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Taqsimha B

A.L. 36 tal-2012

**ATT DWAR L-AWTORITA` GHAS-SAHHA U S-SIGURTA`
FUQ IL-POST TAX-XOGHOL
(KAP. 424)**

**Regolamenti tal-2012 dwar is-Sahha u s-Sigurtà fuq
il-Post tax-Xogħol (Hlas ta' Penali)**

BIS-SAHHA tas-setgħat mogħtija lilu bl-artikolu 12 tal-Att dwar l-Awtorità għas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol, il-Ministru għas-Sahha, Anzjani u Kura fil-Komunità, f'konsultazzjoni ma' l-Awtorità għas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol, għamel dawn ir-regolamenti li ġejjin:

1. (1) It-titolu ta' dawn ir-regolamenti hu Regolamenti tal-2012 dwar is-Sahha u s-Sigurtà fuq il-Post tax-Xogħol (Hlas ta' Penali). Titlu u skop.

(2) L-iskop ta' dawn ir-regolamenti hu li jstabilixxi lista ta' offiżi li dwarhom l-Awtorità tista' tagħti avviz għall-pagament ta' penali, u biex ikunu stabbiliti l-penali li jkunu jridu jiġihallu.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem Interpretazzjoni. ma tkunx teħtiegħ xort' oħra:

“l-Att” tfisser l-Att dwar l-Awtorità għas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol;

“l-Awtorità” tfisser l-Awtorità għas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol kif stabbilit bl-artikolu 8 tal-Att; Kap. 424.

3. (1) Fejn l-Awtorità tavża lil xi persuna għall-ħlas ta' penali skont l-artikolu 38 (3) tal-Att, l-ammont tal-penali għandu jkun determinat b'referenza għall-iSkeda I li tinsab ma' dawn ir-regolamenti. Il-penali għandha tkun determinata b'referenza għall-iSkeda I.

(2) L-ewwel kolonna tal-iSkeda I li tinsab ma' dawn ir-regolamenti tagħti deskrizzjoni ġenerali tal-ksur ta' liġi, liema deskrizzjoni m'għandix tintuża għal skop ta' interpretazzjoni tar-regolamenti citati, it-tieni kolonna tistabbilixxi l-penali li trid tithallas, u t-tielet kolonna tirreferi għar-regolamenti li għalihom tkun qed tapplika l-penali.

(3) Il-penali tibda tghodd mill-ġurnata li fiha jkun wasal dak l-avviż.

(4) Jekk il-parti avżata tonqos milli thallas il-penali jew penalitajiet li għandhom jithallsu sa hmistax il-ġurnata minn meta jkun wasal l-avviż, ikunu jistgħu jittiehdu proċeduri kontra l-parti avżata, skont artikolu 38 tal-Att, li jistgħu jwasslu, jekk il-persuna tinstab hatja, għal multa, għal kull każ ta' ksur ta' liġi, u li f'kull każ ma tistax tkun inqas minn dik il-multa jew multi li persuna tkun avżata thallas mill-Awtorità.

(5) L-Awtorità tista' skont id-diskrezzjoni tagħha, tagħti struzzjonijiet li kull multa li persuna tintalab thallas, tkun tista' tithallas bin-nifs f'dawk l-ammonti u fir-rigward ta' dawk l-intervalli rikorrenti kif l-Awtorità jkun jidrilha xieraq, b'dana li l-perjodu li fih ikun irid jithallas l-ammont ma jkunx jista jaqbeż tlett snin, u li fin-nuqqas ta' hlas ta' wieħed mill-pagamenti dovuti, l-ammont shiħ ikun irid jithallas fil-pront.

(6) Għall-fini ta' dawn ir-regolamenti, multi dovuti wara avviż maħruġ mill-Awtorità għandhom ikunu meqjusa bħala dejn ċivili.

Setgħa tal-Ministru li jemenda l-iSkedi li jinsabu ma' dawn ir-regolamenti.

4. Il-Ministru jista' jemenda l-iSkedi li jinsabu ma' dawn ir-regolamenti, li jkunu jridu jiġu pubblikati fil-Gazzetta u dak it-tibdil jidholl fis-seħh fid-data tal-pubblikazzjoni.

Persuna ma tagħtix każ ta' xi provvedimenti ta' Kodiċi ta' Prattika pubblikat jew forom oħra ta' gwida maħruġa mill-Awtorità.

