1. **BASIC INFORMATION**

1.1. Desiree Number: MT-01-01


1.3. Title: Support for Effective Implementation of Occupational Health & Safety Law in a Pre-accession Context

1.4. Sector: Social Policy

1.5. Location: Malta
   Occupational Health & Safety Authority and the Ministry for Social Policy

2. **OBJECTIVES**

2.1. **Wider Objectives**

To allow Malta to enforce EU legislation with respect to occupational Health and Safety.

2.2. **Immediate Objectives**

(a) Institutional Development: to enable the new Occupational Health & Safety Authority (OHSA) to develop the capability to implement effectively Occupational Health & Safety (OHS) legislation, in particular the Framework Directive (89/391/EEC).

(b) OHSA to design and implement an inspection and information strategy in that respect;

(c) Social Partners: to help the social partners to play an effective role in promoting OHS.

2.3. **Accession Partnership and NPAA priority**

*Accession Partnership*

The report on the Conference on Accession to the European Union, dated 15 November 2000 noted Malta’s commitment to strengthen its employment and social affairs institutions and referring to OHS in particular said “above all, much work is required as regards the implementation and enforcement structures”; and “timely and complete transposition and implementation of EU legislation on health and safety at work must be accompanied by the effective operation of labour inspection institutions”.

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*Occupational Health & Safety*

*Project Fiche - National Pre-Accession Programme 2001 - Malta*
Short Term Priorities
- Support social partners’ capacity-building efforts to develop and implement the *acquis*.

Medium Term Priorities
- Transpose and implement EU legislation in the fields of occupational health and safety, labour law, equal treatment of women and men, public health; reinforce related administrative structures and those required for the co-ordination of social security.

NPAA Economic and Social Cohesion, Social Policy and Employment - OHS

Short Term Priorities
- Ensure full alignment with the EU Acquis on OHS.

Medium Term Priorities
- Complete adoption of sectoral legislation.

3. Description

3.1. Background and Justification

3.1.1. Introduction

In 1998 Malta re-activated its application to join the European Union. Since then it has made significant progress in harmonising its OHS legislation. Malta is soon to bring into force the Occupational Health & Safety Authority Act 2000 that will establish the OHSA and its Officers (as labour inspectors are to be called).

There is now a real need to effectively enforce the new law.

Although employers and employees are poorly informed about OHS there is an established framework of employers’ and employees’ organisations that should take an important role. There is a history of bipartite and tripartite co-operation, sometimes concerning OHS. And there are a number of Government agencies, e.g. that supports small and medium-sized enterprises (SMEs), that could make a significant contribution.

3.1.2. Economic Activity most Relevant to the Project

Manufacturing, although showing a slight overall decline continues to be a major sector in terms of contribution to GDP and employment. There has been some shift away from the more traditional areas that include clothing and towards electrical machines and equipment. The manufacturing sector is a significant contributor to the accidents at work total.
Construction is an important sector but it has a very poor OHS record with an accident incidence rate alarmingly high at nearly 19%. There are a few medium and large employers (including the Government whose direct labour force is the largest) but for the most part construction companies employ very small numbers.

Quarrying is another important sector, again showing an accident performance that must be improved upon.

Also important to the economy are the ship repair and building activities. Such “heavy” industry is inevitably hazardous.

Much of the remaining economic activity involve a large number of micro sized employers most of whom work in the services industries. These will represent a real challenge to the Authority as it seeks to influence companies that it will have little opportunity to visit. They are often difficult to identify and are too numerous for widespread individual visiting by Officers to be a practicality. They tend to be ill informed on OHS law and standards and usually refrain from asking for help. SMEs are major contributors to employed work but create big challenges for effective OHS enforcement.

3.1.3. Institutions Relevant to the Project

The current labour inspectorate is known as the Occupational Health & Safety Unit (OHSU), which operates within the Industrial Relations and Employment Department of the Ministry for Social Policy. It comprises some 11 inspecting staff including the Head of Unit and works out of two offices in Valletta.

