

Risk Management in Practice

Lecture 2 : Legal and Regulatory Requirements

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**Undergraduate Diploma in
Occupational Health and Safety**

Lecture Aim

- Understand key risk Legislations Legal Requirements in OHS

This lecture aims to provide an overview of Occupational Health and Safety (OHS) legislation in Malta, focusing on the legal framework, key regulations, and the roles and responsibilities of employers, employees, other stakeholders and authorities. It seeks to promote understanding of workplace safety obligations, risk prevention, enforcement mechanisms, and compliance requirements to ensure safe, healthy, and legally compliant working environments across all sectors.



Health & Safety at Work Act Chapter 646

- Establishes the legal framework for Occupational Health and Safety in Malta
- Applies to all workers, including employees, self-employed, trainees, and apprentices (Excluding Disciplinary forces in their operations)
- Aims to prevent workplace accidents, injuries, and occupational diseases
- Requires employers to identify risks and implement preventive measures (Risk Assessment)
- Obligates employers to provide safe systems of work, training, and information
- Employees must cooperate and follow safety instructions
- Strengthens powers of the Occupational Health and Safety Authority (Administrative Instruments)
- Introduces enforcement measures, inspections, and penalties for non-compliance (Powers of OHS Officers)
- Aligns Maltese law with EU occupational health and safety directives (Directive 89/391/EEC)



Health & Safety at Work Act Chapter 646

- Duties of an Employer

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.



Health & Safety at Work Act Chapter 646

- Duties of a Workers

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.



Health & Safety at Work Act Chapter 646

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Health & Safety at Work Act Chapter 646

Powers of an OHS Officer

- Enter any workplace at any reasonable time, with or without prior notice
- Carry out inspections, examinations, and investigations
- Require the production of documents, records, and risk assessments
- Take photographs, measurements, samples, or recordings for evidence
- Interview employers, workers, or any relevant persons
- Issue improvement notices requiring corrective action within a specified time
- Issue prohibition notices to stop work that poses serious and imminent danger
- Order the removal or restriction of unsafe equipment, substances, or practices
- Initiate administrative penalties or legal proceedings for non-compliance
- Enforce compliance with the Act and subsidiary legislation



Docks Safety Regulations SL 646.02 - LN 64/1966

1. Apply to all dock operations, including loading, unloading, and movement of goods
2. Require safe access, lighting, and clear walkways in dock areas
3. Mandate proper maintenance and safe use of lifting appliances and gear
4. Ensure competent supervision and trained workers for dock activities
5. Require provision and use of appropriate personal protective equipment (PPE)
6. Regulate safe stacking, storage, and handling of cargo
7. Require precautions against falling objects, slips, trips, and falls
8. Obligate employers to assess risks and implement preventive safety measures

<https://legislation.mt/eli/sl/646.2/eng>

Protection of Young Persons at Work Regulations SL 646.04 - LN 91/2000

1. Applies to young persons under 18 years of age at work
2. Sets minimum age requirements for employment
3. Prohibits young persons from engaging in hazardous or dangerous work
4. Requires risk assessments specifically addressing young persons
5. Limits working hours, night work, and overtime for young persons
6. Requires adequate supervision, training, and instruction
7. Provides additional protection for health, safety, and moral development
8. Obligates employers to ensure compliance with special safeguards for young workers



<https://legislation.mt/eli/sl/646.4/eng>

Protection of Maternity at Work Regulations SL 646.05 - LN 92/2000

1. Applies to pregnant workers, workers who have recently given birth, and breastfeeding mothers
2. Requires employers to carry out specific risk assessments for maternity protection
3. Prohibits exposure to hazardous agents, processes, or working conditions
4. Provides entitlement to maternity leave and health protection measures
5. Requires adjustment of work conditions or duties where risks exist
6. Allows temporary transfer to alternative work without loss of rights
7. Protects workers from dismissal due to pregnancy or maternity leave
8. Ensures safeguarding of the health and safety of both mother and child



