jkunu imħarġa sew f'dak ix-xogħol u f'dawk il-prattiċi kollha l-oħra anċillari għall-dak ix-xogħol**.
- Ġie pruvat soddisfaċentement li f'dan il-każ **ma ġiex kummissjonat *risk assessment* speċifiku għax-xogħol** li kien jagħmel Joseph Spiteri u l-prattiċi użati minnu. L-argument tal-appellant li Spiteri kien mgħallem f'dik is-sengħa bi tletin sena esperjenza warajh ma jreġix u dan bil-provi għax minkejja dik l-esperjenza kollha, in konsegwenza għal dan l-inċident huwa korra u miet. L-evalwazzjoni tar-riskju kellha ssir mhux biss dwar il-metodoloġija ta' kif huwa kien jaqta' l-ħġieġ iżda wkoll ta' aspetti oħra ta' kif kellu jieħu ħsieb tiegħu innifsu u l-prattiċi li huwa juża meta jkun qiegħed jagħmel dan ix-xogħol jew bi preparazzjoni għal dan ix-xogħol.



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# Qorti tal-Appell Kriminali – 18 ta' Frar 2020
# Pulizija vs Cortis

- Ġie soddisfaċentement pruvat li l-ħruq li sofra Spiteri kien konsegwenti ċ-ċediment tal-istruttura tal-flixkun tal-plastik tad-*Dermofardi* li fih kien hemm il-*methylated spirit* maħżun. Spiteri kien qiegħed juża dan il-flixkun tal-plasik biex jaħżen fih ammont żgħir – mhux aktar minn litru – *methylated spirit* biex imbagħad jużah fil-proċess tal-qtugħ bid-djamant tal-ħġieġ *laminated* – u kien waqt episodju ta' tali użu li huwa sofra l-ħruq f'ġismu li wassal imbagħad għall-mewt tiegħu.

- Għal dawn il-motivi din il-Qorti, tiddeċiedi illi tilqa' l-appell in parte u tvarja s-sentenza appellanta billi :
- (a) tikkonferma dik il-parti tas-sentenza fejn sabitu ħati tal-imputazzjonijiet miġjuba kontra tiegħu;
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- (d) tħassar dik il-parti tas-sentenza fejn ikkundannat lill-appellant għall-piena ta' disa' xhur priġunerija li bis-saħħa tal-artikolu 28A tal-Kodiċi Kriminali ordnat li ma tidħolx fis-seħħ ħlief jekk, matul il-perjodu t sentejn il-ħ



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# Other Civil Cases:

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  - S-soċjeta` konvenuta hija responsabbli għall-inċident in kwistjoni, u ghandha tillikwida d-danni favur l-attur fis-somma ta' tmienja u sittin elf, u seba' mitt ewro u erbgħin ċenteżmu (€68,700.40



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# Philip Agius vs The AV Warehouse Limited

- Fatti
- L-Attur safa' korrut serjament fil-lejl ta' bejn il-25 u s-26 ta' Settembru 2015 meta kien flimkien ma oħrajn qiegħed iżarma struttura fil-kumpless Sportiv tal-Kottonera.Dan l-armar jappartjeni lis-soċjeta' konvenuta ma' min kien ukoll impjegatl-Attur bħala technician u rigger. Is-soċjeta' tipprovdi servizzi ta' dwalu akustika. F'din l-okkazzjoni kien event ta' boxing.
- **2.**Waqt li l-Attur kien qiegħed jipparteċipa fil-ħatt tal-istruttura inkwistjoni, parti minnha, magħrufa bħala truss, arbulat għal fuqu bil-konsegwenza li ġarrab ġrieħi gravi f'rasu tant li ħarġet għadira demm u qasam il-kranju. Minħabba dan l-inċident l-Attur kien saħansitra fil-perikolu li jitlef ħajtu.
- **3.**Minħabba nuqqas ta' diliġenza talli ma provdietx *a safe system*of work u għalhekk qiegħed ifittex għad-danni minnu sofferti.

- Kalkolu tad-danni:
- *Kalkolu ta' danni*
- €20,000 (salarju) x 32 (aspettiva tal-ħajja = €640,000 –€89,600 (14% lump sum payment) = €550,400 = €440,320 (80% disability) + €10,000 (dannu psiko-soċjali) = 450,320 // 6% (rata ta' inflazzjoni) + (€27,019) = €477,339.
- Għalhekk id-danni li sofra l-Attur jammontaw għalerbgħa mija u sebgħa u sebgħin elf, tlett mija u disgħa u tletin ewro (€477,339)

# Questions?

21 ACADEMY

Undergraduate Diploma in
Occupational Health and Safety