



AWTORITÀ GĦAS-SAĦĦA U S-SIGURTA` FUQ IL-POST TAX-XOĠĦOL
OCCUPATIONAL HEALTH & SAFETY AUTHORITY

Contact details and other related information in terms of the
FREEDOM OF INFORMATION ACT

1. Contact Details:

Name of Public Authority: *AWTORITA` GĦAS-SAĦĦA U S-SIGURTA`
FUQ IL-POST TAX-XOĠĦOL
(Occupational Health & Safety Authority)*

Address: 17 Triq Edgar Ferro, Pieta` PTA 1533 – Malta

**FOI Generic
Telephone No:** 2124 7677

**FOI Generic
E-mail address:** foi.ohsa@gov.mt

FOI Officer: Mr Giovanni Barbaro-Sant

FOI Alternate Officer 1: Mr David Saliba

FOI Alternate Officer 2: Mr Remigio Bartolo

2. Structure, Functions & Responsibilities:

OCCUPATIONAL HEALTH AND SAFETY AUTHORITY (OHSA BOARD)

The Authority shall consist of nine members, as follows:

- A Chairperson, appointed by the Minister.
- The Director of Industrial and Employment Relations, *ex officio*, as Deputy Chairperson.
- A person, appointed by the Minister, with competence in occupational health and, or safety.
- A person appointed by the Minister responsible for Health.
- A person appointed by the Minister responsible for Economic Affairs.
- Two members appointed by the Minister to represent the interests of workers.
- Two members appointed by the Minister to represent the interests of employers.
- The Minister shall also appoint a person to act as the Secretary of the Board.

Functions of the Authority:

“It shall be the duty of the Authority to see that the levels of occupational health and safety protection established by this Act and by regulations made under this Act are maintained” (Act XXVII of 2000, general duties, article 5).

Under Act XXVII of 2000 the Authority has various functions, including :

- Apply the provisions of this Act and of any regulations or orders made the reunder.
- Establish strategies in consultation with the Chief Executive Officer, by which the general national policy relating to occupational health and safety, indicated to it by the Minister, may be implemented.
- Advise the Minister regarding the making of regulations to promote, maintain and protect a high level of occupational health and safety.
- Monitor compliance with relevant occupational health and safety legislation and to take enforcement action.
- Prepare regulations or Codes of Practice required to promote, maintain and protect a high level of occupational health and safety: Provided that the Authority may appoint for this purpose, committees or sub-committees and it may co-opt on such committees or sub-committees competent persons from outside its membership, who, in the OCCUPATIONAL HEALTH AND SAFETY AUTHORITY [CAP. 424. 7 opinion of the Authority, have professional or expert knowledge on any matter dealt with under this Act; so however that the co-opted members shall not have a vote on any matter before a committee or subcommittee.

- Promote the dissemination of information regarding occupational health and safety, and the methods required to prevent occupational injury, ill health or death.
- Promote education and training on occupational health and safety, and emergency and first aid response at work places.
- Collate and analyse data and statistics on occupational injuries, ill health and deaths, and on matters ancillary to occupational health and safety: Provided that the Authority may request data or information on any matter related to occupational health and safety, and such data or information shall be provided forthwith: Provided further that any such data or information shall be deemed to have been given and received under the obligation of confidentiality.
- Keep registers of such plant, installations, equipment, machinery, articles, substances, or chemicals and intended for use at work which in the opinion of the Authority provide a serious occupational health and safety risk.
- Carry out any investigation on any matter concerning occupational health and safety, including but not limited to the investigation of any accident, injury, disease or death occurring as a result, or by reason of, any association with work, as well as investigations to ascertain the level of occupational health and safety provided at any work place, and the duty of the Authority to secure the enforcement of any provision of this Act shall not be reason to debar the carrying out of such investigations: Provided that the Authority may appoint competent persons as far as possible from the register mentioned in sub-paragraph (1) to assist it in any investigations and to accompany its officials during an investigation.
- Promote and carry out scientific research aimed at better methods of preventing occupational ill health, injury, or death.
- Keep registers of persons competent to give advice on matters related to occupational health and safety: Provided that the Authority may determine the minimum qualifications required before the name of a person may be entered into the register.

OHSA Executive:

The OHSA's executive has a current staff complement of twenty-six.

- Senior management: The Chief Executive Officer; Head of Technical Operations; The Senior Manager (Corporate Services)
- Nine professionals in their specialist role, collaborate with six executive officers in the field operations
- Eight employees constitute the clerical and support staff.