<https://legislation.mt/eli/sl/646.5/eng>

Workplace (First Aid) Regulations SL 646.06 - LN 11/2002

1. Requires employers to provide adequate and appropriate first aid arrangements
2. Applies to all workplaces, regardless of size or activity
3. Mandates provision of suitable first aid equipment and facilities
4. Requires an adequate number of trained first aiders at the workplace
5. First aid facilities must be easily accessible and clearly signposted
6. Requires regular maintenance and inspection of first aid equipment
7. Obligates employers to inform workers of first aid arrangements
8. Requires assessment of workplace risks to determine first aid needs



<https://legislation.mt/eli/sl/646.6/eng>

Minimum Health and Safety Requirements for Works with Display Screen Equipment (DSE) Regulations SL 646.07 - LN 43/2002

1. Applies to workers who regularly use display screen equipment (Computers)
2. Requires employers to carry out DSE workstation risk assessments
3. Mandates ergonomic workstation design to reduce strain and fatigue
4. Requires regular breaks or changes in activity for DSE users
5. Ensures provision of eye and eyesight tests when required
6. Requires corrective appliances where work-related need is identified
7. Requires training and information on safe DSE use
8. Obligates employers to reduce risks related to posture, vision, and stress



<https://legislation.mt/eli/sl/646.7/eng>

Workplace Minimum Health And Safety Requirements SL 646.08 - LN 44/2002

1. Establishes minimum health and safety standards for all workplaces
2. Requires risk assessment and preventive measures for workplace hazards
3. Mandates safe access, walkways, floors, and work surfaces
4. Ensures proper lighting, ventilation, and temperature control
5. Requires provision of sanitary facilities, drinking water, and washing facilities
6. Obligates employers to provide emergency exits and fire safety measures
7. Requires training and information for employees on workplace safety
8. Ensures ongoing monitoring and maintenance to maintain safe conditions



<https://legislation.mt/eli/sl/646.8/eng>

Workplace (Provisions of Health & Safety Signs) Regulations SL 646.09 - LN 45/2002

1. Requires provision of clear health and safety signs in workplaces
2. Signs must indicate hazards, prohibitions, mandatory actions, and emergency information
3. Employers must ensure signs are visible, legible, and appropriately placed
4. Safety signs must conform to recognised standards and symbols
5. Signs should be maintained in good condition and replaced if damaged
6. Employees must be informed and trained on the meaning of safety signs
7. Temporary or movable signs must be used where permanent signs are impractical
8. Obligates employers to assess risks to determine the need for additional signage



<https://legislation.mt/eli/sl/646.9/eng>

Protection against Risks of Back Injuries at the Workplace Regulations SL 646.10 - LN 35/2003

1. Purpose: Protect workers from back injuries during manual handling at work.
2. Scope: Covers lifting, lowering, carrying, pushing, or pulling loads by hand or bodily force.
3. Avoidance of Risk: Employers must eliminate manual handling risks where reasonably practicable.
4. Risk Assessment: Identify hazards and risk factors before assigning manual handling tasks.
5. Measures to Reduce Risk: Use mechanical aids, suitable tools, and task redesign to minimise risk.
6. Worker Factors: Consider workers' fitness, capabilities, and training when assigning tasks.
7. Training and Information: Provide workers with guidance and training on safe handling and risk controls.
8. Consultation and Integration: Involve workers in safety decisions and align measures with general OHS obligations.



<https://legislation.mt/eli/sl/646.10/eng>

General Provision of Health and Safety at Workplaces Regulations SL 646.11 - LN 36/2003

1. Employer Responsibilities: Employers must ensure the health, safety, and welfare of all employees at work.
2. Risk Assessment: Employers are required to identify hazards, evaluate risks, and implement preventive or protective measures. (Risk Assessment)
3. Information and Training: Employers must provide workers with relevant health and safety information, instruction, and training.
4. Safe Work Environment: Workplaces must be organised, maintained, and equipped to minimise risks and ensure safety.
5. Health Surveillance: Where necessary, employers must monitor workers' health in relation to workplace hazards.
6. Emergency Preparedness: Employers must establish procedures for emergencies, including evacuation and first aid.
7. Worker Cooperation: Employees must follow health and safety instructions and report hazards or unsafe conditions.
8. Documentation and Compliance: Employers must maintain records of risk assessments, training, and incidents, ensuring compliance with the regulations.