Inspectors are appointed by the Minister for Social Policy under the Occupational Health and Safety (Promotion) Act of 1994. This Act also established the tri-partite Commission for the Promotion of Occupational Health and Safety. Importantly, the Act brought together health and safety activities that previously had been the role of separate inspectorates.

**OHSA**

A new Act is soon to come into force that will establish the Occupational Health and Safety Authority (OHSA). This will comprise a tri-partite Board, whose main functions will be to develop strategies to implement the national policies for OHS developed by the Minister for Social Policy; to monitor expenditure of the Authority; and to prepare an annual report.

The OHSA needs an inspection strategy that borrows from the work done by the EU Member States. In particular, Health and safety arrangements based on effective risk assessment (RA) that underpin the Framework Directive, would have to be taken into account.

Good information is a pre-requisite for effective strategies but existing arrangements do not provide for this. In addition to the widespread problem of under-reporting of accidents there are deficient arrangements for understanding the nature and extent of ill health through work. The Authority should consider OHS information needs widely and develop an information strategy. It should analyse the wider need, design the infrastructure necessary to satisfy that need and take the steps needed to make the system operational, developing this over a period of time.
There is little information available on the important area of ill health caused through work. The following have been pointed up as areas of particular concern:

- Chemicals, including asbestos, solvents, biological agents;
- noise - predictably wide spread;
- Radiation Protection - identified mainly in hospitals offering radiotherapy and enterprises engaging in industrial radiography.

Therefore Institutional Building is needed to:

- develop a strategy to enforce the H & S legislation in particular within SMEs;
- develop an information strategy as part of the overall H&S strategy;
- develop capacity concerning ill health in particular with respect to chemicals, noise and radiation protection. This will require both training and monitoring equipment.

**The Social Partners**

Representing employees’ interests are the General Workers’ Union and the Union Haddiema Maghqudin (UHM). Both have expressed an interest in furthering the OHS protection of workers and looked for the training of worker representatives. Supervisors and Worker Representatives are key players. They are in daily touch with the shop floor, they are well aware of the dangers and are themselves often at most risk. They have the knowledge, experience and incentive to make a major contribution. However, this will only be realised if they are involved, and if they appreciate the techniques and priorities of a modern approach to OHS.

The Malta Federation of Industry and the Malta Employers’ Federation and others represent the employers. There is a lack of trained OHS specialists in Malta. A few enterprises employ such staff but for the most part they lack knowledge of the Framework Directive and a detailed knowledge of what is required, in particular risk assessment.

There are two important tripartite bodies: the Health and Safety Commission and the Building Industries Consultative Committee (BICC). The Board of the Authority under the new Act will replace the Commission. The BICC recognises the poor OHS performance of the industry and attempts to address the issues. It should be a leading player in the drive to improve the OHS performance and, if it is to perform a role during the introduction of the forthcoming construction legislation then it will benefit from help in understanding this novel law.

3.2. **Linked Activities**

Harmonisation of Maltese law with that of the EU is continuing although not a part of this project.

The project is dependent on the coming into force of the Occupational Health & Safety Act that will create the new OHSA and that will adopt important elements of the Framework Directive (89/391/EEC).
3.3. Results

The outputs of the project are:

- the establishment of an adequate recording system for occupational accidents and diseases, and a reduction of occupational accident and disease rates

- the preparation of a statement of the purpose and values of the Authority, which shall be promulgated to the business community, so as to help it understand the Authority’s way of working and its priorities. Business enterprises will know in what way and to what extent the Authority is able to help them. Workers will also have a clearer understanding of how the Authority seeks to protect their health and safety at work. An annual plan with clear objectives and measurable targets will be established.

- the training and resourcing of Officers of the Authority (including through the provision of monitoring equipment) so that they can act in a manner that seeks firstly to work with business, but that also retains its responsibility to act effectively when there are gross or repeated transgressions of OHS good practice. Officers will also be able to advise employers on risk assessments and to judge the adequacy of assessments made.

