1. **Basic Information**

1.1 CRIS Number: 2005/017-511.01.01
   Twinning light MT05-IB-SO-01
   MT05-IB-SO-02

1.2 Title: Strengthening the administrative capacity of the National Labour Inspectorate

1.3 Sector: Social Policy

1.4 Location: Malta

2. **Objectives**

2.1 Overall Objective(s):

Further strengthening of the administrative capacity of the National Labour Inspectorate relating to EU legislation in the field of occupational health and safety and labour legislation.

2.2 Project purpose:

To train professional staff members at the Occupational Health and Safety Authority (OHSA) on occupational health and safety, and at the Department of Industrial and Employment Relations (DIER) on employment and industrial relations, both from a Labour Inspectorate perspective. Furthermore, to implement a Management Information System at the DIER.

2.3 Justification

The European Commission’s Comprehensive Monitoring Report of November 2003 states on page 33 that, ‘The National Labour Inspectorate is in place. Additional posts have been approved and the recruitment of inspectors is on going. Further strengthening, in terms of both staffing and technical facilities, is needed’.

Furthermore, the Report goes on to say on the same page that ‘In the area of health and safety at work, legislation has been partially transposed’. Further legislative alignment is required in the areas of mineral and extracting sites, fishing vessels, work in potentially explosive atmospheres and limit values. The Occupational Health and Safety Authority has been set up in Malta in 2000. Further strengthening in terms of staff and technical facilities is still needed. Sustained efforts to ensure effective application of the acquis are needed. Malta was granted a transitional period up to the end of December 2005 with regard to the use of work equipment by workers.’

3. **Description**

3.1 Background and justification:

The functions of Labour Inspectorate in Malta are carried out by the Occupational Health and Safety Authority and by the Department of Industrial and Employment Relations.

The Occupational Health and Safety Authority (OHSA) was set up in Malta in 2000. Further strengthening in terms of staff and technical facilities is still needed. There is also a considerable amount of work to do on occupational health and safety in Malta in order that the Authority can meet, on behalf of the Government of Malta, its Treaty obligations. These obligations relate to the acquis and to its enforcement arrangements. For a small Authority, growing from about 10 staff in
2002 to a current staff of about 25 with an intended ceiling of about 50 by the end of 2005 there is a huge training need. The training need is complicated by the fact that there is little experience on which to build. The OHSA needs expertise on training, on guidance and establishment of inspection rules and procedures, and on prosecution proceedings that will deliver a clear and consistent system of inspection. In particular the OHSA requires technical assistance and training in the evaluation and management of noise levels and of ventilation and chemical and asbestos hazards at work. Its officers working in these areas and those in the radiation protection also require hands-on experience abroad. In conclusion the OHSA officers need to be well trained so as to in turn train new recruits in such health and safety aspects. Senior management also require to broaden their knowledge and expertise in their specialised areas.

Furthermore, in order to execute its various duties as stipulated in Act No XXVII of 2000 paragraph 9, which include ‘to monitor compliance with relevant occupational health and safety legislation and to take enforcement action; and to disseminate information and to promote education and training on occupational health and safety’, the OHSA strategic initiatives are achieved through managing its operations by objectives. Thus, in order to ensure and measure the benefits reaped from such a project, objectives for the implementation of knowledge and/or skills acquired during the project, will be set in the already existing work plans of each of its officers. In addition to their inspection duties, the OHSA officers also design and deliver educational training programmes both to schools and to public and private entities. This means that all OHSA officers need to be well versed on all areas relating to occupational health and safety legislation as well as to be able to impart knowledge and best practices to all stakeholders. The OHSA views this project as a continuous instrument for the training of its staff as well as keeping abreast of current techniques and methodologies of other OHS counterparts already established and long before the OHSA.

The adoption in 2002 of the new Employment and Industrial Relations Act repealed the decades-old Maltese laws in this field, namely the Industrial Relations Act and the Conditions of Employment (Regulation) Act. The new Act, together with the subsidiary legislation based on EU employment Directives, which has been introduced over the past two years, has brought about new concepts and outlooks in the field of Maltese employment relations. Whilst the Labour Inspectorate within the Department of Industrial and Employment Relations (DIER), which is the Maltese regulatory authority on matters related to employment and industrial legislation, was very well versed in the implementation of the old legislation, the sheer scale and sophistication of the EU labour Acquis has taxed the Department’s abilities in its efforts to keep abreast of the new developments. This is especially so as the Department not only enforces the law, but provides an impartial advisory service on issues related to employment rights to both employers, employees and interested third parties.

Over the past 2 years, the DIER has carried out various activities to highlight the impact of the new legislation, but there remains a need for further training. The possibility of benefiting from a tailor-made project came at an opportune moment, and this project has been designed to address the two areas that the DIER feels require most attention:

• increasing the awareness of stakeholders and of the general public through the organisation of seminars on particular aspects of labour law, workshops on improving the collective bargaining process and the setting up a Departmental website providing access to updated, accurate information on employment rights, and
• increasing the Department’s capacity to address its responsibilities more effectively.