<https://legislation.mt/eli/sl/646.11/eng>

Control of Major Accidents Hazards Regulations (COMAH) SL 646.12 - LN 179/2015

1. Scope & Purpose – Applies to sites handling large quantities of dangerous substances (Oil, Gases, Petroleum) to prevent major accidents and limit their consequences.
2. Thresholds – Establishes lower and upper tier thresholds for dangerous substances, determining the level of regulatory requirements.
3. Safety Management – Requires operators to implement a Major Accident Prevention Policy (MAPP) and robust safety management systems.
4. Risk Assessment – Operators must conduct hazard identification, risk assessments, and implement measures to prevent accidents.
5. Emergency Planning – Mandatory on-site and off-site emergency plans to protect employees, the public, and the environment.
6. Notification & Reporting – Operators must notify authorities of site details, report major accidents, and keep records of dangerous substances.
7. Inspections & Enforcement – Regulatory authorities (HSE/Environment Agency) conduct inspections; non-compliance can lead to enforcement actions or prosecution.
8. Information & Public Awareness – Requires provision of safety information to employees and, in some cases, to the public near the site.

<https://legislation.mt/eli/sl/646.12/eng>

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- PPE Safety Training**
- The image displays a variety of safety gear. At the center is a full-body PPE suit consisting of a high-visibility orange and grey jumpsuit with reflective stripes, orange gloves, orange boots, and a yellow safety helmet. Surrounding this central figure are numerous individual PPE items: a black and orange helmet, large black headphones, a yellow hard hat, safety glasses, a green goggle, a pair of black work boots, a black respirator mask, a yellow and black power tool, a pair of grey work gloves, a pair of yellow rubber boots, an orange safety vest, a red and white lifebuoy, a pair of brown leather work gloves, a red and white traffic cone, a blue and white coiled cable, a white hard hat, a black respirator mask, a black hard hat, a blue jumpsuit, a yellow and black hazard sign, and several other safety vests in blue, yellow, and red. The items are arranged in a grid-like fashion around the central figure.
- www.punyamacademy.com



Protection of Workers from the risk related to the exposure to Carcinogens, Mutagens or Reprotoxic Substances at the Work Regulations

SL 646.14 - LN 122/2003 - EU Directive 2004/37/EC



1. Elimination or Substitution of Hazardous Substances- Employers must eliminate the use of carcinogenic, mutagenic, or reprotoxic substances where technically possible, or replace them with less hazardous alternatives.
2. Risk Assessment and Exposure Reduction- A detailed risk assessment must be carried out, and worker exposure must be prevented or reduced to the lowest level technically possible.
3. Exposure Limits and Control Measures- Employers must comply with established occupational exposure limit values and implement engineering, organisational, and collective protective measures.
4. Restricted Access and Safe Handling-Areas where exposure may occur must be clearly marked, access restricted, and safe procedures established for handling, storage, and disposal.
5. Health Surveillance and Record Keeping-Workers exposed to these substances must undergo appropriate health surveillance, and exposure records must be kept for long periods as required by law.
6. Information, Training, and Worker Rights- Workers must be informed about risks, preventive measures, emergency procedures, and have access to exposure and health surveillance results.

<https://legislation.mt/eli/sl/646.14/eng>

Protection of Workers from the risk related to the exposure to Asbestos at the Work Regulations SL 646.15 - LN 323/2006 - EU Directive 2009/148/EC

1. Prohibition and Controlled Use- The use of asbestos is prohibited, except for limited activities involving existing materials under strict control.
2. Mandatory Risk Assessment- Employers must assess asbestos risks before any work begins, including identifying asbestos-containing materials.
3. Notification to Authorities- Asbestos-related work must be notified to the competent authority before commencement.
4. Exposure Limit Value-Worker exposure must not exceed the legal occupational exposure limit for asbestos fibres.
5. Exposure Prevention Measures- Employers must use appropriate work methods, enclosure, ventilation, and wet techniques to minimise fibre release.
6. Training and Competence-Workers involved in asbestos work must receive specialised training and instruction.
7. Health Surveillance- Exposed workers must undergo medical examinations before, during, and after exposure, with long-term record retention.
8. Waste Handling and PPE- Asbestos waste must be safely packaged, labelled, and disposed of, and suitable PPE and respiratory protection must be provided.



