

**A.L. 36 ta' l-2003****ATT DWAR L-AWTORITÀ GHAS-SAHHA U S-SIGURTA'  
FUQ IL-POST TAX-XOGHOL  
(KAP. 424)****Regolamenti ta' l-2003 dwar Disposizzjonijiet Ġenerali dwar  
is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, 2003**

BIS-SAHHA tal-poteri moghtija bl-artikolu 12 tal-Att dwar l-Awtorità ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, 2000, il-Viċi Prim Ministru u Ministru għall-Politika Soċjali, f'konsultazzjoni mal-Awtorità ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, għamel dawn ir-regolamenti li ġejjin-

**1.** (1) It-titolu ta' dawn ir-regolamenti hu **Regolamenti ta' l-2003 dwar Disposizzjonijiet Ġenerali dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xoghol.** Titolu.

**2.** (1) L-iskop ta' dawn ir-regolamenti huwa li jintroduċu miżuri li jinkoraġġixxu u jiżguraw titjib fis-sahha u s-sigurtà tal-haddiema fuq ix-xoghol permezz tal-prevenzjoni tar-riskji, il-promozzjoni u s-salvagwardja tas-sahha u s-sigurtà fuq il-post tax-xoghol, u permezz tal-eliminazzjoni ta' dawk ir-riskji u fatturi li jistgħu jikkawżaw l-incidenti fuq ix-xoghol. Skop.

(2) Dawn ir-regolamenti huma mahsuba wkoll sabiex jinkoraġġixxu l-iskambju ta' informazzjoni li tikkonċerna s-sahha u s-sigurtà fuq il-post tax-xoghol fost dawk involuti fil-postijiet tax-xoghol, u l-konsultazzjoni, il-partecipazzjoni bbilanċjata u tahrig tal-haddiema u r-Rappreżentanti tas-Sahha u s-Sigurtà tagħhom.

(3) Ebda haġa f' dawn ir-regolamenti m'għandu jwaqqaf lill-Awtorità milli tohrog xi ordni lil xi persuna li tikkonċerna xi post tax-xoghol fl-interessi tas-sahha u s-Sigurtà ta' persuna jew persuni.

**3.** (1) F' dawn ir-regolamenti, kemm-il darba ir-rabta tal-kliem ma tehtiegħ xort'ohra- Tifsir.

“Att” tfisser l-Att dwar l-Awtorità ghas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol, 2000; Kap. 424

“haddiem temporanju” tinkludi kwalunkwe haddiem taht kuntratt ta’ impjeg ta’ terminu fiss u, jew kull haddiem li għandu relazzjoni ta’ impjeg temporanja ma’ min ihaddem, inkluż:-

(i) haddiem li jkollu relazzjoni ta’ impjeg regolata b’kuntratt ta’ impjeg ta’ terminu fiss konkluz direttament bejn min ihaddem u l-haddiem, fejn it-tmien ta’ kuntratt ikun stabbilit b’kundizzjonijiet oġġettivi inkluż l-ilhuq ta’ data speċifika, it-tlestija ta’ biċċa xogħol speċifika jew l-okkorrenza ta’ każ speċifiku;

(ii) haddiem li jkollu relazzjoni ta’ mpjeg temporanja ma’ min ihaddem li jkollu mpriża ta’ mpjeg temporanju, u fejn il-haddiem ikun assenjat xogħol taht jew għall-impriża u/jew stabbiliment li jagħmel użu mis-servizzi tiegħu;

“prevenzjoni” tfisser u tinkludi il-passi jew miżuri kollha meħuda jew ippjanati fl-istadji kollha tax-xogħol imwettaq f’impriża sabiex jippreveni jew inaqqas ir-riskji fuq il-post tax-xogħol;

“Rappreżentant tas-Sahħa u s-Sigurtà tal-Haddiema”u “Rappreżentant” ifissru Rappreżentant tas-Sahħa u s-Sigurtà mahtur skond l-Artikolu 6 (4) tal-Att;

“Uffiċjal tas-Sahħa u s-Sigurtà” u “Uffiċjal” ifissru Uffiċjal tas-Sahħa u s-Sigurtà mahtur skond l-artikolu 15 tal-Att.

Dmirijiet generali ta’ min Ihaddem.

**4. (1)** Għandu jkun id-dmir ta’ min ihaddem li jiżgura s-sahħa u s-Sigurtà tal-haddiema f’kull żmien u f’kull aspett li għandu x’jaqsam max-xogħol.

(2) Min ihaddem għandu jagħmel dawk l-arranġamenti xierqa għall-ippjanar effettiv, organizzazzjoni, kontroll, monituraġġ u rivista tal-miżuri preventivi u protettivi, waqt li jikkunsidra n-natura tal-attivitajiet u d-daqs tal-impriża.

(3) Min ihaddem għandu jiehu l-miżuri neċessarji għas-salvagwardja tas-sahħa u s-sigurtà fuq il-post tax-xogħol, u għal dan il-ghan għandu jippreveni riskji fuq il-post tax-xogħol u jipprovdi informazzjoni u tahrig kif mehtieg.

Iżda għal dawn l-ghanijiet, min ihaddem għandu jipprovdi l-organizzazzjoni u l-mezzi neċessarji li bihom jiżgura l-grad ta’ *standards* ta’ sahħa u sigurtà mehtieġa fuq il-post tax-xogħol:

Iżda wkoll, bl-ghan li jitjiebu s-sitwazzjoni eżistenti, min ihaddem ghandu jkun attent għall-bżonn ta' aġġustament jew emenda ta' dawk il-miżuri mehuda biex jiproteġu s-saħha u s-Sigurtà tal-haddiema waqt li jikkunsidra ċ-ċirkostanzi li jinbidlu.

**5.** (1) Minghajr hsara għall-ġeneralità tad-Dmirijiet ulterjuri. disposizzjonijiet ta' dawn ir-regolamenti, min ihaddem ghandu, wara li jikkunsidra n-natura tal-attivitajiet tal-impriza u, jew tal-istabbiliment

(i) jidentifika l-perikli fuq il-post tax-xogħol u ghandu jevita riskji għas-saħha u s-Sigurtà,

(ii) jevalwa dawk ir-riskji għas-saħha u s-Sigurtà tal-haddiema li ma jistgħux jiġu evitati u ghandu jikkontrollahom mill-bidu;

(iii) jadatta x-xogħol għall-individwu, speċjalment fejn jidhol l-id-disinn tal-postijiet tax-xogħol, l-għażla tat-tagħmir tax-xogħol u l-għażla tal-metodi tax-xogħol u tal-produzzjoni, bil-hsieb partikolarment li jitnaqqas ix-xogħol monotonu u xogħol b'rata determinata minn qabel u li jitnaqqas l-effett tagħhom fuq is-saħha.

**6.** (1) Minghajr hsara għall-ġeneralità ta' dan kollu, min ihaddem ghandu jevalwa r-riskji għas-saħha u s-sigurtà, fost l-ohrajn fl-għażla tat-tagħmir tax-xogħol, is-sustanzi kimiċi u l-preparazzjonijiet kimiċi użati, il-prassi u l-attivitajiet tax-xogħol, u l-għażla u t-tagħmir tal-postijiet tax-xogħol, kif ukoll il-kapaċitajiet tal-haddiema sabiex iwettqu x-xogħol assenjat lilhom minghajr perikli. Valutazzjoni minn min ihaddem.