It is felt that the DIER’s officers would benefit greatly from activities aimed at increasing their core knowledge and competence, both through specific training in Malta as well as through obtaining direct experience of how their counterparts in other Member States operate in implementing specific obligations of the Acquis. Furthermore, the need for an up to date integrated data management system to be used by the Department’s officers has been felt for
some time and, particularly in view of the new responsibilities brought about by the adoption of EU labour law, has become even more pressing. This would be particularly useful in upgrading the Inspectorate’s capacity to have properly stored and readily available raw data and also to allow the performance of analytical studies of such data and the capacity to carry out research projects in the Maltese industrial relations field.

3.2 Linked activities

The OHSA has previously benefited from a Pre-Accession Twinning project (MT2001/IB/SO-01). During the year 2002, this project enabled the OHSA to initiate training its staff in occupational health and safety legislation and in work practices and relevant other legislations.

The project gave OHSA officers the opportunity to benefit from the expertise of counterpart Health and Safety bodies in Member States, in areas such as the construction industry. The Twinning project afforded a full-time pre-accession adviser (PAA) who was based in Malta for twelve months and who contributed greatly to the success of this project. This was because he could assess the situation in Malta at first hand, informing the short-term experts (STE) of his findings prior to their missions. These findings were evaluated and relevant lessons learned.

Most STE’s visited a number of workplaces accompanied by OHSA officers who delivered both training to the OHS Officers and lectures to the general public. These activities raised the OHSA’s profile while at the same time increasing awareness of health and safety at work.

A large number of participants attended the activities that were organised, leading to heightened awareness in respect of occupational health and safety. The employer responsibilities towards employees were also emphasised and thus the benefits were two-fold. Encouragement for further similar courses was the general feedback from participants.

The knowledge and skills acquired by the current OHSA officers, were passed on to new recruits. Needless to say, the implementation of each activity served to enlighten the OHSA itself as to where OHS officers needed further specialisation.

During the implementation of this project, the general feeling that health and safety standards were poor in the construction industry was confirmed. The OHSA’s method of inspecting construction sites, recording infringements and enforcing legislation concerning the building industry also fell short of required standards. Through their study visit in Ireland, OHS officers were able to tour a number of sites where construction was underway, inspect and collect data and later make comparison studies about their findings. These findings were subsequently used to introduce improved work practices in Malta.

The OHSA is currently working with their Austrian counterparts on a Twinning ‘light’ project under the 2004 Transition Facility programme (MT04-IB-SO-01). This project has been designed to provide broader training for OHS officers in areas like juridical proceedings and enforcement, communications and media handling, accident investigation and identification of potentially hazardous work practices. This project will improve the knowledge as well as broaden the experience of OHSA staff who have been recruited since the completion of the 2001 project and who have so far not benefited from training before. The OHSA is in the process of recruiting new staff who shall be expertly trained in their new work to get acquainted with EU legislation and its application to Malta. Furthermore, through this project the OHSA is planning to acquire much needed monitoring equipment, Personal Digital Assistants (PDA) and a new state of the art Management Information System (MIS) network. This investment will enable the OHSA to efficiently carry out its duties in the field whilst keeping abreast of any up-dated information entered at the office. In addition this MIS will link every section of the OHSA to a central system, allowing access to information.

The DIER has not benefited from Pre-Accession funds before.

3.3 Results:
By the end of this project,

(a) The Occupational Health and Safety Authority foresees to have:

1. All of the Authority’s OHS Officers trained in
   - accident investigation skills;
   - the implementation of EU legislation relating to work equipment;
   - the evaluation and management of noise at work;
   - the evaluation of ventilation at workplaces.

2. The managers in charge of the OHS Officers, who currently conduct procedures, trained on legal prosecution procedures and administration of systems within an EU Member State.

3. Training in the evaluation and management of chemical hazards and asbestos-related hazards delivered to OHS officers specialising in this line of work.

4. The OHS Officers within the Radiation Protection Section of the OHSA more familiar with the structure and operations of a Regulatory Authority on Radiation Protection and knowledgeable on the EU Regulatory structure on radiological protection issues.

(b) The Department of Industrial and Employment Relations foresees to have:

1. An Integrated Departmental Information Management System and website set up.
2. 12 Officers technically proficient in implementing EU labour law.
3. The conciliation (Industrial Relations) function strengthened.
4. Awareness of EU labour legislation improved.
5. The collective bargaining process improved.
6. A Research Unit within the Department set up.