<https://legislation.mt/eli/sl/646.15/eng>

Protection of Workers from the risk related to the exposure to Chemical Agents at the Work Regulations

SL 646.16 - LN 227/2003 - EU Directive 2020/739/EC

1. Risk Assessment Requirement- Employers must assess risks to workers' health and safety arising from hazardous chemical agents at the workplace.
2. Elimination or Reduction of Risk-Chemical risks must be eliminated where possible, or reduced to the lowest level by substitution or safer processes.
3. Hierarchy of Control Measures-Priority must be given to engineering and organisational controls before relying on personal protective equipment.
4. Occupational Exposure Limits- Employers must ensure exposure does not exceed established occupational exposure limit values.
5. Safe Handling and Storage- Chemical agents must be properly labelled, safely stored, and handled according to established procedures.
6. Information and Training- Workers must receive information and training on chemical hazards, safety data sheets, and emergency measures.
7. Health Surveillance-Workers exposed to hazardous chemicals must be provided with appropriate health surveillance when required.
8. Emergency Measures and Monitoring - Employers must have procedures for accidents, spills, and emergencies, and carry out exposure monitoring where necessary.



<https://legislation.mt/eli/sl/646.16/eng>

Protection of Workers from the risk related to the exposure to Biological Agents at the Work Regulations SL 646.17 - LN 228/2003 - EU Directive 2020/739/EC

1. Risk Assessment Obligation- Employers must assess risks arising from exposure to biological agents, considering type, level, and duration of exposure.
2. Elimination or Substitution- Exposure to biological agents must be avoided where possible, or reduced by replacing dangerous agents with less harmful ones.
3. Classification of Biological Agents- Biological agents are classified into risk groups, with control measures applied according to the level of risk.
4. Prevention and Control Measures- Employers must implement hygiene, containment, ventilation, and safe work practices to minimise exposure.
5. Exposure Limits and Monitoring- Where applicable, exposure levels must be monitored, and containment measures maintained.
6. Information, Training, and Vaccination- Workers must receive information and training on risks, preventive measures, and vaccinations where available.
7. Health Surveillance-Appropriate medical surveillance must be provided to workers exposed to biological agents.
8. Emergency Procedures and Record Keeping-Employers must have procedures for incidents or accidental releases and keep exposure and health records as required.



<https://legislation.mt/eli/sl/646.17/eng>

Protection of Workers in the Mineral Extracting and Industries through Drilling and workers in surface and underground mineral extracting industries Regulations (Quarrying) SL 646.18 - LN 379/2003

1. Scope and application – The regulations apply to surface and underground mineral-extracting industries, including drilling activities, to ensure workers' health and safety.
2. Employer responsibilities –Employers must assess risks, take preventive measures, and ensure safe planning, operation, and supervision of extracting activities.
3. Risk assessment and safety document – A written safety and health document must be prepared and kept up to date, identifying hazards and control measures specific to the site.
4. Workplace design and stability – Excavations, tunnels, shafts, and workplaces must be designed, constructed, and maintained to ensure ground stability and prevent collapses.
5. Equipment and machinery safety – All work equipment, machinery, and installations must be suitable, properly maintained, and safely operated, with protective devices where required.
6. Control of hazardous substances and atmospheres – Measures must be taken to prevent or control exposure to dust, gases, fumes, lack of oxygen, fire, explosions, and flooding.
7. Training, information, and supervision – Workers must receive adequate training, instructions, and information on risks, safe working procedures, and emergency actions.
8. Emergency preparedness and health surveillance – Employers must establish emergency plans, rescue arrangements, first aid, and appropriate health surveillance for workers exposed to risks.

<https://legislation.mt/eli/sl/646.18/eng>



Workplace (Minimum Health & Safety Requirements for work) in Confined Spaces and having Explosive Atmospheres SL 646.19 - LN 41/2004

1. Scope and application – The regulations apply to all workplaces where work is carried out in confined spaces or in atmospheres that may become explosive.
2. Risk assessment obligation – Employers must identify and assess risks related to confined spaces and explosive atmospheres before work starts.
3. Prevention of dangerous atmospheres – Measures must be taken to prevent the formation of explosive or oxygen-deficient/enriched atmospheres, including ventilation and process controls.
4. Permit-to-work systems – Entry into confined spaces and hazardous areas must be controlled through written permits specifying safety measures and conditions.
5. Safe work equipment and installations – Equipment, tools, and installations must be suitable for use in hazardous or explosive atmospheres and properly maintained.
6. Information, instruction, and training – Workers must be adequately trained and informed about hazards, safe procedures, and emergency actions.
7. Emergency and rescue arrangements – Employers must establish rescue, evacuation, and first-aid procedures, including provision of appropriate equipment and trained personnel.
8. Monitoring and supervision – Continuous or periodic monitoring of atmospheres and effective supervision must be ensured to maintain safe working conditions.