(2) Wara l-evalwazzjoni msemmija fl-aħhar subregolament, u kif neċessarju, min ihaddem ghandu jiehu l-miżuri neċessarji kollha sabiex jippreveni riskji għas-saħha u s-sigurtà fuq il-post tax-xogħol, u ghandu jikkontrolla dawk il-fatturi li jistgħu jagħtu lok għal inċidenti jew li johlqu riskju għas-saħha u, jew sigurtà fuq il-post tax-xogħol inkluż fejn neċessarju billi jbidel metodi tax-xogħol u tal-produzzjoni, sabiex jiġi żgurat titjib fil-livell ta' protezzjoni mogħtija lill-haddiema fejn jidhlu saħha u sigurtà:

Iżda dawn il-miżuri għandhom ikunu integrati fl-attivitajiet kollha u fil-livelli ġerarkiċi kollha fi hdan l-impriza u, jew l-istabbiliment.

(3) Ghandu jkun id-dmir ta' min ihaddem li jiżgura li l-ippjanar u l-introduzzjoni ta' teknoloġiji godda jkunu s-sugġett ta' konsultazzjoni mal-haddiema u, jew mar-rappreżentanti tagħhom, fejn jidhlu l-konsegwenzi tal-għażla tat-tagħmir, il-kundizzjonijiet tax-xogħol u l-ambjent tax-xogħol għas-saħha u s-sigurtà tal-haddiema.

(4) Min ihaddem ghandu jiehu l-passi xierqa sabiex jiżgura li jkunu biss dawk il-haddiema li jkunu rċivew taħriġ adegwat u xieraq li jkollhom aċċess għal postijiet fejn ikun hemm periklu serju u speċifiku.

Kooperazzjoni bejn dawk li jhaddmu.

7. Minghajr hsara għad-disposizzjonijiet l-oħra ta' dawn ir-regolamenti, fejn dawk li jhaddmu, kuntratturi jew persuni li jahdmu għal rashom jaqsmu l-post tax-xogħol, min ihaddem, il-kuntratturi u l-persuni li jahdmu għal rashom għandhom jikkooperaw fl-implimentazzjoni tad-disposizzjonijiet dwar is-saħħa, is-sigurtà u l-iġene, u waqt li jikkunsidraw in-natura ta' l-attivitajiet, għandhom jikoordinaw l-azzjonijiet tagħhom f'materji li jirrigwardaw miżuri protettivi u preventivi, u għandhom jinfurmaw lil xulxin u lill-haddiema rispettivi tagħhom u, jew lir-rappreżentanti tagħhom b'dawn ir-riskji.

8. Min ihaddem m'għandux jimponi jew jippermetti li jiġi mpost fuq xi haddiem, xi hlas jew tnaqqis fil-pagi fejn tidhol xi haġa magħmula fl-interessi tas-saħħa, is-sigurtà u l-iġene jew assistenza fuq il-post tax-xogħol skond xi disposizzjonijiet ta' dawn ir-regolamenti, jew ta' xi regolamenti oħrajn mahruġa taħt l-Att, jew fejn tidhol xi miżura li għandha x'taqsam mas-saħħa, is-sigurtà, l-iġene jew l-assistenza fuq il-post tax-xogħol.

Servizzi u miżuri protettivi u preventivi.

9. (1) F' kull post tax-xogħol, min ihaddem ghandu jagħzel persuna waħda jew aktar li jkollha l-heġġa, kapaċitajiet, kompetenza u taħriġ neċessarju sabiex tassistieh fit-tehid ta' miżuri meħtieġa fejn tidhol il-protezzjoni tas-saħħa u s-sigurtà fuq il-post tax-xogħol u l-prevenzjoni u l-kontroll tar-riskji ta' fuq ix-xogħol.

Iżda fejn iktar minn persuna waħda tkun magħzula, jew fejn ikunu mqabnda servizzi esterni, min ihaddem ghandu jagħmel arrangamenti sabiex jiżgura kooperazzjoni adegwata bejniethom.

(2) Haddiema li jkunu ntgħażlu sabiex iwettqu l-attivitajiet imsemmija fl-ahhar subparagrafu, ma jistgħux jitpohhew f'xi żvantagġ minhabba l-attivitajiet tagħhom li għandhom x'jaqsmu mal-protezzjoni tas-saħħa u s-sigurtà fuq il-post tax-xogħol u l-prevenzjoni ta' riskji fuq il-post tax-xogħol.

(3) Jekk, għal xi raġuni, il-miżuri protettivi u preventivi meħtieġa minn dawn ir-regolamenti ma jistgħux jiġu organizzati minhabba nuqqas ta' personal kompetenti fl-impriza u, jew l-istabbiliment, min ihaddem ghandu jqabbd servizzi jew persuni esterni li jkollhom il-hajra u l-mezzi personali u professjonali neċessarji.

(4) Fejn min ihaddem iqabblad servizzi jew persuni esterni, min ihaddem ghandu jinfurmhom bil-fatturi maghrufa jew suspettati li jaffettwaw is-sahha u s-sigurtà ta' kull persuna mit-tmexxija tal-impriza.

(5) Fejn min ihaddem iqabblad servizzi jew persuni esterni, min ihaddem ghandu jipprovdihom, u jiżgura l-aċċess ghal kull informazzjoni li tkun neċessarja sabiex tippermettilhom li jwettqu x-xoghol tagħhom, inkluża informazzjoni li ghandha tinghata lill-haddiema permezz ta' dawn ir-regolamenti.

(6) Fl-ghażla tal-haddiema jew servizzi esterni li ghandhom ikunu kkonsultati, inklużi n-numri mehtieġa kif ukoll il-livell ta' tahrig u kompetenza professjonali, min ihaddem ghandu wkoll jikkunsidra d-daqs tal-impriza u, jew l-istabbiliment, in-numru ta' persuni preżenti f' kull hin, il-perikli li ghalihom il-haddiema huma esposti u d-distribuzzjoni tagħhom fl-impriza u, jew l-istabbiliment, u fil-każ ta' haddiema magħzula mill-istabbiliment, ghandu jiżgura li l-hin u l-mezzi ghad-disposizzjoni tagħhom sabiex jaqdu l-funzjonijiet tagħhom huma adegwati.

(7) Fejn ikunu mahtura kemm haddiema magħzula u kemm servizzi esterni, min ihaddem ghandu jara li jkun hemm koordinazzjoni tal-attivitajiet li ghandhom jitwettqu, u li dawn jahdmu flimkien kull meta jkun neċessarju.

(8) Ghandu jkun id-dmir ta' min ihaddem li jiżgura li l-haddiema jew is-servizzi magħzula jkunu infurmati bl-assenjazzjoni tax-xoghol lil haddiema temporanji sa fejn ikun neċessarju għall-haddiema magħzula sabiex iwettqu l-attivitajiet ta' protezzjoni u prevenzjoni tagħhom b'mod adegwat għall-haddiema kollha fl-impriza u, jew l-istabbiliment.

(9) L-Awtorità tista' tiddetermina l-kapaċitajiet, il-hajra u l-livell u t-tip ta' tahrig mehtieh minn persuni magħzula għall-implimentazzjoni adegwata u xierqa ta' dan ir-regolament.

**10.** (1) Ghandu jkun id-dmir ta' kull min ihaddem u ta' kull persuna li tahdem ghal rasha li tagħmel, jew li tiżgura li ssir, evalwazzjoni xierqa, suffiċenti u sistematika tal-perikli għas-sahha u s-sigurtà kollha li jistgħu ikunu preżenti fuq il-post tax-xoghol u r-riskji li jirriżultaw li jikkonċernaw l-aspetti kollha tal-attività tax-xoghol. Dawn l-evalwazzjonijiet ghandhom jikkunsidraw ir-riskji għas-sahha u s-sigurtà tal-haddiema u ta' persuni li jahdmu għal rashom li ghalihom ikunu esposti waqt ix-xoghol, kif ukoll ir-riskji għas-sahha u s-sigurtà ta' persuni oħrajn, inklużi dawk li jżuru l-post tax-xoghol, liema riskji jirriżultaw mix-xoghol imwettaq, jew in-konnessjoni miegħu, jew mit-tmexxija tal-impriza:

Evalwazzjoni tar-riskju.