5. Meta bis-saħħa ta' l-Att jew ta' regolament maħruġ taħt l-Att, ikun għal persuna akkużata li ttipprova li ma kienx prattikabbli jew ma kienx raġonevolment prattikabbli li tagħmel iktar milli għamlet biex tissodisfa l-obbligu jew il-htieġa, jew li ma kienx hemm mezz prattikkabbli aħjar biex tissodisfa l-obbligu jew il-htieġa, l-Awtorità tista' tavża lil dik il-persuna għal hlas ta' penali, talli ma tatx każ xi provvedimenti ta' xi Kodiċi ta' Prattika jew forom oħra ta' gwida maħruġa mill-Awtorità, jekk fl-opinjoni tal-Awtorità, il-persuna ma kinitx qed tieħu miżuri adegwati jew suffiċjenti għall-protezzjoni tas-saħħa u s-sigurtà.

6. (1) Il-ħlas ta' penali ma jnaqqas xejn mill-obbligu ta' persuna li twettaq kull miżura biex jitharsu s-saħħa u s-sigurtà, kemm jekk dan l-obbligu jōhroġ mill-Att jew minn xi regolament maħruġ taħt l-Att jew fuq ordni ta' Uffiċċjal għas-Saħħa u s-Sigurtà fuq il-Post tax-Xoġhol maħruġ skont l-Att.

Il-ħlas ta' penali ma jippreġudikax l-obbligu li titwettaq kull miżura.

(2) Dawn ir-regolamenti huma bla ħsara għas-setgħa ta' Uffiċċjal għas-Saħħa u s-Sigurtà fuq il-Post tax-Xoġhol li jōhroġ ordni skont l-artikolu 17 tal-Att.

7. Meta, wara li jkun sar il-ħlas ta' penali jibqa l-ksur ta' xi provvediment tal-Att jew ta' xi regolament maħruġ taħtu, minkejja struzzjonijiet li tkun tat l-Awtorità għar-rimedju ta' dak il-ksur, l-Awtorità tista' tibda proċeduri skont l-artikolu 38 tal-Att għal vjolażzjoni kontinwa jew tista' toħroġ avviż għall-ħlas ta' penali oħra flok l-imsemmija proċeduri, sakemm l-avviż jista' jōhroġ għal kull ġurnata li tkompli l-ksur ta' liġi mingħajr ma jkunu ttieħdu rimedji.

Ksur kontinwu.

8. (1) Il-ksur ta' liġi deskritt fl-iSkedi li jinsabu ma' dawn ir-regolamenti, u l-penali msemmija għandhom japplikaw ukoll *mutatis mutandis* b' referenza għar-regolamenti oħra maħruġa taħt l-Att, u l-fatt li dawn ir-regolamenti mhux imsemmija fl-iSkedi li jinsabu ma' dawn ir-regolamenti, m'għandiex titqies bħala raġuni biex dawn ir-regolamenti ma jiġux applikati.

Ksur ta' liġi u penali għandhom japplikaw *mutatis mutandis*.

Izda l-penali murija fl-iSkedi li jinsabu ma' dawn ir-regolamenti għandhom jintużaw ukoll f'dawn il-każijiet.

(2) Meta ma jkunx hemm regolament speċifiku, l-Awtorità għandha tiċċita l-eqreb deskrizzjoni ekwivalenti ta' ksur ta' liġi, li għandu japplika *mutatis mutandis*, wara li tieħu kont taċ-ċirkustanzi tal-attività jew attivitajiet tax-xoġhol, u meta tibgħat l-avviż għall-ħlas ta' penali, għandha tapplika l-penali msemmija fl-iSkedi li jinsabu ma' dawn ir-regolamenti għall-iktar ksur ta' liġi ekwivalenti.

SKEDA I

Deskrizzjoni tal-kontravvenzjoni	Penali (€)	Referenza legali
<p>Apparat tax-xoghol jew makkinarju fl-użu mhux spezzjonat, eżaminat, ittestjat u/jew iċċertifikat skont il-ligijiet tas-Sahha u s-Sigurtà fuq il-Post tax-Xoghol.</p> <p>Il-penali stipulata għandha tapplika għal kull biċċa apparat jew makkinarju li ma tkunx eżaminata, ittestjata u/jew iċċertifikata fiż-żmien ordnat minn meta tkun suppost saret, u, jew fil-każi meta (i) iċċertifikat rekwiżit li jintbagħat ma jkunx intbagħat, jew (ii) ma ssirx reġistrazzjoni, jew (iii) ma jinżammx reġistru.</p>	250	Ir-referenzi legali għal din il-penali huma elenkati fi Skeda II ta' dawn ir-regolamenti
<p>Persuna ma tiżgurax li jsir evalwazzjoni xierqa, suffiċenti u sistematika tal-perikli għas-sahha u s-sigurtà fuq il-post tax-xoghol u r-riskji li jirriżultaw.</p>	250	Avviż Legali 36/2003.