<https://legislation.mt/eli/sl/646.19/eng>

Workplace (Minimum Health & Safety Requirements for the protection of Workers from risks resulting from Noise Exposure) Regulations SL 646.20 - LN 158/2006- EU Directive 2003/10/EC

1. Scope and purpose – Protects workers from health and safety risks arising from exposure to noise at work, especially hearing damage.
2. Noise exposure limits – Sets daily and weekly exposure limit values and action values for noise levels that must not be exceeded.
3. Risk assessment – Employers must assess and, if necessary, measure noise levels to identify workers at risk.
4. Elimination or reduction of noise – Risks must be eliminated at source or reduced to the lowest level reasonably practicable through technical and organizational measures.
5. Hearing protection – Hearing protectors must be made available at lower action values and worn when upper action values are exceeded.
6. Information and training – Workers must receive information and training on noise risks, preventive measures, and correct use of hearing protection.
7. Health surveillance – Audiometric testing must be provided for workers exposed above specified action values.
8. Worker consultation and compliance – Employers must consult workers or their representatives and ensure compliance with exposure limits and protective measures.



<https://legislation.mt/eli/sl/646.20/eng>

Workplace (Minimum Health & Safety Requirements for the protection of Workers from risks resulting from Vibration Exposure) Regulations SL 646.21 - LN 371/2005- EU Directive 2002/44/EC

1. Scope and objective – Protects workers from health and safety risks caused by exposure to mechanical vibration at work.
2. Types of vibration covered – Applies to both hand–arm vibration and whole-body vibration.
3. Exposure limit and action values – Establishes daily exposure limit values and exposure action values that must not be exceeded.
4. Risk assessment – Employers must assess and, where necessary, measure vibration exposure levels.
5. Prevention and control measures – Risks must be eliminated at source or reduced through technical, organizational, and ergonomic measures.
6. Information and training – Workers must be informed and trained on vibration risks, safe work practices, and correct equipment use.
7. Health surveillance – Appropriate health surveillance must be provided for workers exposed above action values.
8. Worker consultation and review – Employers must consult workers or their representatives and regularly review exposure assessments and controls.



<https://legislation.mt/eli/sl/646.21/eng>

Workplace (Minimum Health & Safety Requirements for the Protection of Workers from risks resulting from the Exposure to Artificial Optical Radiation) regulations SL 646.22 LN 250/2010

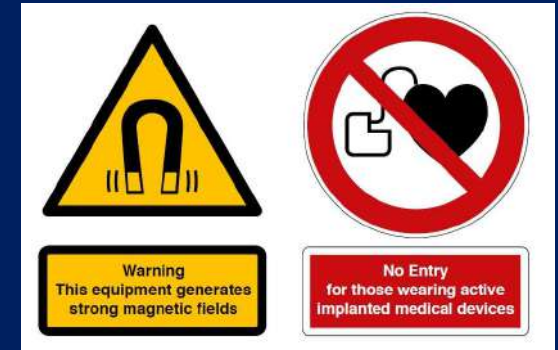
1. **Purpose & Scope:** Sets minimum health and safety requirements to protect workers from risks to their **eyes and skin** caused by exposure to **artificial optical radiation** (e.g., lasers, UV, visible, IR) during work. It does **not** cover natural optical radiation (like sunlight).
2. **Application:** Applies to **all workers** potentially exposed to artificial optical radiation at work, without prejudice to stricter laws.
3. **Definitions:** Provides legal definitions for terms including “artificial optical radiation,” “exposure limit values” (ELVs), “irradiance,” and “laser radiation.” Compliance with ELVs protects workers from known health effects.
4. **Risk Assessment:** Employers must **assess** and, where necessary, **measure or calculate** worker exposure to artificial optical radiation to identify risks and ensure they remain within ELVs.
5. **Exposure Limit Values:** The Regulations include **exposure limit values** for radiation — both **non-coherent sources** and **laser radiation** — to prevent harmful effects. Employers must ensure exposures do not exceed those limits.
6. **Risk Prevention & Control:** Employers must implement **technical and organisational measures** (e.g., shielding, engineering controls) to **eliminate or reduce exposure** where risks are identified and to keep exposures below ELVs.
7. **Information, Training & Signage:** Workers exposed to artificial optical radiation must be **informed and trained** about the risks, safe work practices, and protective measures. Hazardous areas should be appropriately **marked and controlled**.
8. **Health Surveillance & Records:** Where exposure could exceed ELVs or poses significant risk, employers must provide **health surveillance** and maintain records of exposure and medical examinations, ensuring up-to-date documentation.