Iżda meta jsiru dawn l-evalwazzjonijiet, min ihaddem u persuna li tahdem ghal rasha ghandhom jikkunsidraw ukoll bidliet fl-attivitajiet tax-xoghol imwettaq u fil-post tax-xoghol, u ghandhom jiehu azzjoni xierqa.

(2) Fejn ikunu impjegati hames haddiema jew aktar, min ihaddem ghandu jzomm fil-pussess tieghu kopji bil-miktub jew li jistgħu jinkisbu b' mod elettroniku ta' dawn l-evalwazzjonijiet, u ghandu jizgura li jkunu aġġornati regolarment.

(3) Min ihaddem u persuna li tahdem ghal rasha ghandhom jiddeċiedu dwar il-mizuri protettivi xierqa ghan-natura tax-xoghol imwettaq li jehtieg li jittiehdu wara evalwazzjonijiet bhal dawn u, jekk ikun neċessarju, dwar it-tagħmir protettiv li ghandu jintuza.

(4) L-evalwazzjonijiet imsemmija f'dan ir-regolament ghandhom jiġu riveduti kull meta jkun hemm bidla kbira fil-kundizzjonijiet tax-xoghol, jew kull meta min ihaddem jew persuna li tahdem ghal rasha jkollhom raġuni sabiex jissuspettaw li dawn m'ghadhomx validi.

Periklu serju u imminenti.

**11.** (i) Min ihaddem ghandu jwaqqaf u jagħti effett lill-proċeduri xierqa li ghandhom jiġu segwiti fil-każ ta' periklu serju u imminenti, u għal dan il-ghan ghandhom jinnominaw numru biżżejjed ta' persuni kompetenti sabiex jimplimentaw dawk il-proċeduri li ghandhom jiġu segwiti meta ċ-ċirkostanzi jew is-sitwazzjoni jkunu jirrikjedu l-evakwazzjoni ta' persuni mill-post tax-xoghol.

(ii) Min ihaddem ghandu:

(a) mill-iktar fis possibli jinfoma lill-haddiema kollha li huma, jew li jistgħu ikunu esposti għal periklu serju u imminenti, bir-riskju involut, u tal-passi li ttiehdu jew li ghandhom jittiehdu fir-rigward ta' protezzjoni.

(b) jiehu azzjoni u jagħti struzzjonijiet, sabiex haddiema jkunu jistgħu, fil-każ ta' periklu serju u imminenti, biex jieqfu mix-xoghol u jew biex immedjatement jitolqu mill-post tax-xoghol u jmorru f' post sigur.

(c) jonqos milli jitlob lill-haddiema, hliet f'kazijiet eċċezzjonali talment sostanzjali, biex jerġgħu jibdeu jaħdmu f' sitwazzjonijiet fejn ikun għad hemm periklu serju u imminenti.

(iii) Min ihaddem m'ghandu jiehu l-ebda azzjoni, dixxiplinari jew ta' xorta' oħra, kontra haddiem li nehha lill-nnifsu minn sitwazzjoni ta' xogħol fejn il-haddiem ikollu ġustifikazzjoni raġjonevoli

li kienet tikkawża periklu serju u imminenti għal hajtu jew saħtu, jew kontra rappreżentant tal-haddiema li jinforma lil xi haddiem b'sitwazzjoni ta' xogħol li tkun qed tikkawża periklu imminenti u serju għall-hajja jew għas-saħha.

(iv) Min ihaddem għandu jiżgura li l-haddiema kollha jkun jistgħu, f'każ ta' periklu serju u imminenti għas-saħha u s-sigurtà tagħhom u, jew ta' persuni oħra, u meta s-superjur immedjat responsabbli ma jkunx jista' jkun ikkuntatjat, biex jiehdu dawk il-passi xierqa, fid-dawl ta' dak li jafu u l-mezzi tekniċi disponnibbli għalihom, biex jevitaw il-konsegwenzi ta' tali periklu. L-azzjonijiet tagħhom ma jpoġġuhomx fi żvantaġġ, sakemm ma jkunux aġixxew b'traskuraġni jew jekk kien hemm xi negliġenza da parti tagħhom.

**12. (1)** Għandu jkun id-dmir ta' min ihaddem li jagħti informazzjoni li tinftihem u relevanti lill-haddiema u lir-rappreżentanti tagħhom dwar:

Għoti ta' informazzjoni.

(i) ir-riskji għas-saħha u s-sigurtà li huma maghrufa minn min ihaddem jew li ġew identifikati minn xi evalwazzjoni tar-riskju imwettqa minn, jew għal min ihaddem, u li huwa maghruf li huma preżenti fil-post tax-xogħol in ġenerali, kif ukoll fejn jidhol kull stazzjon tax-xogħol individwali, u fejn jidhol xi tip ta' xogħol jew attività ta' xogħol assenjata;

(ii) il-mizuri preventivi u protettivi meħtieġa fejn jidhlu r-riskji kollha identifikati;

(iii) il-proċeduri li għandhom ikunu segwiti fil-każ ta' periklu serju u imminenti preżenti fuq ix-xogħol, inkluż dwar l-evakwazzjoni tal-haddiema, u dwar arrangamenti magħmula fejn jidhlu l-ewwel għajjnuna u t-tifi tan-nar:

Iżda, fejn ikun adatt, min ihaddem għandu jipprovdi tabelli bl-informazzjoni li għandhom jitpoġġew f'postijiet xierqa li jindikaw il-proċeduri u l-arrangamenti magħmula fuqhom, inklużi l-ismijiet tal-persuna jew persuni responsabbli, il-post tagħhom fl-istabbiliment u kif dawn jistgħu jiġu kkuntattjati bl-aħjar mod meta jkun hemm il-bżonn.

(2) Min ihaddem għandu jiehdu l-mizuri xierqa sabiex min ihaddem impjegati barra l-impriza u, jew l-istabbiliment imqabba biex jagħmlu xogħol fl-impriza u, jew fl-istabbiliment ta' min ihaddem, jirċievu informazzjoni adekwata dwar materji li jistgħu jaffettwaw is-saħha u s-sigurtà fuq il-post tax-xogħol, u din l-informazzjoni għandha tingħata lill-haddiema in kwistjoni.

(3) Min ihaddem ghandu jiehu l-mizuri xierqa sabiex haddiema b'funzjonijiet speċifiċi li jipproteġu s-sahha u s-sigurtà tal-haddiema, jew ir-rappreżentanti tal-haddiema b'responsabbiltà speċifika ghas-sahha u s-sigurtà tal-haddiema ghandhom jithallew jaqdu l-funzjonijiet tagħhom, u partikolarment ghandu jkollhom aċċess għall-

(a) mizuri protettivi u ta' evalwazzjoni tar-riskju imsemmija hawn qabel, u

(b) l-informazzjoni kollha fejn jidhlu s-sahha u s-sigurtà fuq il-post tax-xogħol mogħtija lil min ihaddem minn aġenziji barranin kuntrattati minnu dwar kull aspekt li ghandu x'jaqsam mas-sahha u s-sigurtà fuq il-post tax-xogħol, kif ukoll minn Uffiċjal.

Konsultazzjoni u parteċipazzjoni tal-haddiema.

**13.** (1) Ghandu jkun id-dmir ta' min ihaddem li jikkonsulta mal-haddiema fil-post tiegħu u, jew ir-rappreżentanti ghas-sahha u s-sigurtà tal-haddiema, bil-quddiem u bil-quddiem biżżejjed, bl-iskop li jagħmel u jzomm arrangamenti li jippermettu lil min ihaddem u lill-haddiema li jikkooperaw b'mod shih u effettiv fil-promozzjoni u l-iżvilupp ta' mizuri preventivi u protettivi li bihom jiġu żgurati s-sahha, is-sigurtà u l-assistenza fuq ix-xogħol, u li jaċċertaw l-effettività ta' dawn il-mizuri.