3.4 Activities:

The intended results will be achieved through the implementation of the following activities:

A. Twinning ‘light’ for the Occupational Health and Safety Authority (€154,000 including Audit and Contingency)

Activities envisaged under this Twinning ‘light’ are:

Activity 1: Expert advice and training to OHS officers on accident investigation skills as required in the Framework Directive 89/391/EEC

One Category II short-term expert who has hands-on experience and knowledge on how to carry out an accident investigation for 10 man-days (€11,350) to:

- Provide technical assistance and training in accident investigation.
- Supply participants with a manual which will help OHS Officers in their future workplace inspections.
- Share knowledge and experience on enforcement and prosecution proceedings.

Activity 2: Expert advice and training to OHS officers in the implementation of EU Directives relating to work equipment
One Category II short-term expert who has hands-on experience and knowledge of EU Directives relating to work equipment for 5 man-days (£5,750) to:

- Provide technical assistance and training in the implementation of EU Directives relating to work equipment.
- Supply participants with a manual which will help OHS Officers in their future workplace inspections.
- Share knowledge and experience on enforcement and prosecution proceedings.

Activity 3: Advice and training on how to evaluate and manage noise at work as required in the Framework Directive 86/188/EEC

One Category II short-term expert who has hands-on experience and knowledge of EU legislation relating to industrial noise for 5 man-days (£5,750) to:

- Provide technical assistance and training in the implementation of EU Directives relating to industrial noise.
- Supply participants with a manual which will help OHS Officers in their future workplace inspections.
- Share knowledge and experience on enforcement and prosecution proceedings.

Activity 4: Advice and training on how to evaluate and manage chemical hazards at work in terms of Framework Directive 80/117/EEC

One Category II short-term expert who has hands-on experience and knowledge of EU Directives relating to chemical agents for 5 man-days (£5,750) to:

- Provide technical assistance and training in the implementation of EU Directives relating to chemical hazards.
- Supply participants with a manual which will help OHS Officers in their future workplace inspections.
- Share knowledge and experience on enforcement and prosecution proceedings.

Activity 5: Expert advice and training on how to evaluate and manage asbestos hazards as required in the Framework Directive 91/382/EEC

One Category II short-term expert who has hands-on experience and knowledge of EU Directives relating to asbestos for 5 man-days (£5,750) to:

- Provide technical assistance and training in the implementation of EU directives relating to asbestos hazards.
- Supply participants with a manual which will help OHS Officers in their future workplace inspections.
- Share knowledge and experience on enforcement and prosecution proceedings.

Activity 6: Expert advice and training on how to evaluate ventilation in terms of the Framework Directive 89/391/EEC

One Category II short-term expert with hands-on experience and knowledge of EU Directives relating to ventilation for 5 man-days (£5,750) to:

- Provide technical assistance and training in the implementation of EU Directives relating to ventilation at the workplace.
- Supply participants with a manual which will help OHS Officers in their future workplace inspections.
- Share his knowledge and experience on enforcement and prosecution proceedings.
Activity 7: Expert assistance and training to OHS officers on how to evaluate reports in line with the Directive 2003/105/EC (the Seveso II Directive)

One Category II medium-term expert who has proven experience on the SEVESO II Directives and in evaluation and preparation of report for 90 man-days spread over 2 visits (€99,350) to:

- Provide technical assistance and training to evaluate reports on the Seveso II Directive in the following areas:
  - MAPP (major accident prevention policy)
  - Safety reports and internal emergency plans
  - Preparation of assessment reports
  - Supply participants with a manual which will OHS Officers in their future workplace inspections.

Training will be extended to evaluate reports in line with the Seveso II Directive, and effectively carry out inspections in establishments within the Seveso II Project.

The working language for this Twinning ‘light’ shall be English. All experts should be familiar with EU legislation on occupational health and safety and would ideally be field inspectors. It would be beneficial to the OHSA if the selected Member State Twinning ‘light’ counterpart is also able to provide manuals that serve as guidelines on how to carry out workplace inspections relating to the obligations arising from the above-mentioned Directives.

Study Visits:

Visit 1: 5-day visit abroad of two Senior OHS officers, to familiarise themselves in legal prosecution and administration of systems and procedures (€2,000).

Visit 2: 5-day visit abroad of two OHS officers, to familiarise themselves with the new legislation on construction sites (€2,000).

Visit 3: 5-day visit abroad of two Senior Officers, to familiarise themselves with the operations of a Regulatory Authority on Radiation Protection (€2,000).

Visit 4: 5-day visit abroad of two OHS officers, to train on how to carry out inspections in establishments within the Seveso II Directive 2003/105/EC (€2,000).

B. Twinning ‘light’ for the Department of Industrial and Employment Relations (€109,000 including Audit and Contingency)

Activities envisaged under this Twinning ‘light’ are:

Activity 1: Expert advice concerning the implementation of an integrated Information Management System and Departmental website.