<https://legislation.mt/eli/sl/646.22/eng>

Workplace (Minimum Health & Safety Requirements for the Protection of Workers from risks resulting from the Exposure to Electro Magnetic Fields) regulations SL 646.23 LN 257/2016

1. **Purpose:** Establishes **minimum health and safety requirements** to protect workers from risks to their health and safety caused by exposure to **electromagnetic fields** during work.
2. **Directive Implementation:** These regulations transpose EU Directive 2013/35/EU into Maltese law.
3. **Exposure Effects Covered:** Applies to all **known direct biophysical effects** (e.g., nerve/muscle stimulation, tissue heating) and **indirect effects** (e.g., interference with implants) of electromagnetic fields.
4. **Exposure Limit Values (ELVs):** Employers must ensure that worker exposure does **not exceed scientifically established ELVs** for electromagnetic fields; the limits are based on preventing short-term health effects.
5. **Risk Assessment & Prevention:** Employers must **assess risks** from EMFs, implement **preventive and protective measures** (technical/organisational), eliminate or reduce exposure where necessary, and keep exposures within ELVs.
6. **Worker Information & Additional Duties:** Requirements include **informing and training workers** about EMF risks and ensuring compliance with other applicable occupational safety laws



<https://legislation.mt/eli/sl/646.23/eng>

Work Equipment (Minimum Health & Safety Requirements) Regulations SL 646.24 – LN 293/2016

1. **Scope of the law** – The regulations apply to all work equipment used by employees at the workplace, whether owned, hired, or leased.
2. **Employer's duty** – Employers must ensure that work equipment is suitable for the job and safe to use under the working conditions.
3. **Risk assessment** – Before selecting and using equipment, employers must assess risks related to its use, installation, operation, and maintenance.
4. **Compliance with EU standards** – Work equipment must comply with applicable EU Directives (such as CE marking requirements) where relevant.
5. **Safe installation** – Equipment must be properly installed and located to reduce risks to workers.
6. **Maintenance** – Employers must ensure work equipment is maintained in a safe condition through regular inspection, servicing, and repairs.
7. **Inspection requirements** – Equipment exposed to conditions causing deterioration must be inspected periodically and after exceptional events (e.g. accidents).
8. **Record keeping** – Inspection results must be recorded and kept available for inspection by authorities.



<https://legislation.mt/eli/sl/646.24/eng>

Work Equipment (Minimum Health & Safety Requirements) Regulations SL 646.24 – LN 293/2016

9. **Protection against hazards** – Equipment must have appropriate guards, protective devices, and safety systems to prevent contact with dangerous parts.
10. **Control systems** – Control devices must be clearly visible, identifiable, and positioned outside danger zones where possible.
11. **Emergency controls** – Equipment must have emergency stop devices where necessary to prevent or reduce danger.
12. **Energy isolation** – Equipment must be fitted with means to isolate it from energy sources (electricity, hydraulics, pneumatics, etc.) safely.
13. **Stability and lighting** – Work equipment must be stable and adequately lit to allow safe use, inspection, and maintenance.
14. **Information and instructions** – Employers must provide workers with clear instructions and information on safe use, including foreseeable abnormal situations.
15. **Training** – Workers using work equipment must receive adequate training, including training on risks and preventive measures.
16. **Special equipment risks** – Additional safeguards apply to specific risks such as mobile work equipment, lifting equipment, and work at height