(2) Mingħajr preġudizzju għall-ġeneralità tas-subparagrafu preċedenti, il-haddiema ghandhom jagħzlu minn fosthom rappreżentant jew rappreżentanti skond il-każ, minn hawn 'il quddiem imsejihin ir-rappreżentanti tal-haddiema, sabiex jirrapreżenthom fil-konsultazzjonijiet skond dan ir-regolament ma' min ihaddimhom:

Iżda jekk wara konsultazzjoni xierqa bejn min ihaddem u l-impjegati tiegħu in-numru ta' haddiema ma jitqiesx biżżejjed sabiex jippermetti l-hatra ta' rappreżentant, min ihaddem ghandu jikkonsulta, u jippermetti l-partecipazzjoni tal-haddiema kollha f'materji msemmija fis-subregolament (5) ta' dan ir-regolament.

(3) Fejn f'post tax-xogħol il-haddiema jonqsu għal kwalunkwe raġuni milli jagħzlu minn fosthom persuna sabiex tirrapreżenta l-interessi tagħhom f'materji li jikkonċernaw is-sahha u s-sigurtà fuq il-post tax-xogħol, min ihaddem ghandu jahtar persuna jew numru ta' persuni sabiex jaġixxu bħala r-rappreżentanti tal-haddiema ghas-sahha u s-sigurtà, u li ghandu jkollhom ukoll id-dritt li jaġixxu f'isem il-haddiema wara konsultazzjoni xierqa.

(4) Rappreżentant tal-haddiema m'għandux iwettaq, jew ikun involut f'xi xogħol li jista' jwassal għal kunflitt ta' interess fil-qadi tal-funzjonijiet tiegħu skond dawn ir-regolamenti, u fil-qadi ta'

dawn il-funzjonijiet, ir-rappreżentant tal-haddiema ghandu jaġixxi bl-ghan ewlieni li jissalvagwardja s-saħha u s-sigurtà tal-haddiema.

(5) Il-haddiema u r-rappreżentanti tagħhom ghandu jkollhom id-dritt li jaġhmlu rappreżentazzjonijiet ma' min ihaddimhom u li jressqu proposti dwar kull aspett li jista' jaffettwa s-saħha, is-sigurtà u l-assistenza fuq ix-xogħol, iżda mhux limitat għal-

(i) miżuri li jistgħu jaffettwaw sostanzjalment is-saħha u s-sigurtà;

(ii) l-ghażla ta' haddiema b'funzjonijiet speċifiċi għall-ewwel għajna, tifi tan-nar u evakwazzjoni tal-haddiema fil-każ ta' periklu serju u imminenti, u dwar il-metodu tas-selezzjoni tar-rappreżentanti tal-haddiema;

(iii) dawk l-evalwazzjonijiet tar-riskju li jehtieg li jitwettqu minn min ihaddem u r-riżultati tagħhom, il-miżuri preventivi u protettivi li jehtieg jittiehdu;

(iv) inċidenti fuq il-post tax-xogħol, korrimenti u każijiet ta' hsara għas-saħha fuq il-post tax-xogħol li jiġru fil-post tax-xogħol ta' min ihaddem;

(v) l-ingaġġar, fejn u meta xieraq, ta' dawk is-servizzi jew ta' persuni kompetenti barra l-impriza u, jew l-istabbiliment, kif imsemmi fir-regolament 9 (3);

(vi) l-informazzjoni kollha li jehtieg tinghata lill-haddiema permezz ta' dawn ir-regolamenti u ta' kwalunkwe regolamenti oħrajn mahruġa taht l-Att;

(vi) l-ippjanar u l-organizzazzjoni tat-tahriġ mehtieg li jinghata lill-haddiema permezz ta' dawn ir-regolamenti u ta' kwalunkwe regolamenti oħrajn mahruġa taht l-Att;

(6) Ir-rappreżentanti tal-haddiema ghandu jkollhom id-dritt li jsaqsu lil min ihaddem sabiex jiehu miżuri xierqa u li jissottomettulu proposti għal dak il-ghan sabiex jitnaqqsu l-perikli għall-haddiema u, jew biex jitnehhew is-sorsi ta' periklu.

(7) Il-haddiema u r-rappreżentanti tal-haddiema ma jistgħux jiġu żvantagġjati minhabba l-attivitajiet tagħhomli jsiru b'riżultat ta' xi materja relatata mas-saħha u s-sigurtà fuq ix-xogħol.

(8) Min ihaddem ghandu jhalli lir-rappreżentanti tal-haddiema b'responsabbiltà speċifika għas-saħha u s-sigurtà fuq

il-post tax-xoghol, hin liberu mix-xoghol, minghajr telf ta' hlas, u jipprovdihom bil-mezzi neċessarji li jippermettu lil dawn ir-rappreżentanti li jeżerċitaw id-drittijiet u l-funzjonijiet tagħhom li jhorigu minn dawn ir-regolamenti.

(9) Il-haddiema u, jew ir-rappreżentanti tagħhom huma ntitolati li jagħmlu rappreżentazzjonijiet lill-Awtorità jekk huma jikkunsidraw li l-mizuri mehuda u l-mezzi użati minn min ihaddem huma inadegwati għall-iskopijiet ta' saħħa u sigurtà fuq ix-xoghol.

(10) Ir-rappreżentanti tal-haddiema għandhom jinghataw l-opportunità li jissottomettu l-osservazzjonijiet tagħhom waqt iż-żjarat ta' l-Uffiċjali.

Tahriġ tal-haddiema u tar-rappreżentanti.

**14.** (1) Min ihaddem għandu jiżgura li kull haddiem jirċievi tahriġ adegwat fuq is-saħħa u s-sigurtà, partiokolarment fil-forma ta' informazzjoni u struzzjonijiet speċifiċi għall-istazzjon tax-xoghol u għax-xoghol assenjat:

(i) fil-mument ta' l-ingaġġ;

(ii) fil-każ ta' trasferiment jew bidla fit-tip ta' xoghol;

(iii) fil-każ ta' introduzzjoni ta' tagħmir tax-xoghol ġdid jew bidla fit-tagħmir;

(iv) ma' l-introduzzjoni ta' xi teknoloġija ġdida;

(iv) ma' l-introduzzjoni ta' prassi tax-xoghol ġdida.

(2) It-tahriġ imsemmi fil-paragrafu preċedenti għandu jkun addattat sabiex jiehu in konsiderazzjoni riskji ġodda jew li nbidlu, u fejn ikun neċessarju għandu jkun repetut kull tant żmien.

(3) Min ihaddem għandu jiżgura li haddiema minn impriża u, jew stabbilimenti barranin li jwettqu xoghol fl-impriża u, jew l-istabbiliment tiegħu ikunu fil-fatt irċiew struzzjonijiet xierqa li għandhom x'jaqsmu mar-riskji għas-saħħa u s-sigurtà waqt l-attivitajiet tagħhom fl-impriża u, jew l-istabbiliment tiegħu.

(4) Ir-rappreżentanti tal-haddiema għandhom ikunu intitolati għal tahriġ xieraq.

(5) Tahriġ li jkun ikkummissjonat minn min ihaddem u mogħti lill-haddiema jew lir-rappreżentanti tal-haddiema permezz ta' dawn ir-regolamenti għandu jithallas mill-imsemmi min ihaddem.

(6) It-tahriġ mogħti lill-haddiema u lir-rappreżentanti tal-haddiema għandu jsir waqt il-hin tax-xogħol.

**15.** (1) Għandu jkun id-dmir ta' kull haddiem li jieh u hsieb kemm jista' jkun is-saħħa u s-sigurtà tiegħu stess kif ukoll dawk ta' persuni oħrajn li jistgħu jkunu affettwati bl-atti jew xogħol tiegħu skond it-tahriġ u l-istruzzjonijiet mogħtija minn min ihaddem.