Two Category II short-term experts with suitable expertise in IT and regulation of employment conditions respectively will be needed for 10 man-days (€22,700) to:

- analyse suitability of system in operation keeping in mind current and anticipated medium term needs;
- prepare a thorough system analysis for the development stage. The analysis will also provide the department with a list of system requirements and proposed recommended options;
- determine detailed project requirements of recommended options and assist in process of issuing call for tender;
- give advice on suitability of tenders submitted.
- to give 5-day seminar to include IMS system training and module specific training

**Activity 2: Overview of EU Employment legislation**

Four one-day seminars for the Department’s officers to be given by 2 Category II short-term experts each on EU Directives and related ECJ judgments in the field of labour law. The seminars will focus on the following areas:

- Work-life balance [working time, parental, maternity leave]
- Discrimination [part-time, fixed-term, posting of workers]
- Employee protection [collective redundancies, transfer of business, protection from insolvency]
- Information [European Works Council, SE directive, information and consultation]

Estimated cost for this Activity - €9,400.

**Activity 3: Increasing technical proficiency of officers in implementing EU labour law**

5-day [6 nights] study visits of officers to a Regulatory Authority or other competent body in a Member State, to observe the administrative facilities and procedures in place to implement specific EU Directives and to gain a perspective on the administrative structures in the Member State in order to improve the Department’s capability to implement the Directives. Following the visits, the officers concerned would be required to prepare a document on ways in which the Department can upgrade the services it provides and would be expected to share knowledge gained with other members of staff. The language to be used during such visits is English.

The table below shows the Directives / areas to be covered during these Study Visits:

<table>
<thead>
<tr>
<th>Area</th>
<th>No. of participants</th>
<th>Estimated Cost (€)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Posting of workers 96/71/EC</td>
<td>2</td>
<td>2,400</td>
</tr>
<tr>
<td>2. Protection of employees from insolvency 80/987/EEC</td>
<td>2</td>
<td>2,400</td>
</tr>
<tr>
<td>4. Temporary workers and employment agency workers</td>
<td>2</td>
<td>2,400</td>
</tr>
<tr>
<td>5. Equal treatment</td>
<td>2</td>
<td>2,400</td>
</tr>
<tr>
<td>6. Union recognition/ registration</td>
<td>3</td>
<td>3,600</td>
</tr>
<tr>
<td>7. Strategic goals and administrative experience of competent authorities</td>
<td>3</td>
<td>3,600</td>
</tr>
<tr>
<td>8. Dispute resolution mechanisms</td>
<td>3</td>
<td>3,600</td>
</tr>
<tr>
<td>9. Functioning and administration of Labour Court in an EU Member State</td>
<td>2</td>
<td>3,600</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>27,600</td>
</tr>
</tbody>
</table>

**Activity 4: Strengthening of Conciliation functions**

Two Category III short-term experts, with both the theoretical knowledge and hands on experience as regards industrial relations conciliations, to carry out a 1-week intensive course for 4 to 6 Department officers. (10 man-days, €14,000)

**Activity 5: Increasing awareness of EU labour legislation**
Three short-term experts (1 Category III, 2 Category I) members of the legal profession with a specialisation in European employment legislation, to do four one-day seminars for chairpersons of Industrial Tribunals and other interested stakeholders on the:
  - impact of EU labour law on national law
  - impact of ECJ rulings on interpretation of EU Directives (12 man-days, €13,100).

**Activity 6: Improving the collective bargaining process**

Two Category II short-term experts, having both theoretical and hands on experience in industrial relations negotiations with particular reference to the collective bargaining process, to hold a two-day seminar / workshop for interested parties on the pitfalls and problems in the collective bargaining process (4 man-days, €5,200).

**Activity 7: Assistance in the setting up of a Research Unit**

The Department is planning to set up a Research Unit in order to improve the Department’s capacity to:
  - collect and analyse data and statistics;
  - carry out studies, analysis and surveys relating to the impact of labour law based on existing and proposed EU Directives;
  - assist in impact assessments of labour directives and publication of reports;
  - liaise with other stakeholders.

As part of this activity, three officers from the DIER will each go on a 15 working-day attachment with European research institutions / competent authorities to gain exposure and acquire experience in this field (€11,400).

**C: Service Contract**

The Department of Industrial and Employment Relations considers that the implementation of a Departmental Information Management System is crucial to its efforts to upgrade and update its capabilities to act as the national regulatory authority on matters related to industrial relations and employment protection.

The proposed DIER Project, of which the Service Contract is an integral part, tackles the weaknesses noted in the Comprehensive Monitoring Report and is directly related to enhancing Malta’s capability both in the practical implementation of transposed EU Labour Acquis as well as in the capability to inform or report back to the Commission. This is required in a number of Directives, as listed below.