- the provision of assistance to the Social Partners so that they can understand their essential role (statutory or otherwise) in improving OHS.

3.4. Activities

3.4.1. Successful implementation of this project anticipates twinning assistance from the labour inspectorate of an EU Member State and the presence of a long-term pre-accession advisor (PAA). He or she will be involved in all the elements of the project but will be supported as necessary by other EU short-term experts (STE).

The PAA, located in the offices of the OHSA, will be in post from October 2001 until September 2002.

The PAA will need to have knowledge and experience of OHS inspection, the development of inspection plans and the training of inspectors. He or she will work with the staff of the Ministry, OHSA and the Social Partners, and offer day-to-day advice and guidance to the OHSA.

Activities will include: making awareness raising presentations; helping to develop strategies for SMEs and training; assistance with the design and running of workshops and training courses; helping to develop training materials; working, sometimes on a one-to-one basis, with OHSA Officers; helping to arranging 3 study visits; the procurement of equipment; and organising the support for the Tas and STEs.

More specifically, the project will:

- establish a statement of purpose and value for the Authority promulgated to the business community.

- develop a national strategy for OHS, with specific emphasis on SMEs, that presents relevant and well informed options for persuading all stakeholders to improve their performance;
– develop a coherent annual plan with objectives set and clear measures/indicators for achievement established compatible with the Authority’s business needs.

– develop an information strategy that the Authority will progressively implement during the course of this project and afterwards.

– identify best practice in training from other Member States and help the Authority prepare a document/manual that is matched to its needs;

– develop capacity for risk assessment, management of risks in the construction industry and radiation protection, as well as inspection procedures through organisation of study/on-site visits on health and safety to other Member States;

– the purchase of adequate monitoring equipment and the resourcing of the Authority to make effective interventions where there is a likely risk from chemicals, noise and radiation sources.

– draft the specifications for the procurement of equipment and oversee installation of equipment;

– develop a functioning management information system providing data on each enterprise contacted set-up. The objective of the information system as a means for targeting inspection to where the risk is greatest and the ability to monitor performance against plan.

– prepare a business needs assessment for a management information system, specifying hardware and software requirements and oversee implementation of the core needs of the system;

– deliver training courses on:
  – Communication Skills;
  – Risk Assessment for Officers and OHS Specialists;
  – On forthcoming construction OHS law for Officers and

– Deliver workshop on:
  – OHS for the trainers of Supervisors and Worker Representatives.

– Officers able to advise employers on risk assessment and to judge the adequacy of assessments made.

– Officers able to implement the forthcoming law on construction OHS

– More confident and assertive Officers able to explain their purpose, handle conflict and be more effective in bringing about change through good communications.

– Two Radiation Protection Officers able to judge the adequacy of relevant control measures.

– Supervisors and worker representatives better able to contribute at shop floor level.
– The tripartite BICC better able to take a leading role in improving construction OHS
– OHS specialists with an understanding of general risk assessment.

3.4.3. Equipment

*Monitoring Equipment*

The following equipment will be procured to reinforce OHSA’s capacity to effect interventions where there is a likely risk from chemicals, noise or radiation sources:

– One Radiation Monitor
– Four Noise Personal Dosemeters
– One Microscope
– One Mobile Multigas Analyser

*IT Equipment for an information system*

In order to provide and use the information referred to above for planning and monitoring purposes the Authority will need IT equipment in order to develop an enterprise register against which OHS information relating to the enterprise (or worksite) and relevant information from visits would be recorded. It should incorporate a structured but simple means for recording the visiting Officers’ judgement about OHS performance at the enterprise, which would be used subsequently for targeting inspections. It should also allow for the recording of plans for inspection and the monitoring of performance against plan.

4. **Institutional Framework**

The beneficiary of the twinning partner will be the Occupational Health & Safety Authority, soon to be established by the Occupational Health & Safety Authority Act, 2000.