Obbligi tal-haddiema.

(2) Mingħajr preġudizzju għall-ġeneralità ta' dan kollu, għandu jkun id-dmir tal-haddiem li:

(i) jagħmel użu korrett tal-makkinarju, apparat, għodda, sustanzi perikolużi, tagħmir tat-trasport u mezzi oħrajn ta' produzzjoni;

(ii) jagħmel użu korrett tat-tagħmir protettiv personali mogħti lillu u, wara l-użu, jirritornah f'postu;

(iii) ma jiskonnettjax, jibdel jew inehhi b'mod arbitrarju l-mezzi ta' sigurtà użati, ma' makkinarju, apparat, għodda, impjanti u bini, u li juża dawn il-mezzi ta' sigurtà b'mod korrett;

(iv) jinforma immedjatement lil min ihaddem u, jew lill-haddiema bir-responsabbiltà speċifika għas-saħħa u s-sigurtà tal-haddiema b'xi sitwazzjoni tax-xogħol li jkollu raġunijiet jikkunsidra li tippreżenta periklu serju u imminenti għas-saħħa u s-sigurtà u b'xi nuqqasijiet fl-arranġamenti ta' protezzjoni;

(v) jikkoopera ma' min ihaddem u ma' haddiema bir-responsabbiltà speċifika għas-saħħa u s-sigurtà tal-haddiema, għat-tul ta' żmien neċessarju sabiex jitlesta x-xogħol jew htigijiet imposti mill-Awtorità sabiex jiġu protetti s-saħħa u s-sigurtà tal-haddiema fuq ix-xogħol;

(vi) jikkoopera ma' min ihaddem u, jew ma' haddiema bir-responsabbiltà speċifika għas-saħħa u s-sigurtà tal-haddiema, għat-tul ta' żmien neċessarju sabiex min ihaddem jiżgura li l-ambjent tax-xogħol u l-kundizzjonijiet tax-xogħol ikunu mingħajr periklu u li ma jpoġġu l-ebda riskju għas-saħħa u s-sigurtà fil-qasam tal-attività tagħhom.

**16.** (1) Il-haddiem huwa intitolat li jkollu sorveljanza tas-saħħa kull tant żmien, u għal dan il-ghan min ihaddem għandu jiżgura li l-haddiema jkunu provvduti b'sorveljanza tas-saħħa skond il-perikli tas-saħħa u s-sigurtà fuq ix-xogħol, u għandu jagħmel l-arranġamenti kollha kif meħtieġ.

Sorveljanza tas-saħħa.

(2) Minghajr preġudizzju għall-ġeneralità tas-subregolament preċedenti, is-sorveljanza tas-saħha għandha ssir kull meta l-evalwazzjoni tar-riskju meħtieġa li ssir minn min ihaddem turi:

(i) marda identifikabbli jew kundizzjoni hażina għas-saħha li għandha x'taqsam max-xogħol involut;

(ii) il-possibilità li l-marda jew il-kundizzjoni jistgħu jinqalghu taht il-kundizzjonijiet partikolari tax-xogħol.

(3) Wara li haddiem jkollu sorveljanza tas-saħha kif meħtieġ taht dan ir-regolament, min Ihaddem għandu jkun intitolat biss li jingħata, mingħand il-persuna li twettaq is-sorveljanza, dawk id-dettalji mediċi li huma direttament relatati max-xogħol imwettaq jew mal-kundizzjonijiet tax-xogħol, iżda din l-informazzjoni tingħata taht kunfidenzjalità stretta.

Gruppi ta' riskju u gruppi vulnerabbli.

**17.** Għandu jkun id-dmir ta' min ihaddem li jiehu l-mizuri u l-prekawzjonijiet kollha sabiex jiproteġi gruppi partikolarment sensitivi għal xi riskju jew li huma vulnerabbli, kontra l-perikli li jaffettwawhom speċifikament.

Haddiema temporanji.

**18.** (1) Min ihaddem għandu jiżgura li haddiema temporanji jingħataw l-istess livell ta' protezzjoni tas-saħha u s-sigurtà fuq i-post tax-xogħol bħal dak ta' haddiema ohrajn fl-impriża u, jew l-istabiliment li tagħmel użu minnhom, u għal dan il-ghan għandu jibqa' responsabbli, għat-tul taż-żmien tal-biċċa xogħol, għall-kundizzjonijiet konnessi mas-saħha, s-sigurtà u l-iġene fuq ix-xogħol li jirregolaw il-prestazzjoni tax-xogħol:

Iżda l-eżistenza ta' relazzjoni ta' mpjieġ li tkun partikolari jew speċifika għal haddiem minhabba li jkun haddiem temporanju, m'għandhiex tiġġustifika trattament differenti fejn jidhlu l-kundizzjonijiet tax-xogħol fejn ikunu nvoluti l-protezzjoni tas-saħha u s-sigurtà, speċjalment fejn jidhol l-aċċess għat-tagħmir protettiv personali.

(2) Min ihaddem għandu jipprovdi lill-haddiema temporanji b'informazzjoni li tinftihem dwar-

(i) kwalifiki tax-xogħol jew sengħa meħtieġa li jkollu haddiem sabiex ikun jista' jahdem minghajr periklu; u

(ii) is-sorveljanza tas-saħha li jeħtieġ tingħata taht dawn ir-regolamenti jew taht xi regolamenti ohrajn maħruġa taht l-Att;

(iii) il-fatturi speċifiċi tax-xogħol li ser jinghata lill-haddiem temporanju, inklużi xi riskji speċifiċi addizzjonali, fejn dawn il-fatturi jkunu jistgħu jaffettwaw is-sahha u s-sigurtà fuq il-post tax-xogħol:

Iżda din l-informazzjoni għandha tinghata lill-haddiem temporanju qabel ma jibda d-dmirijiet tiegħu.

Iżda wkoll, fejn ikun indikat minhabba xi riskji għas-sahha u s-sigurtà li johorġu jew ikunu preżenti fix-xogħol li għalih il-haddiem temporanju jkun ġie assenjat, min ihaddem għandu jipprovdi biżżejjed taħriġ xieraq skond il-karatteristiċi partikolari tax-xogħol, waqt li jikkunsidra l-kwalifiċi u l-esperjenza tal-haddiem temporanju.

(3) Fejn ix-xogħol assenjat lil haddiem temporanju jirrikjedi sorveljanza medika minhabba li x-xogħol ikun assoċjat ma' riskji kbar ta' saħha u, jew sigurtà, min ihaddem m'għandu taht l-ebda ċirkostanza jippermetti li dak ix-xogħol isir minn haddiem temporanju sakemm ma jkunx provdut b'sorveljanza medika li tkun xierqa għax-xogħol assenjat.

Iżda fejn ikun indikat, min ihaddem għandu wkoll ikun responsabbli li jiżgura li s-sorveljanza medika speċjali testendi lil hinn mit-tmiem tar-relazzjoni ta' impjeg tal-haddiem in kwistjoni.

(4) Min ihaddem għandu jinforma impriża ta' mpjeg temporanju bil-kwalifiċi tax-xogħol meħtieġa u l-fatturi speċifiċi tax-xogħol li jkun ser isir meta jitlob li jiġu provduti haddiema temporanji mill-impriża ta' mpjeg temporanju, u dik l-impriża għandha tiġbed l-attenzjoni tal-haddiema kkonċernati b'dawn il-fatti. L-impriża ta' mpjeg temporanju għandha tiżgura wkoll li din l-informazzjoni tkun imdahhla f' kull kuntratt iffirmit ma' min ihaddem għall-provvista ta' haddiema temporanji, li fost l-ohrajn, għandu jinkludi wkoll dettalji ta' xi sorveljanza medika meħtieġa.