Various EU Labour directives refer to the obligation of a Member state to put into force administrative provisions necessary to ensure compliance with the Directives and also to inform the Commission accordingly. These include:

- Directive 75/117/EEC – art 8.2
- Directive 96/34/EC – art 2.1
- Directive 96/71/EC – art 7
- Directive 97/81/EC – art 2.1
- Directive 1999/70/EC – art 2.1
- Directive 2000/43/EC – art 16
- Directive 2000/78/EC – art 18
In addition some Directives also contain an additional requirement requiring Member States to submit reports to the Commission, on a 5 yearly basis on the practical implementation of the Directives. These include:

- Directive 94/33/EC – art 17.4
- Directive 96/71/EC – art 8
- Directive 2000/43/EC – art 17.1
- Directive 2002/14/EC – art 12

There are also Directives which oblige the Commission to review the operation of the Directive in consultation with the Member States. These include:

- Directive 94/45/EC – art 15

The general objectives of the Information Management System will be:

**Integration of data:**

The activities of the Department’s officers necessitate the collection of various data, which in several instances is important to different divisions of the Department. This includes information obtained through inspection, reports, employer files, enforcement claims, queries and complaints received by Customer Care personnel, information pertaining to collective agreements, data obtained pursuant to the Director’s function as the Registrar of Trade Unions, information relating to decrees of the Industrial Tribunal, data relating to disputes and conciliation mechanism and other specific areas of interest such as collective redundancies, transfer of undertakings and posted workers. The integration of this data into one IMS would facilitate the processing and sharing of data, would avoid duplication of data and its processing and thus save time as well as provide a single reliable data source.

**Harmonisation of procedures:**

The installation of an IMS would enable the Department to harmonise several procedures that collect and manipulate the same data sets. This would increase the Department’s overall efficiency whilst allowing better use of its personnel.

**Analysis of Data**

To improve the effectiveness of the Department’s inspection role, any collected data requires analysis to identify the overall and specific trends in problem areas in implementation of employment legislation. This will ensure that such trends are picked up early and this will allow early intervention by the Department’s officers through information campaigns, increased monitoring or other appropriate measures.

**Compliance with Community legislation**
The IMS would enable the Department to process the relevant information in order to meet the standards and requirements of EU-based Maltese legislation and other national legal requirements, and in particular compliance with the Data Protection Act.

Article 4 of Council Directive 96/71/EC obliges Member States to make information on the terms and conditions of employment generally available. This Directive is aimed at workers posted to work in a country other than that where they normally work. An Information Management System, which would include a website, is considered as an ideal method of providing up to date information on a 24 hour basis on conditions of employment, whether emanating from legislation or from particular collective agreements, together with information on workers’ rights and the administrative procedures to be followed in case of difficulties.

The Information Management System, both through the integration and analysis of data obtained from multiple sources [complaints, requests for information, inspections of workplaces etc.] together with the dissemination of such information, as well as information on employment rights to the general public, would raise awareness on employment issues which would help enormously in the practical implementation of the **acquis**.

A service tender will be issued for the implementation of the Information Management System (IMS) and the design of a website. The tender will include, **inter alia**, the design, development and testing of the IMS and end-user training. The costs of €62,000 have been calculated on the basis of two programmers putting in 65 days of effort each (130 man-days total). This is a realistic estimate based on market research.

3.5 Lessons learned:

The pre-accession 2001 project (MT-01-01) comprised two components: Twinning and supplies. The Twinning project, implemented with counterpart authorities in the UK and Ireland, helped in inducing newly appointed OHSA officers to be acquainted and to familiarise themselves with OHS legislations, EU directives and work practices. All parties involved benefited greatly from the project.

With regard to supplies, the 2001 project was the OHSA’s first experience in contracting, and the OHSA encountered a number of problems, including problems with the specifications submitted as part of its tender dossier, as well as meeting deadlines. As a result OHSA has learned that it needs to finalise and to submit to the Contracting Authority the relevant documents as early as possible and in any case not later than 10 months before the end contracting date.

The DIER, has not implemented similar capacity building projects under the pre-accession programmes.

4. **Institutional Framework**

The Department of Industrial and Employment Relations (DIER) and the Occupational Health and Safety Authority (OHSA) are two separate legal entities, governed by different laws and with diverse aims. Both organisations however, have a monitoring and enforcement function on two aspects of the working life, namely employees’ conditions of work and their health and safety. Both the DIER and the OHSA fall under the responsibility of the Minister for Education, Youth and Employment.

**Occupational Health and Safety Authority**

A new Act of Parliament came into force in January 2002 that established the Occupational Health and Safety Authority (OHSA). The Authority is composed of a tri-partite Board and an Executive. The main functions of the Authority are to advise the Minister responsible for
Occupational Health and Safety on policies and to develop strategies to implement the national policies for OHS approved by the Minister.

The OHSA falls under the responsibility of the Minister for Education, Youth and Employment. The minister is accountable to Parliament for the actions of the OHSA and the OHSA's grant-in-aid is provided through the Ministry for Education, Youth and Employment. The OHSA liaises with the Permanent Secretary of the Ministry for advice and guidance.