<p>Min iħaddem ma jaġhmilx evalwazzjoni xierqa u suffiċjenti tar-riskji għas-saħħa u s-sigurtà li għalihom huma esposti haddiema konsegwentament għall-użu ta' <i>Visual Display Units</i>.</p>	<p>250</p>	<p>Avviż Legali 43/2002</p>
<p>Min iħaddem ma jaġhmilx evalwazzjoni xierqa u suffiċjenti tar-riskji għas-saħħa u s-sigurtà li jista' jkun hemm fuq il-post tax-xogħol qabel jingägga jew joffri xogħol lil xi zaġżuġh jew zaġżuha.</p>	<p>250</p>	<p>Avviż Legali 91/2000</p>
<p>Min iħaddem ma jaġhmilx evalwazzjoni xierqa u suffiċjenti tar-riskji għas-saħħa u s-sigurtà li jista' jkun hemm fuq il-post tax-xogħol qabel jaġhti xogħol lil haddiema tqila, li tkun qed tredda', jew li tkun omm.</p>	<p>250</p>	<p>Avviż Legali 92/2000</p>
<p>Min iħaddem jimponi jew jippermetti li jiġi mpost fuq xi haddiem, xi hlas jew tnaqqis fil-pagi fejn tidhol xi haġa magħmula fl-interessi tas-saħħa, is-sigurtà u l-iġjene jew assistenza fuq il-post tax-xogħol skond xi disposizzjonijiet ta' regolamenti. Penali waħda għandha tiġi mposta fuq</p>	<p>250</p>	<p>Avviż Legali 36/2003.</p>

organizzazzjoni, irrispettivament min-numru ta' haddiema affettwati.			
Ma tkunx żgurata l-hatra ta' rappreżentanti tal-haddiema ghas-sahha u s-sigurtà.	250	Avviż Legali 36/2003.	
Il-bidu ta' xogħol li jkun jehtieġ avviż minn qabel, awtorizzazzjoni jew il-preżentazzjoni ta' pjan tax-xogħol lill-Awtorità, minghajr ma jkun attwat dak l-obbligu.	250	Avviż Legali 281/2004, Avviż Legali 37/2003, skont kif emendat b' Avviż Legali 6/2005(COMAH), Avviż Legali 323/2006	
Nuqqas ta' avviż ta' kull incident li jwassal għall-mewt jew korrimment gravi ta' xi persuna, jew fil-każ ta' haddiem fuq ix-xogħol, li jwassal lil dak il-haddiem li jkun inkapaċitat milli jmur għax-xogħol għal iktar minn tlett ijiem konsekuttivi. Il-penali għandha tapplika għal kull korrimment mhux avżat.	250	Avviż Legali 52/1986.	
Ma jkunux segwiti l-obbligi skont l-iSkeda IV tal-Avviż Legali 281/2004.	250	Avviż Legali 281/2004.	

<p>Haddiema jintalbu jqandlu tagħbijiet, li minhabba l-karatteristiċi tagħhom jew minhabba kundizzjonijiet ergonomiċi hżiena, jkunu jinvolvu riskju għall-haddiema partikolarment ta' korriment fid-dahar, minghajr ma jkunu tiegħu mill-ewwel, miżuri organizzattivi xierqa, jew minghajr ma jkunu provduti meżzi mekkaniċi xierqa li jevitaw il-htieġa ta' tqandil manwali.</p>	<p>250</p>	<p>Avviż Legali 35/2003.</p>
<p>Klient ma jappuntax <i>supervisor</i> jew <i>supervisors</i> għal proġett.</p>	<p>250</p>	<p>Avviż Legali 281/2004.</p>
<p>Persuna intenzjonalment jew bi traskuraġni tinterferi jew tuża hażin xi haġa provduta fl-interessi tas-saħħa u s-sigurtà fuq il-post tax-xogħol.</p>	<p>250</p>	<p>Avviż Legali 36/2003.</p>
<p>In-nuqqas ta' żamma tal-eżerċizzju tal-valutazzjoni tar-riskju bil-miktub jew b'mod li jista' jinkiseb elettronikament, fejn ikun hemm iktar minn hames haddiema.</p>	<p>250</p>	<p>Avviż Legali 36/2003.</p>
<p>In-nuqqas ta' provvediment ta' informazzjoni li tinftehem u rilevanti lill-haddiema jew ir-</p>	<p>250</p>	<p>Avviż Legali 36/2003.</p>