**19.** (1) L-ebda persuna m'għandha intenzjonalment jew bi traskuraġni tinterferi jew tuża hażin xi haġa pprovduta fl-interessi tas-sahha u s-sigurtà fuq il-post tax-xogħol skond kull disposizzjoni f'dawn ir-regolamenti jew xi disposizzjonijiet ohrajn mahruġa taht l-Att.

Dmir li ma jkunx hemm interferenza jew użu hażin.

(2) L-ebda persuna m'għandha tbaġħbas xi tagħmir jew apparat provdut għall-protezzjoni tal-haddiema b' mod li dak it-tagħmir jew apparat ma jibqax effettiv jew adatt għall-iskop li għalih kien oriġinarjament maħsub, jew li juża hażin xi haġa pprovduta kif imsemmi, jew li jagħmel xi haġa, tkun li tkun, li tista' tipperikola s-sahha jew is-sigurtà tal-haddiema.

Fuq min taqa' l-prova.

**20.** F'dawk il-proċedimenti dwar reat li jsiru taht dawn ir-regolamenti, li jkun jikkonsisti fin-nuqqas ta' twettiq ta' dmir jew htieġa li ssir xi haġa sakemm din tkun prattika jew sakemm din tkun bir-raġun prattika, jew li jintużaw l-aħjar meżzi prattiċi biex issir xi haġa, ghandu jkun jaqa' fuq l-akkuzat li jipprova (skond ma jkun il-każ) illi ma kienx prattiku jew bir-raġun prattiku li jagħmel iktar milli fil-fatt sar sabiex iwettaq id-dmir jew il-htieġa, jew li ma kienx hemm meżzi prattiċi aħjar minn dawk li fil-fatt intużaw sabiex iwettaq id-dmir jew il-htieġa.

Offizi.

**21.** (1) Il-ksur ta' xi disposizzjoni ta' dawn ir-regolamenti ghandu jitqies bhala offiża.

(2) Kull persuna li xjentament jew bi traskuraġni tindahal fil-proċess li post tax-xogħol ikun bla periklu, ghandu jkun hati ta' reat.

Revoka ta' xi regolamenti ta' l-A.L. 52 tal-1986.

**22.** Ir-regolamenti 9,11, 33, 43, 44, 45, 47, 48, 49, 50, 52, 53, 58, 59 u 60 tar-Regolamenti tal-Fabbriki (Sahha, Skansar u Hsieb Ġenerali), 1986 u l-Iskeda mwahhla ma' l-istess regolamenti ghandhom jitqiesu bhala revokati mid-data tad-dhul fis-seħh ta' dawn ir-regolamenti.

**L.N. 36 of 2003**

**OCCUPATIONAL HEALTH AND SAFETY AUTHORITY  
ACT (CAP. 424)**

**General Provisions for Health and Safety at Work Places  
Regulations, 2003**

IN exercise of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, the Deputy Prime Minister and Minister for Social Policy, in consultation with the Occupational Health and Safety Authority, has made the following regulations:-

**1.** The title of these regulations is the General Provisions for Health and Safety at Work Places Regulations, 2003. Citation.

**2.** (1) The scope of these regulations is to introduce measures by which to encourage and ensure improvements in the health and safety of workers at work through the prevention of risks, the promotion and safeguard of occupational health and safety, and through the elimination of those risks and factors which are likely to cause accidents at work. Scope.

(2) These regulations are also intended to encourage the exchange of all information concerning occupational health and safety amongst all stakeholders at workplaces, and the consultation, balanced participation and training of workers and their Health and Safety Representatives.

(3) Nothing in these regulations shall debar the Authority from issuing any order to any person concerning any workplace in the interests of the occupational health or safety of a person or persons.

**3.** (1) In these regulations, unless the context otherwise requires - Interpretation.

“Act” means the Occupational Health and Safety Authority Act; Cap. 424

“Authority” means the Occupational Health and Safety Authority established by virtue of article 8 of the Act;

“fixed term contract of employment” means a contract of employment for a specific term which is fixed in advance or which can be ascertained in advance by reference to some relevant circumstance;

“health surveillance” means any procedure or investigation used to assess workers’ health in order to detect, identify, and quantify any medical abnormality, and to protect the health of the individual, collective health at the workplace, and the health of the exposed working population, and shall include, but shall not be limited to medical examinations, biological monitoring, radiological examinations, questionnaires, or reviews of health records;

“Occupational Health and Safety Officer” and “Officer” mean an Occupational Health and Safety Officer appointed in terms of article 15 of the Act;

“prevention” means and includes all the steps or measures taken or planned at all stages of work carried out in an undertaking to prevent or reduce occupational risks;

“temporary worker” includes any worker under a fixed term contract of employment and, or any worker who has a temporary employment relationship with an employer, including:

(i) a worker having an employment relationship governed by a fixed term contract of employment concluded directly between the employer and the worker, where the end of the contract is established by objective conditions including reaching a specific date, completing a specific task or the occurrence of a specific event;

(ii) a worker having a temporary employment relationship with an employer who has a temporary employment business, and where the worker is assigned to work for, and under the control of an undertaking and, or an establishment making use of his services;

“Workers’ Health and Safety Representative” and “Representative” mean a Workers’ Health and Safety Representative appointed in terms of article 6 (4) of the Act.

General duties of employers.

**4. (1)** It shall be the duty of an employer to ensure the health and safety of workers at all times in every aspect related to the work.

(2) An employer shall make such appropriate arrangements for the effective planning, organisation, control, monitoring and review of the preventive and protective measures, taking into consideration the nature of the activities and the size of the undertaking.

(3) An employer shall take all necessary measures for the safeguard of occupational health and safety, and for this purpose shall prevent occupational risks and provide information and training as required:

Provided that for these purposes, an employer shall provide the necessary organisation and means by which to ensure the requisite degree of occupational health and safety standards:

Provided further that, with the aim of improving existing situations, an employer shall be alert to the need to adjust or amend those measures taken to protect workers' health and safety taking account of changing circumstances.

**5.** Without prejudice to the generality of the provisions of these regulations, an employer shall, after taking into account the nature of the activities of the enterprise and, or establishment: Further duties.

(i) identify hazards at the place of work and shall avoid risks to occupational health and safety;

(ii) evaluate those risks to the health and safety of workers which cannot be avoided and shall combat them at source;

(iii) adapt the work to the individual, especially with regards to the design of work places, the choice of work equipment and the choice of working and production methods, with a view in particular to alleviate monotonous work and work at a predetermined work-rate and to reduce their effect on health.

**6.** (1) Without prejudice to the generality of the foregoing, an employer shall evaluate risks to occupational health and safety, inter alia in the choice of work equipment, the chemical substances or chemical preparations used, the work practices or activities, and the design and fitting-out of work places, as well as the workers' capabilities to carry out safely the task or tasks entrusted to them. Evaluation by the employer.

(2) Subsequent to the evaluation referred to in the preceding subregulation, and as necessary, the employer shall take all necessary measures to prevent occupational risks to health and safety, and shall control those factors which are likely to give rise to accidents or which create a risk to occupational health and, or safety including where necessary by changing the working and production methods, so as to assure an improvement in the level of protection afforded to workers with regard to health and safety:

Provided that such measures shall be integrated into all the activities and at all hierarchical levels within the undertaking and, or establishment.

(3) It shall be the duty of an employer to ensure that the planning and introduction of new technologies are the subject of consultation with the workers and, or their representatives, as regards the consequences of the choice of equipment, the working conditions and the working environment for the safety and health of workers.

(4) An employer shall take appropriate steps to ensure that only workers who have received adequate and suitable training may have access to areas where there is serious and specific danger.

Co-operation between employers, contractors and, or self-employed persons.