The Executive division of the OHSA is led by a Chief Executive Officer (CEO) who is appointed on a three year contract. Responsible to the CEO are the heads of the CEO Office, the Corporate services and the Technical Operations.

The CEO Office is composed of a senior manager in Communications and PR, and a Personal Assistant. The Corporate Services are led by the senior manager Human Resources, Finance and Administration comprising of 4 clerks and messenger/handyman.

The Technical Operations portfolio is lead by a head with a number of managers or senior managers in charge of different sectors. There is the manager in charge of the 10 OHS Officers, further subdivided into the General section, the Construction section and the section responsible for Accident Investigations. There is a senior manager responsible for machinery, equipment, plant and installations (MEPI). Another senior manager is in charge of the Radiation Protection Unit while there is one senior scientific officer in charge of Chemical and Biological Safety section. It is envisaged that as the OHSA grows in responsibility and scope, the number of employees will increase to about 50.

Department of Industrial and Employment Relations

The Department of Industrial and Employment Relations (DIER) aims to protect the interests of workers in employment contracts while actively promoting a healthy employment relationship in a spirit of social partnership, and to contribute towards stable industrial relations. Its activity is directed towards:

- Providing effective machinery for the establishment of standard conditions of employment, in consultation with the social partners and for the application of such conditions and for their enforcement;
- Regulating employment contracts in an equitable manner so as to ensure that rights and obligations pertaining to each party in the contract are observed;
- Protecting workers whose employment relationship has been terminated by an employer;
- Eliminating discriminatory practices.

In December 2002, Parliament approved the Employment and Industrial Relations Act, Act XXII of 2002, which set out the framework for the adoption of the EU Labour Acquis and the responsibilities of the Director responsible for the implementation and enforcement of the Act and subsidiary legislation. The Director has overall responsibility for the operations carried out by the Department.

These activities are carried out by the following Units:

(a) Director’s Office, with a complement of 6 officers, which is responsible for
- the strategic overview of Department’s operations;
- overall responsibility for the proper functioning of the three divisions of the Department;
- registration of trade unions;
- provision of the machinery for the voluntary settlement of trade disputes in terms of the Act and promoting such settlement.
(b) International Affairs Division, falling under the responsibility of an Assistant Director, with a complement of 6 officers, which allows the Department to fulfill its role as the National Focal Point on issues relating to Industrial and Employment Relations to:

- coordinate closely with local associations or organisations which have a role to fulfill in protecting the interests of parties engaged under an employment contract;
- maintain contacts at the technical level with Governments and other international bodies including the EU and ILO.

(c) Enforcement Division, falling under the responsibility of an Assistant Director and carrying out the core inspection functions of the Department. This Division is staffed by inspectors working in two units: the Enforcement Unit and the Inspectorate Unit. The Enforcement Unit processes queries and investigates complaints of clients, primarily related to employees whose employment has been terminated, whether of their own accord or by the employer. The Enforcement Unit is also responsible for referral of cases to the Law Courts. The Inspectorate Unit is responsible for monitoring conditions of employment and processing complaints of workers who are still in employment. This involves the carrying out an ongoing program of routine inspections, inspections targeting particular sectors, or inspections to investigate specific complaints. Complaints can be received directly from the person concerned, through correspondence or email or even anonymously. There are 5 inspectors in the Enforcement Unit, 9 officers in the Inspectorate Unit and a further 7 officers in supporting roles.

(d) Administrative Division, with 14 officers under the direction of an Assistant Director, to provide administrative support to the Department and to the Industrial Tribunal.
## 5. Detailed Budget (EUROS)

<table>
<thead>
<tr>
<th>Transition Facility Support</th>
<th>Co-financing</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investment Support</td>
<td>Institution Building</td>
<td>Total TF (=I+IB)</td>
</tr>
<tr>
<td>Twinning 'light' OHSA</td>
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</tr>
<tr>
<td>Twinning 'light' DIER</td>
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<tr>
<td>Service Contract DIER</td>
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<tr>
<td><strong>Total</strong></td>
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<td><strong>325,000</strong></td>
</tr>
</tbody>
</table>

(*) Contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises

(**) Private funds, FIs loans to private entities

The amounts for co-financing indicated in the table correspond to cash co-financing. In addition, in-kind contributions from the Maltese administration for a good implementation of the Twinning 'light'/ Twinning / Technical Assistance may be developed in the detailed Twinning ‘light’ Project Fiche / Twinning contract / technical specifications.

The cost of air tickets of Maltese officials participating in study visits will be paid for out of the Travel vote of the beneficiary.

The co-financing expenses will be monitored by the beneficiary and the NAO. For the earmarked co-finance, a clear and verifiable set of costs will be provided. The beneficiary will define which budget lines are the source for co-finance.