<p>rappreżentanti tagħhom.</p>			
<p>Haddiem li ma jiehux hsieb is-sahha u s-sigurtà tieghu jew ta' persuni ohra b'mod li ma jkunx skont it-tahrig u struzzjonijiet li ngħata minn min ihaddmu.</p>	<p>250</p>	<p>Avviż Legali 36/2003.</p>	
<p>Haddiema temporanji ma jinghatawx protezzjoni adegwata tas-sahha u s-sigurtà tagħhom.</p>	<p>250</p>	<p>Avviż Legali 36/2003.</p>	
<p><i>Supervisor</i> ta' proġett ma jiżgurax il-preparazzjoni ta' pjan għas-sahha u s-sigurtà.</p>	<p>250</p>	<p>Avviż Legali 281/2004.</p>	
<p>Haddiema ma jikkooperawx ma min ihaddimhom u, jew mar-rappreżentanti tas-sahha u s-sigurtà fuq il-post tax-xogħol, u, jew ma haddiema b'responsabbilta' specifika għas-sahha u s-sigurtà tal-haddiema.</p>	<p>250</p>	<p>Kap. 424 / Avviż Legali 36/2003.</p>	
<p>Min ihaddem ma jassigurax li fejn ikun hemm riskju ta' kuntatt mekkaniku ma' partijiet jiċċaqilqu li jista' jwassal għal incidenti, dawk il-partijiet għandhom ikunu provduti b'harsien jew strumenti li jevitaw access għal żoni perikolużi jew biex iwaqqfu l-movimenti ta' partijiet</p>	<p>250</p>	<p>Avviż Legali 282/2004, Avviż Legali 52/1986.</p>	

perikolużi qabel ma jintlahqu ż-żoni perikolużi.			
Min iħaddem ma jipprovdi apparat jew ilbies personali protettiv, u, jew ma jiżgurax li haddiema jagħmlu użu sħiħ u korrett minnhom.	250	Avviż Legali 36/2003.	
Persuna li tkun impjegata għal rasha ma tiehux miżuri biex tkun is-saħħa u s-sigurtà tagħha jew ta' persuni oħra li jistgħu jkunu affettwati bix-xogħol li jkun qed isir.	250	Kap. 424.	
Persuna tkisser jew tbaġbas xi sigill li jkun sar, jew xi apparat ta' sorveljanza li jkun ġie stallat, jew li jkun ġie imqiegħed jew thalla minn ufficial f'xi post tax-xogħol jew, f'każ ta' apparat ta' sorveljanza personali, fuq xi haddiem.	250	Kap. 424.	
<i>Mobile</i> krejn li jkun qed jiġi operat bl- <i>outriggers</i> fuq art instabbli jew mingħajr irfid xieraq.	250	Kap. 424.	
<i>Tower</i> krejn mhux iċċertifikat wara l-istallazzjoni u qabel ma jibda jaħdem fuq sit.	250	Avviż Legali 282/2004.	
Apparat tax-xogħol għal irfiġħ ta' tagħbijiet, imħolli b'taġħbijiet mingħajr sorveljanza.	250	Avviż Legali 282/2004.	
Persuna/i merfugħa mingħajr miżuri ta' sigurtà	250	Avviż Legali 282/2004.	