7. Without prejudice to other provisions of these regulations, where several employers, contractors and, or self-employed persons share a work place, the employers, the contractors and the self-employed persons shall co-operate in implementing the occupational health, safety and hygiene provisions and, taking into account the nature of the activities, shall co-ordinate their actions in matters which concern protective and preventive measures, and shall inform one another and their respective workers and, or workers' representatives of these risks.

Workers not to suffer any charge.

8. An employer shall not levy or permit to be levied on any worker, any charge or deduction in wages in respect of anything done or provided in the interests of occupational health, safety, hygiene or welfare in pursuance of any provisions of these regulations, or of any other regulations issued under the Act, or with respect to any measure related to occupational health, safety, hygiene or welfare at work.

Protective and preventive services and measures.

9. (1) In any workplace, an employer shall designate one or more persons having the necessary aptitude, capabilities, competence and training to assist him in undertaking the measures which are required to be taken in relation to the protection of occupational health and safety and the prevention and control of occupational risks:

Provided that where more than one person is so designated, or where external services are recruited, an employer shall make arrangements for ensuring adequate co-operation between them.

(2) Workers who have been designated to carry out the activities referred to in the preceding subparagraph, may not be placed at any disadvantage because of their activities related to the protection of occupational health and safety and prevention of occupational risks.

(3) If, for whatever reason, the protective and preventive measures required by these regulations cannot be organised for lack of competent personnel in the undertaking and, or establishment, the

employer shall enlist competent external services or persons having the necessary aptitudes and the necessary personal and professional means.

(4) Where the employer enlists such external services or persons, the employer shall inform them of the factors known or suspected to affect the health and safety of any person by the conduct of the undertaking.

(5) Where the employer enlists such external services or persons, the employer shall provide them with, and ensure access to, any such information as would be required to allow them to carry out their assigned tasks, including any information which should be given to the workers by virtue of these regulations.

(6) In selecting designated workers or the external services to be consulted, including the numbers required as well as the level of professional training and competence, an employer shall also take into consideration the size of the undertaking and, or establishment, the number of persons present at any time, the hazards to which the workers are exposed and their distribution throughout the entire undertaking and, or establishment, and in the case of workers designated from within the establishment, shall ensure that the time available for them to fulfil their functions and the means at their disposal are adequate

(7) Where both designated workers and external services are appointed, the employer shall ensure the co-ordination of the activities that are to be carried out, and that they work together whenever necessary.

(8) It shall be the duty of an employer to ensure that designated workers or services are informed of the assignment of work to temporary workers to the extent necessary for the designated workers to be able to carry out adequately their protection and prevention activities for all the workers in the undertaking and, or establishment.

(9) The Authority may determine the capabilities, aptitudes and level and type of training required by designated persons for the adequate and suitable implementation of this regulation.

**10.** (1) It shall be the duty of every employer and of every self-employed person to carry out, or to ensure that is carried out, a suitable, sufficient and systematic assessment of all the occupational health and safety hazards which may be present at the place of work and the resultant risks involved concerning all aspects of the work activity. Such assessments shall consider the risks to the health and safety of workers and of self-employed persons to which they are exposed whilst at work, as well as the risks to the health and safety of other persons, including

Risk assessments.

visitors to the place of work, which risks arise out of, or in connection with the work being carried out, or by the conduct of the undertaking:

Provided that when carrying out such assessments, an employer and a self-employed person shall also take into consideration changes to the work activities being carried out and to the workplace, and shall take appropriate action.

(2) Where five or more workers are employed, an employer shall keep in his possession written or retrievable electronic copies of such assessments, and shall ensure that they are updated regularly.

(3) An employer and a self-employed person shall decide on the protective measures appropriate to the nature of the work being carried out which are required to be taken following these assessments and, if necessary, the protective equipment to be used.

(4) The assessments referred to in this regulation shall be reviewed whenever there is any major change in working conditions, or whenever the employer or self-employed person have reason to suspect that they are no longer valid.

Serious and imminent danger.

**11.** (1) An employer shall establish and give effect to appropriate procedures to be followed in the event of serious and imminent danger, and for this purpose shall nominate a sufficient number of competent persons to implement those procedures to be followed when the circumstances or the situation require the evacuation of persons from the place of work.

(2) An employer shall:

(a) as soon as possible inform all workers who are, or may be exposed to serious and imminent danger, of the risk involved, and of the steps taken, or to be taken as regards protection;

(b) take action and give instructions to enable workers in the event of serious, imminent and unavoidable danger, to stop work and, or immediately to leave the work place and proceed to a place of safety;

(c) refrain from asking workers, save in exceptional cases for reasons duly substantiated, to resume work in a working situation where there is still a serious and imminent danger.

(3) An employer shall take no action, disciplinary or otherwise, against a worker who has removed himself from a work situation which the worker had reasonable justification to believe

presented an imminent and serious danger to his life or health, or against a workers' representative who informs any worker of such work situation presenting an imminent and serious danger to life or health.

(4) An employer shall ensure that all workers are able, in the event of serious and imminent danger to their own safety and, or that of other persons, and where the immediate superior responsible cannot be contacted, to take the appropriate steps in the light of their knowledge and the technical means at their disposal, to avoid the consequences of such danger. Their actions shall not place them at any disadvantage, unless they acted carelessly or there was negligence on their part.

**12.** (1) It shall be the duty of an employer to provide workers and their representatives with comprehensible and relevant information on: Provision of information.

(i) the risks to health and safety which are known to the employer or which have been identified by any risk assessment carried out by, or for the employer, and which are known to be present at the workplace in general, as well as in respect of each individual workstation, and in respect of any job, task or work activity assigned to be done;

(ii) the preventive and protective measures required with respect to all the risks identified;

(iii) the procedures to be followed in the event of serious and imminent danger present at work, including on the evacuation of workers, and on the arrangements made in respect of first aid, and fire-fighting:

Provided that where appropriate, an employer shall put up information signs which shall be placed at suitable locations indicating the procedures and arrangements made thereon, including the names of the person or persons responsible, their location within the establishment and how they can best be contacted in times of need.

(2) The employer shall take appropriate measures so that employers of workers from any outside undertakings and, or establishments engaged in work in the undertaking and, or establishment of the employer, receive adequate information on matters which could affect occupational health and safety, and such information shall be provided to the workers in question.

(3) The employer shall take appropriate measures so that workers with specific functions in protecting the safety and health of workers, or workers' representatives with specific responsibility for the

safety and health of workers shall be allowed to carry out their functions, and in particular, shall have access to:

(a) any risk assessment and protective measures referred to previously; and

(b) all information with respect to occupational health and safety given to the employer by outside agencies contracted by him on any matter regarding occupational health and safety, as well as by an Officer.

Consultation and participation of workers.

**13.** (1) It shall be the duty of an employer to consult workers in his employ and, or the workers' health and safety representatives, in advance and in good time, for the purpose of making and maintaining arrangements which will enable the employer and the workers to co-operate fully and effectively in promoting and developing preventive and protective measures by which to ensure the health, safety and welfare at work, and to ascertain the effectiveness of such measures.

(2) Without prejudice to the generality of the preceding subparagraph, workers shall choose from amongst their number a representative or representatives as the case may be, hereinafter referred to as the workers' representatives, to represent them in consultations pursuant to this regulation with their employer:

Provided that after due consultation between an employer and his workers the number of workers is deemed to be insufficient so as to permit the appointment of a representative, the employer shall consult, and allow the participation of all the workers on matters referred to in subregulation (5) to this regulation.

(3) Where in a place of work the workers fail for whatsoever reason, to choose from amongst their number a person to represent their interests on matters concerning occupational health and safety, the employer shall appoint a person or a number of persons to act as the workers' health and safety representative, who shall also have the right to act on the workers' behalf after due consultation.

(4) A workers' representative shall not carry out, or be involved with, any work which can give rise to a conflict of interest in the discharge of his functions pursuant to these regulations, and in discharging such functions, the workers' representative shall act with the sole objective of safeguarding the workers' health and safety.