3. General Description of categories of documents held by the Authority:

- Legislation (eg. Copies of OHS Act XXVII/2000 and subsidiary legislation)
- Codes of Practice (eg. Construction Industry,
- Publications (including electronic) such as best practice and guidelines by employment sector/industry
- Entity policy documents such as Standard Operational Procedure – Ops Manual; Enforcement Policy and related working documents
- Studies, reports and correspondence in connection with OHSA’s international contributions at particularly European Commission level (eg. Labour inspectorates, European Agency for Safety and Health at Work, other working groups)
- Copies of certification such as workplace lifts, plant, equipment and installation pertaining to OHS legislation
- Electronic database pertaining to various sectors in relation to OHS Act XXVII/2000 and subsidiary legislation
- Register of Competent Persons (in terms of OHS Act XXVII/ 2000)
- Case reports relating to enforcement action
- Copies of Injury reports in terms of OHS legislation
- Memoranda of Understanding
- Agreements and records related to payments made out of the government subvention and other sources of revenue
- Documents in relation to applications for/criteria for selection/implementation of EU projects
- Documents pertaining to its HR complement
- Identification documents pertaining to powers of entry of OHSA officers.
- Extracts of local media coverage of OHS issues
- Minutes of the Board of the OHSA
- Documents (eg. Annual Report of Activities)relating to OHSA initiatives
- Documents (Questionnaires, Application Forms) in respect of OHSA training services.

4. Details of Request Procedure

Members of the public may place an electronic request for information on foi.ohsa@gov.mt and within a 20 working-day period the OHSA is to determine whether the request has to be transferred (if the document to which the request relates is not held by the OHSA), whether an extension would be required or whether a notification (accepting the request, accepting the request in part or refusing the request) can be issued.

5. Payment of fee and/provision of document/information

If, following receipt of notification, the applicant is informed that he/she will be granted access to the document / information and that a fee applies, the applicant is allowed 20 working days (from receipt of such notification) in order to effect payment.

If no communication is received from the applicant following 30 working days of notification, the Authority shall consider the request to be abandoned.

Following payment the Authority shall have 10 working days (from the date of payment) to provide the applicant with the document / information.

If no fees apply, the Authority shall provide the applicant with the document / information within 10 working days following notification.

Other Information:

- OHSA working hours: Winter 07:30-16:45h; Summer 07:30 – 13:30h.
- Payments according to the established tariff (vide FOIA Payment Schedule <http://mjha.gov.mt/page.aspx?pageid=175>) shall be made at/addressed to OHSA's offices. If by cheque, payable to OHSA.
- Requests which may be received electronically or in writing, shall be addressed (as above) to The FOI Officer, OHSA. Should e-id be made use of (webpage at www.foi.gov.mt)
- Applicant may track process electronically. Requests and Complaints shall be acknowledged and answered according to originator's preferred medium (electronic/mail) and within the prescribed deadlines.

A printed copy of the Request and Complaint Form/s template/s shall be made available at the Reception Area of the OHSA. On request, relevant form shall be made available to the respective complainant by email/postal address. An electronic copy shall be made available at <http://mjha.gov.mt/page.aspx?pageid=175>

6. Internal Complaints Procedures:

An applicant whose request for information is refused, or who is otherwise not satisfied with the information provided, its format or the extension of the deadline for the submission of the notification indicating whether a request would be met or not, may address a complaint to the Authority

The complaint should be addressed to the OHSA's FOI Officer, who shall bring the complaint to the attention of the Chief Executive Officer. The officer responsible shall reply to the applicant within 10 working days from the receipt of the complaint. The applicant shall also be informed that he or she may appeal the decision or otherwise address a complaint to the Information and Data Protection

Commissioner in accordance with the Freedom of Information Act (Cap. 496 of the Laws of Malta).

The officer responsible shall inform the applicant of the decision taken with respect to his or her complaint, and in the event of confirmation of a decision not to release the pertinent information, shall explain the reasons thereof. Whenever the applicant's complaint is related to the format of the information provided or to an extension of the deadline for the submission of the notification indicating whether a request would be met or not by the Authority, and the original decision is upheld, the applicant shall be given an explanation as to why his or her complaint cannot be positively addressed.

An applicant may also make use of the Internal Complaints Procedure to report failure to meet deadlines or to send notifications. In those cases where the request for information can be met, but has not been met within the deadlines specified by the Act, the officer responsible shall waive any applicable fees for the submission of information.

In addition, every complainant has the right, following recourse to the PA's internal Complaint procedure, to address a complaint or seek review by the Information and Data Protection Commissioner, IDP Tribunal, or Court of Appeal.