The Authority is to be a body corporate, having a distinct legal personality, the affairs and business of which are the responsibility of a nine person tripartite ‘Board’, headed by a Chairperson. A function of the Authority is to set out strategies to implement the general national policy indicated to it by the Minister (for Social Policy). The Authority, in consultation with the Minister, is to appoint a Chief Executive Officer (CEO) and is to take over the existing Occupational Health & Safety Unit (i.e. the existing inspectorate). The CEO is to report directly to the Authority.

Other stakeholders of the project represent the Social Partners. Those that have shown an interest to date in being involved in the project are: the tripartite Building Industries Consultative Committee (BICC); for the employers, the Malta Federation of Industry and the Malta Employers’ Federation; and for the employees, the General Workers’ Union and the Union Haddiema Magħqudin (UHM).
5. **Detailed Budget (Euros)**

<table>
<thead>
<tr>
<th>EU Support (Indicative Values in Euros)</th>
<th>National Co-finan. *</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Investment Support</strong></td>
<td><strong>Institution Building</strong></td>
<td><strong>Total EU (IS+IB)</strong></td>
</tr>
<tr>
<td>TWINNING</td>
<td>335,000</td>
<td>335,000</td>
</tr>
<tr>
<td>OH Monitoring Equipment</td>
<td>125,000</td>
<td>125,000</td>
</tr>
<tr>
<td>IT Equipment &amp; Software</td>
<td>240,000</td>
<td>240,000</td>
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<td><strong>Investment</strong></td>
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<td>309,000</td>
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<tr>
<td><strong>Training</strong></td>
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<tr>
<td><strong>TOTAL</strong></td>
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<td>335,000</td>
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</tbody>
</table>

(*) These funds are foreseen under the 2001 budget. More funds may be committed for the project by the Maltese government in the coming years however this cannot be shown since the Maltese budgetary system commits and disburses in the same year.

6. **Implementation Arrangements**

6.1. **Implementation Agency**

The Occupational Health & Safety Authority will be the implementing Agency. The Chief Executive Officer of the Authority will have overall responsibility. He or she will liaise directly with the PAA.

Contact person: Mr. Joseph Ebejer  
Permanent Secretary  
Ministry for Social Policy  
Republic Street Valletta  
tel: 232453  
fax: 232437  
joseph.ebejer@magnet.mt

6.2. **Twinning**

The project requires a PAA in post for 12 months. He or she will need a sound knowledge of OHS inspection with experience of drawing up and implementing programmes of work and involvement in the training of inspectors.

6.3. **Non-standard Aspects**

None.
6.4. **Contracts**

The Twinning Covenant will represent the main contract for the project, which covers the costs of the PAA and short term TAs.

Three supply contracts are anticipated: 1 for OH monitoring equipment (indicative value Euro 125,000); 1 for IT equipment (indicative value Euro 205,000); and 1 for software development (indicative value Euro 35,000).

7. **IMPLEMENTATION SCHEDULE**

<table>
<thead>
<tr>
<th>Components</th>
<th>Start of Tendering</th>
<th>Start of Project Activities</th>
<th>Completion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning and Short Term TAs</td>
<td>May 2001</td>
<td>October 2001</td>
<td>September 2002</td>
</tr>
</tbody>
</table>

8. **EQUAL OPPORTUNITY**

Within the project equal opportunity will be given to women and men for participation. In all cases when nominations will be invited and/or selections will be made, the attention of nominating institutions and selection boards will be called to giving equal opportunity to women and men. Project statistics on the participation of women and men will be compared with employee statistics of nominating institutions.

9. **ENVIRONMENT**

Implementation of the project has no environment impact.

10. **RATES OF RETURN**

Not applicable

11. **INVESTMENT CRITERIA**

11.1. **Catalytic Effect**

The EU contribution will have an important effect in helping to establish the new OHSA as a modern, effective and efficient labour inspectorate. Lacking a background of effective OHS intervention in Malta such progress would take many years (if ever) to achieve, without this injection of EU expertise and finance.

11.2. **Co-finance**

National co-finance will cover the costs of provision of training facilities and equipment, translation of training materials into Maltese as necessary and OHS TV promotional clips.