(5) Workers and their representatives shall have the right to make representations with, and to make proposals to their employer on any matter which may affect the health, safety and welfare at work, including, but not limited to-

(i) measures which may substantially affect health and safety;

(ii) the designation of workers having specific functions for first aid, fire-fighting and the evacuation of workers in case of serious and imminent danger, and on the method of selection of workers' representatives;

(iii) those risk assessments required to be carried out by an employer and their results, the preventive and protective measures required to be taken;

(iv) occupational accidents, injuries and cases of occupational ill-health occurring at the employer's place of work;

(v) the enlistment, where and when appropriate, of those competent services or persons outside the undertaking and its establishment, as referred to in regulation 9 (3);

(vi) all information required to be given to workers by virtue of these regulations and of any other regulations issued under the Act;

(vii) the planning and organisation of the training required to be given to workers by virtue of these regulations and by other regulations issued under the Act.

(6) Workers' representatives shall have the right to ask the employer to take appropriate measures and to submit proposals to him to that end to mitigate hazards for workers and, or to remove sources of danger.

(7) Workers and the workers' representatives may not be placed at a disadvantage because of any activity taken pursuant to any matter relating to the protection of occupational health and safety .

(8) Employers shall allow workers' representatives with specific responsibility for occupational health and safety adequate time off work, without loss of pay, and provide them with the necessary means to enable such representatives to exercise their rights and functions deriving from these regulations.

(9) Workers and, or their representatives are entitled to make representations to the Authority if they consider that the measures taken, and the means employed by the employer are inadequate for the purposes of ensuring health and safety at work.

(10) Workers' representatives must be given the opportunity to submit their observations during visits by Officers.

Training of workers and representatives.

**14.** (1) The employer shall ensure that each worker receives adequate training on health and safety, in particular in the form of information and instructions specific to the workstation and to the task assigned:

(i) on recruitment;

(ii) in the event of a transfer or a change of job or task;

(iii) in the event of the introduction of new work equipment or a change in equipment;

(iv) on the introduction of any new technology;

(v) on the introduction of new work practices.

(2) The training referred to in the preceding paragraph shall be adapted to take account of new or changed risks, and repeated periodically where necessary.

(3) An employer shall ensure that workers from outside undertakings and, or establishments engaged in work in his undertaking and, or establishment have in fact received appropriate instructions regarding health and safety risks during their activities in his undertaking and, or establishment.

(4) Workers' representatives shall be entitled to appropriate training.

(5) Training that is commissioned by an employer and given to workers or to workers' representatives by virtue of these regulations shall be at the expense of the said employer.

(6) The training given to workers and to the workers' representatives must take place during working hours.

Workers' obligations.

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

(2) Without prejudice to the generality of the foregoing, it shall be the duty of a worker to:

(i) make correct use of machinery, apparatus, tools, dangerous substances, transport equipment and other means of production;

(ii) make correct use of the personal protective equipment supplied to him and, after use, return it to its proper place;

(iii) refrain from disconnecting, changing or removing arbitrarily safety devices fitted to machinery, apparatus, tools, plant and buildings, and to use such safety devices correctly;

(iv) immediately inform the employer and, or the workers with specific responsibility for the safety and health of workers of any work situation he has reasonable grounds for considering that it represents a serious and immediate danger to safety and health and of any shortcomings in the protection arrangements;

(v) cooperate with the employer and with workers having a specific responsibility for the safety and health of workers, for as long as may be necessary to enable to be carried out any tasks or requirements imposed by the Authority to protect the safety and health of workers at work;

(vi) cooperate with the employer and, or workers with specific responsibility for the safety and health of workers, for as long as may be necessary to enable the employer to ensure that the working environment and working conditions are safe and pose no risk to safety and health within their field of activity.

**16.** (1) A worker is entitled to undergo health surveillance at regular intervals, and for this purpose an employer shall ensure that workers are provided with health surveillance appropriate to the health and safety risks at work, and shall make all arrangements as are required. Health surveillance.

(2) Without prejudice to the generality of the preceding sub-regulation, health surveillance shall be carried out whenever the risk assessments required to be performed by an employer reveal:

(i) an identifiable disease or adverse health condition related to the work involved;

(ii) the likelihood that the disease or condition may occur under the particular conditions of work.

(3) After a worker undergoes health surveillance as is required under this regulation, the employer shall only be entitled to be given by the person carrying out the surveillance, such medical details

as are directly related to the work being carried out or to the conditions of work, provided that such information is given under strict confidential cover.

Risk groups and vulnerable groups.

**17.** It shall be the duty of an employer to take all measures and precautions so as protect particularly sensitive risk or vulnerable groups against the dangers which specifically affect them.

Temporary workers.

**18.** (1) An employer shall ensure that temporary workers are afforded the same level of occupational health and safety protection as that of other workers in the user undertaking and, or establishment, and for this purpose shall remain responsible, for the duration of the assignment, for the conditions connected with safety, hygiene and health at work governing performance of the work:

Provided that the existence of an employment relationship which is particular or specific to a worker by reason of his being a temporary worker, shall not justify different treatment with respect to working conditions inasmuch as the protection of safety and health at work are involved, especially with regards to access to personal protective equipment.

(2) An employer shall provide temporary workers with comprehensible information on-

(i) any special occupational qualifications or skills required to be held by that worker as to allow him to work safely; and

(ii) any health surveillance required to be provided under these regulations or under any other regulations issued under the Act.

(iii) the specific features of the job to be filled by the temporary worker, including any additional specific risks, insofar as these features are likely to affect occupational health and safety:

Provided that such information shall be given to the temporary worker before the said worker commences his duties:

Provided further that where indicated by reason of any risks to health and safety arising out of, or present during the job to which a temporary worker has been assigned work, an employer shall provide sufficient training appropriate to the particular characteristics of the job, taking into account the temporary worker's qualifications and experience.

(3) Where the work to be assigned to a temporary worker requires medical surveillance by virtue of the work being associated with severe risks to health and, or safety, an employer shall under no circumstance allow that work to be carried out by a temporary worker unless special medical surveillance is provided which is appropriate to the work to be assigned:

Provided that where indicated, an employer shall also be responsible for ensuring that the special medical surveillance extends beyond the end of the employment relationship of the worker concerned.

(4) An employer shall inform a temporary employment business of the occupational qualifications required and the specific features of the job to be filled when requesting temporary workers to be provided by the temporary employment business, and such temporary employment business shall bring all these facts to the attention of the workers concerned. The temporary employment business shall also ensure that such information is entered into any contract signed with the employer for the provision of temporary workers, which inter alia, shall also include details of any medical surveillance required.

**19.** (1) No person shall intentionally or recklessly interfere with or misuse anything provided in the interests of occupational health and safety in pursuance of any provisions of these regulations or any other provisions issued under the Act. Duty not to interfere and misuse.

(2) No person shall tamper with any equipment or appliance provided for the protection of workers as to render such equipment or appliance ineffective or unsuitable for the purpose it was originally intended, or to misuse anything provided as aforesaid, or to do anything whatsoever that can endanger the health or safety of workers.

**20.** In any proceedings for an offence under these regulations consisting of a failure to comply with a duty or requirement to do something, or to do something so far as is reasonably practicable, 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. Onus of proof.

**21.** (1) Any breach of any provision of these regulations shall be deemed an offence. Offences.

(2) Any person who knowingly or recklessly interferes with the process of providing a safe and healthy place of work, shall be guilty of an offence.

Repeals of certain  
regulations of L.N.  
52 of 1986.

**22.** Regulations 9, 11, 33, 43, 44, 45, 47, 48, 49, 50, 52, 53, 58, 59 and 60 of the Factories (Health, Safety and Welfare) Regulations, 1986, and the Schedule attached thereto, shall be considered repealed on the date of coming into force of these regulations.