The beneficiary together with the NAO commits to sound financial management and control.

For the Investment component, co-financing will be joint.

## 6. Implementation Arrangements

6.1 Implementing Agency

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Email: ohsa@gov.mt

Department of Employment and Industrial Relations  
121 Melita Street  
Valletta CMR 02  
Malta  
Tel: (+356) 2122 2068  
Fax: (+356) 21243177  

**Contracting Authority:**
Department of Contracts  
Notre Dame Ravelin  
Floriana CMR 02  
Malta  

Contact Person:  
Mr Dennis Attard  
Assistant Director  
Tel: (+356) 21247682  
Fax: (+356) 21247681  
Email: dennis.a.attard@gov.mt

6.2 Twinning

Contact person for OHSA Twinning ‘light’

Mr David Saliba  
Head (Technical Operations)  
Occupational Health and Safety Authority  
Tel: (+356) 21247677  
Fax: (+356) 21232909  
Email: david.saliba@gov.mt

Contact person for DIER Twinning ‘light’

Dr Noel Vella  
Consultant  
Tel: (+356) 21222068  
Fax: (+356) 21243177  
Email: noel.vella@gov.mt

6.3 Non-standard aspects  
N/A

6.4 Contracts

One Twinning ‘light’ contract for the OHSA at an estimated cost of €154,000.
One Twinning ‘light’ contract for the DIER at an estimated cost of €109,000.
One Service contract for the DIER at an estimated cost of €62,000.

7. **Implementation Schedule**

7.1 Start of tendering/call for proposals
   June 2006

7.2 Start of project activity
   October 2006

7.3 Project completion
   October 2007

8. **Sustainability**

The OHSA and the DIER undertake to request the funds from the Ministry for Education, Youth and Employment in the national budgets to maintain their respective administrative functions.

9. **Conditionality and sequencing**

Implementation of this project does not depend on the conditionality of other external factors.

**Annexes**

I Logical framework matrix
II Detailed implementation chart
III Contracting and disbursement schedule.
## LOGFRAME PLANNING MATRIX FOR Project

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR Project</th>
<th>Programme name and number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengthening the administrative capacity of the National Labour Inspectorate</td>
<td>Contracting period expires: 15/12/2007</td>
</tr>
<tr>
<td></td>
<td>Disbursement period expires: 15/12/2008</td>
</tr>
<tr>
<td></td>
<td>Total budget: €325,000</td>
</tr>
<tr>
<td></td>
<td>TF budget: €325,000</td>
</tr>
</tbody>
</table>

### Overall objective

Further strengthening of the administrative capacity of the National Labour Inspectorate relating to EU legislation in the field of occupational health and safety and labour legislation.

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full implementation of the <em>Acquis</em>, in particular directives related to occupational health and safety.</td>
<td>Full legislation enacted in Malta.</td>
</tr>
</tbody>
</table>

### Project purpose

To train professional staff members at the Occupational Health and Safety Authority (OHSA) on occupational health and safety, and at the Department of Industrial and Employment Relations (DIER) on employment and industrial relations, both from a Labour Inspectorate perspective. Furthermore, to implement a Management Information System at the DIER.

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full implementation enforcement of <em>Acquis</em>, in particular of occupational health and safety and EU labour legislation.</td>
<td>Reports by engaged experts on the training given.</td>
<td>Transition Facility funding.</td>
</tr>
<tr>
<td>Reduction in the number of accidents at the workplace.</td>
<td>Government of Malta statistics.</td>
<td></td>
</tr>
</tbody>
</table>

### Results

All of the Authority’s OHS Officers trained in
- accident investigation skills;
- the implementation of EU legislation relating to work equipment;
- the evaluation and management of noise at work;

<table>
<thead>
<tr>
<th>Objectively verifiable indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full enforcement of the <em>Acquis</em> in particular Directives related to occupational health and safety. Improved understanding of risk assessment procedures by competent persons.</td>
<td>Staff performance reports and occupational injury records.</td>
<td>Output relevant to OHSA and DIER needs.</td>
</tr>
</tbody>
</table>
The managers in charge of the OHS Officers, who currently conduct procedures, trained on legal prosecution procedures and administration of systems within an EU Member State.

Training in the evaluation and management of chemical hazards and asbestos-related hazards delivered to OHS officers specialising in this line of work. Training will be extended to evaluate reports in line with the Seveso II Directive, and effectively carry out inspections in establishments within the Seveso II Project.

The OHS Officers within the Radiation Protection Section of the OHSA more familiar with the structure and operations of a Regulatory Authority on Radiation Protection and knowledgeable on the EU Regulatory structure on radiological protection issues.