11.3. **Additionality**

No other financiers will be displaced by the EU intervention.
11.4. Readiness

Implementation is contingent on the establishing of the OHSA. All preparatory studies have been completed.

11.5. Sustainability

The OHSA Act is about to come into force. It establishes the Authority for which the Government has made the following preliminary allocation (all in Euro): Capital 287,000; Recurrent 256,600; Operations & maintenance 22,000; Special expenditure 5,700; Training 95,700. It is anticipated that the number of Officers of the Authority will be increased from 11 at present to a maximum of 20.

11.6. Competition

Services and equipment will be procured in line with EU regulations.

12. Conditionality

The project is conditional upon the establishing of the Occupational Health & Safety Authority through the coming into force of the Occupational Health & Safety Authority Act 2000. It is also conditional on continuing Government support for the OHSA.

Annexes

I. Log-frame planning matrix
IIa. Implementation Time Schedule
IIb. Detailed Implementation Schedule
III. Cumulative Contracting and Disbursements schedule by Quarter
IV. Reference to feasibility/pre-feasibility studies
V. List of EU Directives with relevance to the project
## ANNEX I

### LOG-FRAME PLANNING MATRIX FOR SUPPORT FOR EFFECTIVE IMPLEMENTATION OF OHS LAW

<table>
<thead>
<tr>
<th>Project No:</th>
<th>Date of Drafting: 08/02/01</th>
<th>Contracting Period Expires: October 1, 2003</th>
<th>Disbursement Period Expires: October 1, 2004</th>
<th>Total Budget: 1,104,700</th>
<th>EU Contribution: 700,000</th>
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<tr>
<td><strong>Wider Objective</strong></td>
<td><strong>Indicators of Achievement</strong></td>
<td><strong>How, When and By Whom Indicators Will be Measured</strong></td>
<td><strong>Assumptions and Risks</strong></td>
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<tr>
<td>To allow Malta to enforce EU legislation with respect to occupational Health and Safety.</td>
<td>The new OHSA and the Social Partners pursuing, monitoring &amp; evaluating planned OHS improvement programmes</td>
<td>EU regular report PAA feedback OHSA Board Reports</td>
<td>The setting up of the OHSA</td>
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<tr>
<td><strong>Immediate Objectives</strong></td>
<td><strong>Indicators of Achievement</strong></td>
<td><strong>How, When and By Whom Indicators Will be Measured</strong></td>
<td><strong>Assumptions and Risks</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Institutional Development: to enable the new Occupational Health &amp; Safety Authority (OHSA) to develop the capability to implement effectively OHS legislation, in particular the Framework Directive (89/391/EEC). (b) OHSA to design and implement an inspection and information strategy in that respect;</td>
<td>The new OHSA clear about its purpose and plans, effectively implementing them and being able to demonstrate that it is so doing.</td>
<td>EU regular report; Published plan of work; PAA feedback; All courses to be evaluated; Performance review</td>
<td>New Construction &amp; Noise laws in place. (Relevant training, study tours &amp; equipment purchases dependent for usefulness on early implementation/use after the event). The services of a competent software house.</td>
<td></td>
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</tr>
<tr>
<td>Social Partners. To help the social partners play an effective role in promoting OHS</td>
<td>The Social Partners playing an active role</td>
<td>All courses evaluated and post course feedback obtained.</td>
<td>New construction law in force for same reasons as above Social Partners continuing cooperation</td>
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<td>Outputs</td>
<td>Indicators of Achievement</td>
<td>How, When and By Whom Indicators Will be Measured</td>
<td>Assumptions and Risks</td>
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<td>------------------------------------------------------------------------</td>
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<tr>
<td>Enforcement policy; Annual plan; Information strategy; Training guidance; Officers trained in Communication skills, RA and Construction inspection; SME strategy; OH equipment; Trained RPOs; Management information system;</td>
<td>Relevant documents available &amp; published as necessary; appraisal of inspections; evidence of equipment usage; courses for employers/ees</td>
<td>As above</td>
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<td></td>
<td>Trained trainers, worker representatives, supervisors and OHS specialists.</td>
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<td>Continuing support for OHSA</td>
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<td>Inputs</td>
<td>Budget (Euros)</td>
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<td>Assumptions and Risks</td>
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<tr>
<td>Twinning Assistance; Study Visits; and Procurement of OH &amp; IT Equipment</td>
<td>1,104,700</td>
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<td>Appropriate inter-governmental cooperation</td>
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<td>2002</td>
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<td>ALL COMPONENTS</td>
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**D:** DESIGN  
**T:** TENDERING AND CONTRACTING  
**I:** IMPLEMENTATION
## DETAILED IMPLEMENTATION SCHEDULE