<https://legislation.mt/eli/sl/646.24/eng>

Health and safety at Work (Procedures in relation to the issuance of Administrative Penalties) Regulations SL 646.26 – LN 322/2024

1. **Purpose and scope** – These regulations set out **how** administrative penalties may be issued for certain breaches under the Health and Safety at Work Act (Cap. 646), specifically those breaches listed in Article 25 and the proviso to Article 26(3) of the Act.
2. **Non-exhaustive list of breaches** – A **Schedule of breaches** (Schedule I) provides descriptions of various failures to comply with health and safety duties (e.g., failure to assess risks, keep required records, notify authorities, etc.) and assigns a **maximum administrative penalty** for each type of breach.
3. **Authority's role in penalties** – The **Occupational Health and Safety Authority (OHSA)** determines the administrative penalty to be paid for each breach in accordance with the Schedule and may further specify or vary penalties through **administrative instruments**.
4. **Service of penalty notices** – Notices imposing administrative penalties must be **served on the person concerned**, typically by **electronic mail** (if available), and the receipt of that electronic communication is deemed confirmation of service.
5. **Burden of proof and remedial duty** – In proceedings for an administrative penalty, the **offender must prove** that it was not reasonably practicable to do more to satisfy the health and safety duty. Paying a penalty **does not relieve** the duty to take required measures to safeguard health and safety.
6. **Appeals** – A person served with an administrative penalty can **appeal** the Authority's decision to the **Health and Safety Tribunal** (as established under the Act) by filing an appeal with the applicable fee as set out in the Regulations.

<https://legislation.mt/eli/sl/646.26/eng>



Health & Safety at Work (Minimum Health & Safety requirements for Works in Construction Sites) regulations SL 646.27- LN 52/2025

1. **Title and Scope** – Establishes minimum health and safety requirements for construction sites and implements Council Directive 92/57/EEC on temporary and mobile construction sites.
2. **Commencement** – These Regulations came into force on **7 September 2025** and repealed the previous construction site safety regulations (S.L. 646.25).
3. **Application** – Applies to all construction activities from preparatory works through to completion, including earthworks, excavation, assembly, renovation, demolition, and maintenance.
4. **General Principles of Prevention** – Every duty holder must apply the **general principles of prevention** set out in the Health & Safety at Work Act when performing their duties.
5. **Client Obligations** – The **client** (project owner) must ensure that health and safety planning and arrangements are in place before work starts and throughout the project.
6. **Appointment of Project Supervisor for Health & Safety (PSHS)** – A competent Project Supervisor must be appointed **in writing** before works begin, and that appointment must be notified to OHSA.
7. **PSHS Duties** – The Project Supervisor must prepare, maintain, and update the project **Health & Safety Plan** and **Health & Safety File**, coordinate safety activities, and ensure compliance with the Regulations.
8. **PSHS Powers** – The Project Supervisor has authority to **halt work or require corrective measures** where there is a reasonable concern of serious risk to health or safety.