<table>
<thead>
<tr>
<th>DIER</th>
<th>An Integrated Departmental Information Management System and website set up</th>
<th>More knowledgeable and qualified officers and interested parties.</th>
<th>Twinning ‘light’ Quarterly Reports.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>12 Officers technically proficient in implementing EU labour law</td>
<td>Better means available for risk reduction in handling work equipment, noise, chemical, asbestos and ventilation at work.</td>
<td>Implementation Status Report to be submitted by the NAC twice a year.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Better means of accident investigation and better report writing.</td>
<td>Monitoring Reports to be considered by SMSC.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>More experience and operational know-how of counterpart MS entities.</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Better means available on Seveso II Directive inspection techniques.</td>
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<tr>
<td></td>
<td></td>
<td>More familiarity with operations of regulatory authority structures.</td>
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<tr>
<td></td>
<td></td>
<td>More frequent workplace inspections, involving employers, and Health and Safety employee representatives, to heighten awareness of relevant issues including the use of appropriate personal protective equipment with the aim of reducing accidents and improving the work environment.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Management of own website.</td>
<td>Service contract.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Twinning ‘light’ contract.</td>
</tr>
</tbody>
</table>
The conciliation (Industrial Relations) function strengthened
Awareness of EU labour legislation improved
The collective bargaining process improved
A Research Unit within the Department set up

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>OHSA Twinning ‘light’</td>
<td>Twinning ‘light’ contract</td>
<td></td>
</tr>
<tr>
<td>Activity 1: Expert advice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and training to OHS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>officers on accident</td>
<td></td>
<td></td>
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<tr>
<td>investigation skills as</td>
<td></td>
<td></td>
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<tr>
<td>required in the Framework</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Directive 89/391/EEC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 2: Expert advice</td>
<td></td>
<td></td>
</tr>
<tr>
<td>and training to OHS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>officers in the implementation of EU Directives relating to work equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 3: Advice and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>training on how to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>evaluate and manage noise</td>
<td></td>
<td></td>
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<tr>
<td>at work as required in the</td>
<td></td>
<td></td>
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<tr>
<td>Framework Directive 86/188/EEC</td>
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<td></td>
</tr>
<tr>
<td>Activity 4: Advice and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>training on how to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>evaluate and manage chemical hazards at work in terms of Framework Directive 80/117/EEC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 5: Expert advice</td>
<td></td>
<td></td>
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<tr>
<td>and training on how to</td>
<td></td>
<td></td>
</tr>
<tr>
<td>evaluate and manage asbestos hazards as required in the Framework Directive 91/382/EEC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 6: Expert advice</td>
<td></td>
<td></td>
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<tr>
<td>and training on how to</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>Activity 7: Expert assistance and training to OHS officers on how to evaluate reports in line with the Directive 2003/105/EC (the Seveso II Directive)</td>
<td></td>
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<tr>
<td>---</td>
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<tr>
<td>Study Visits</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DIER Twinning ‘light’</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 1: Expert advice concerning the implementation of an integrated Information Management System and Departmental website.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 2: Overview of EU Employment legislation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 3: Increasing technical proficiency of officers in implementing EU labour law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 4: Strengthening of Conciliation functions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Activity 5: Increasing awareness of EU labour legislation</td>
<td></td>
<td></td>
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<tr>
<td>Activity 6: Improving the collective bargaining process</td>
<td></td>
<td></td>
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<tr>
<td>Activity 7: Assistance in the setting up of a Research Unit</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>DIER Service Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning ‘light’ contract</td>
</tr>
<tr>
<td>Service contract</td>
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</table>
Setting up an Integrated Departmental Information Management System and website.

<table>
<thead>
<tr>
<th>Pre-condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation of this project does not depend on the conditionality of other external factors.</td>
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## Annex II

**SUMMARY DETAILED TIME IMPLEMENTATION CHART FOR THE PROJECT**

**Title:** Strengthening the administrative capacity of the National Labour Inspectorate

<table>
<thead>
<tr>
<th>OHSA Twinning 'Light'</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>DIER Twinning 'Light'</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>DIER Service Tender</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>D</td>
<td>D</td>
<td>D</td>
<td>D</td>
</tr>
</tbody>
</table>

D = Design  
C = Contracting  
I = Implementation  
X = Closure
Annex III

### CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULES OF EU FUNDING

**Title:** Strengthening the administrative capacity of the National Labour Inspectorate

#### (a) Cumulative Contracting

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>II Q</td>
<td>III Q</td>
<td>IV Q</td>
</tr>
<tr>
<td>OHSA TwL</td>
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<td></td>
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<tr>
<td>DIER TwL</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>DIER Service Tender</td>
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<tr>
<td>TOTAL</td>
<td></td>
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<td></td>
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</tbody>
</table>
(b) Cumulative Disbursement

<table>
<thead>
<tr>
<th></th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>II Q</td>
<td>III Q</td>
<td>IV Q</td>
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<tr>
<td>OHSA TwL</td>
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<td>DIER TwL</td>
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</tr>
<tr>
<td>DIER Service Tender</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>