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<td>Planning etc.</td>
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<td>Information Strategy</td>
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<td>Training Opportunities etc.</td>
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<td>Risk Assessment Course</td>
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<td>Risk Assessment Study Visit</td>
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<tr>
<td>Construction Sites Course</td>
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<td>Construction Study Visit</td>
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<td>Strategy for SMEs</td>
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<td>Procurement of OH Equipment</td>
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<td>RPOs’ Study Visit</td>
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<td>Training in Construction OHS</td>
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<tr>
<td>R &amp; A for OHS specialists</td>
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ANNEX III

CUMULATIVE CONTRACTING AND DISBURSEMENTS
SCHEDULE OF EU FUNDING (Euros)

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<tr>
<th>DATE</th>
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<td></td>
<td>Q4</td>
<td>Q1</td>
<td>Q2</td>
<td>Q3</td>
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<td>460,000</td>
<td>660,000</td>
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<td>DISBURSED</td>
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<td>300,000</td>
<td>480,000</td>
<td>700,000</td>
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</table>
REFERENCE TO FEASIBILITY STUDIES

The Report of the Project “Developing a Business Plan – Occupational Health & Safety” made recommendations for the institutional development of the OHSA with the intention of enabling it to be effective and efficient.

The report recommended that the Authority:

– Develops and promulgates a mission statement that explains the Authority’s enforcement policy and its new ways of working.
– Develops and progressively implements an information strategy.
– Develops a management information system matched to its business needs that would allow for planning and the measurement of performance against plan.
– Develops and issues to all staff a statement on training.
– Builds into its management information system the capability to target its resources to where the risk is greatest.
– Provides training in communication skills for its Officers.
– Provides training for Officers in general risk assessment and its application.
– Gives special attention to the new legislation that will implement the Temporary and Mobile Construction Sites Directive, through the training of Officials of the Authority and a study visit to a EU Member State.
– Gives special attention to SMEs through the development and progressive implementation of an inspection strategy matching their needs with the requirement for acceptable standards of OHS.
– Improves its capacity for effective interventions where there is a likely risk from asbestos, noise or radiation sources, and trains its newly recruited radiation protection officers through a study visit to a EU Member State.
– Conducts a business needs analysis from which a detailed specification of the IT requirement may be prepared.

The report also made the following recommendations with the Social Partners in mind:

– A workshop is run to train trainers of worker representatives and supervisors, and that suitable training materials are developed.
– The tripartite Building Industries Consultative Committee play a major role in guiding the construction industry on the requirements of legislation that will introduce the objectives of the Temporary and Mobile Construction Sites Directive, and that they be supported through the running of a training of trainers workshop and the production of training material.
– A course in Risk Assessment is run for OHS Specialists and offered to trainers, OHS specialists in enterprises and OHS consultants.
**ANNEX 5**

**DIRECTIVES RELEVANT TO THE PROJECT**

<table>
<thead>
<tr>
<th>Directive</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>89/391/EEC</td>
<td>The Framework Directive</td>
</tr>
<tr>
<td>92/57/EEC</td>
<td>The Temporary or Mobile Construction Sites Directive</td>
</tr>
<tr>
<td>86/188/EEC</td>
<td>The Noise at Work Directive</td>
</tr>
</tbody>
</table>