<https://legislation.mt/eli/sl/646.27/eng>

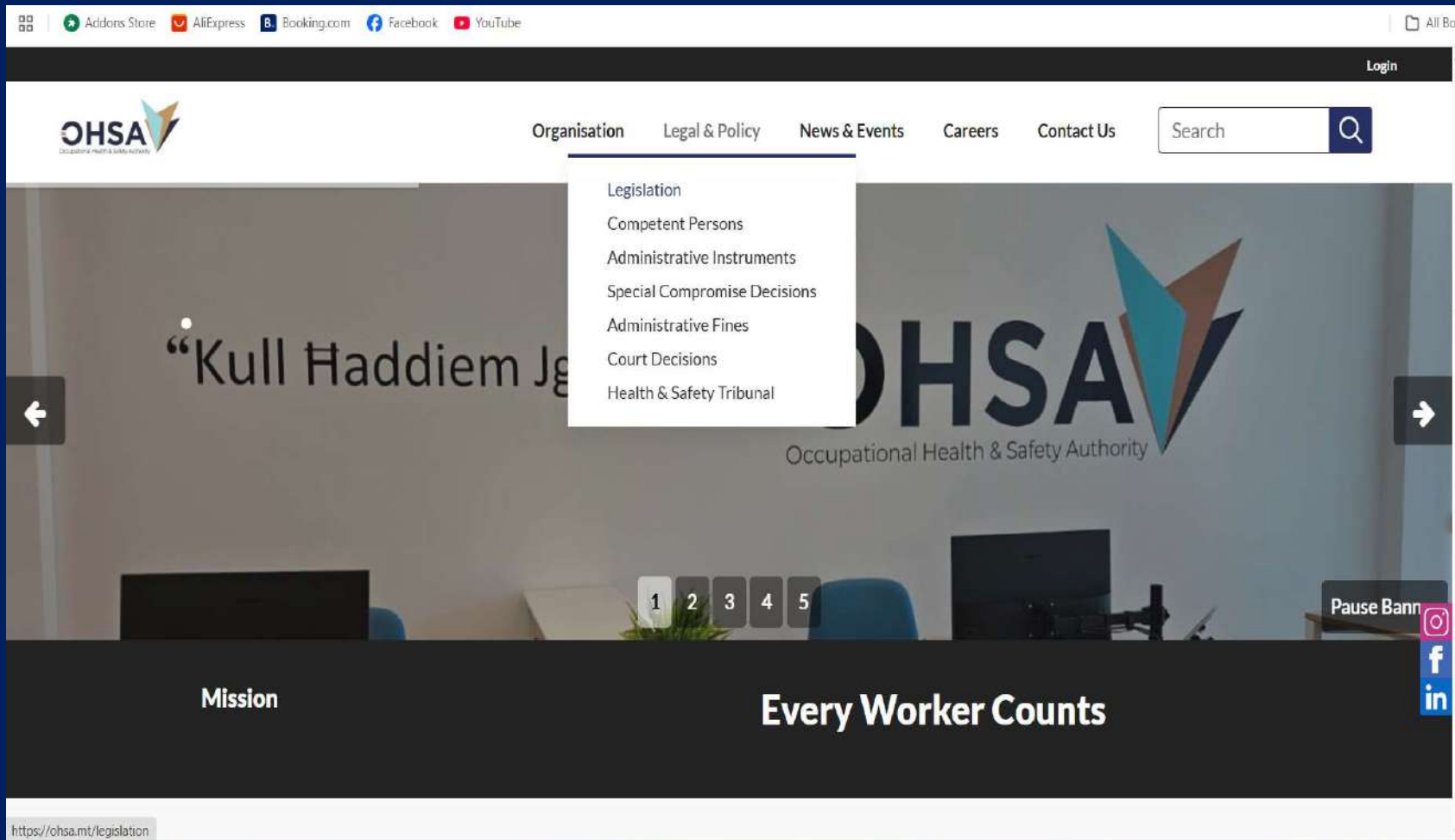
Health & Safety at Work (Minimum Health & Safety requirements for Works in Construction Sites) regulations SL 646.27- LN 52/2025

1. **Risk Assessment Requirements** – Contractors and employers must carry out **written risk assessments** for their works and submit them to the Project Supervisor; these must be regularly updated.
2. **Contractor Duties** – Contractors and sub-contractors must comply with the Health & Safety Plan, cooperate with the PSHS, implement preventive measures and provide training and protective equipment.
3. **Worker Responsibilities** – Workers must follow health and safety instructions, cooperate with the PSHS, use PPE correctly and report hazards promptly.
4. **Documentation & Notification** – Formal prior notice **notifications to OHSA** are required for larger projects (e.g., certain durations or person-days thresholds), and documentation (Form B) must be kept visible on site.
5. **Health & Safety File** – A comprehensive safety file must be maintained during the project and **transferred to the client** upon completion to inform future works.
6. **Expanded Definitions** – The Regulations broaden definitions (e.g., “contractor” now includes sub-contractors and “duty holder”), clarifying who has legal obligations.
7. **Offences & Liability** – Failing to appoint a PSHS, comply with duties, or interfering recklessly with safety measures constitutes an **offence**, attracting penalties under the Act.
8. **Transitional & Saving Provision** – Actions or proceedings started under the old regulations continue under those rules until concluded, despite the repeal



<https://legislation.mt/eli/sl/646.27/eng>

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