adegwati jew gägga li ma tkunx iċċertifikata.			
Persuna/i merfugha fuq <i>forklift truck</i> minghajr apparat iċċertifikat.	250	Avviż Legali 282/2004.	
Operatur ta' stabbiliment <i>COMAH</i> ma preparax id-dokument li jfassa l-politika tiegħu dwar il-prevenzjoni ta' incidenti kbar.	450	Avviż Legali 37/2003, skont kif emendat b' Avviż Legali 6/2005.	
Operatur ta' stabbiliment <i>COMAH</i> ma jipproduċix rapport tas-sigurtà.	450	Avviż Legali 37/2003, skont kif emendat b' Avviż Legali 6/2005.	
Operatur ta' stabbiliment <i>COMAH</i> ma jirrevedix ir-rapport tas-sigurtà.	450	Avviż Legali 37/2003, skont kif emendat b' Avviż Legali 6/2005.	
Operatur ta' stabbiliment <i>COMAH</i> ma jippreparax il-pjan ta' emergenza intern.	450	Avviż Legali 37/2003, skont kif emendat b' Avviż Legali 6/2005.	
Operatur ta' stabbiliment <i>COMAH</i> ma jipprovdi informazzjoni lill-Awtorità Kompetenti.	450	Avviż Legali 37/2003, skont kif emendat b' Avviż Legali 6/2005.	
Min iħaddem ma jagħżilx persuna jew persuni biex jassistuh fit-tehdid ta' miżuri relatati ma' sahha u sigurtà fuq ix-xogħol.	450	Avviż Legali 36/2003.	
Ħaddiema li jkunu ntitolati li jkollhom sorveljanza ta' saħħithom ma jkunux provduti dik is-sorveljanza.	450	Avviż Legali 36/2003.	

<p>Operatur ta' stabiliment <i>COMAH</i> ma jipprovdix informazzjoni fuq miżuri ta' sigurtà u fuq l-imieġba mehtieġa fil-każ ta' incident kbir</p>	<p>450</p>	<p>Avviż Legali 37/2003, skont kif emendat b' Avviż Legali 6/2005.</p>
<p>Min ihaddem ma jieħux miżuri biex:</p> <ul style="list-style-type: none"> • jevita riskji ta' waqghat mill-gholi; • jizgura li kull tarf li minnu jista' jaqà xi hadd ikollu irpar jew recinti xierqa; • jizgura li apparat fuq ix-xoghol jintuza kif suppost. 	<p>450</p>	<p>Kap. 424 / Avviż Legali 36/2003.</p>
<p>Min ihaddem ma jipprovdix tagħmir adegwat għall-ewwel għajna u faċilitajiet adegwati u xierqa biex tkun tista' tinghata l-ewwel għajna lil kull min jehtieġa f' post tax-xoghol.</p>	<p>250</p>	<p>Avviż Legali 11/2002.</p>
<p>Min ihaddem ma jizgurax il-preżenza f' kull hin ta' numru adegwat u xieraq ta' nies li jagħtu l-ewwel għajna skont iċ-ċirkustanzi biex jagħtu l-ewwel għajna lil haddiema jekk iwegħu jew jimirdu fuq ix-xoghol.</p>	<p>250</p>	<p>Avviż Legali 11/2002.</p>
<p>Min ihaddem ma jipprovdix u ma jzommx kamra</p>	<p>250</p>	<p>Avviż Legali 11/2002.</p>

ghall-ewwel ghajna mghammra kif suppost fejn ikun hemm mitejn haddiem jew iktar, jew fejn in-natura tal-attività jew il-frekwenza tal-incidenti hekk titlob.			
Persuna li taħdem għal rasha ma tipprovdi jew ma tiżgurax li jkun provdut, apparat għall-ewwel ghajna għaliha jew biex haddiehor ikun jista' jagħti l-ewwel ghajna.	250	Avviż Legali 11/2002.	
Hruġ ta' emerġenza mblukkati, mhux aċċessibbli u jew imsakkra.	250	Avviż Legali 44/2002.	
Min ihaddem ma jiehux l-miżuri meħtieġa kontra n-nirien u għall-evakwazzjoni ta' haddiema f'każ ta' periklu serju u imminenti.	250	Avviż Legali 44/2002.	
Min ihaddem ma jiżgurax il-bini u l-istabbli ta' kull binja jew struttura hija xierqa għall-użu li jkun qed isir minha.	250	Avviż Legali 44/2002.	
Min ihaddem ma jiehux miżuri effettivi u xierqa biex jiżgura li kull post tax-xogħol, speċjalment jekk magħluq, ikun ventilat bi kwantità adegwata	250	Avviż Legali 44/2002.	

<p>ta' arja friska jew purifikata, u biex jirrendi bla hsara bl-użu ta' sistemi ta' estrazzjoni, sa kemm ikun ragonevolment praktikabbli, kull dhahen, trab jew impuritajiet ohrajn li jistghu jaffettwaw hazin is-sahha u li jkunu generati waqt proċess ta' xogħol li jkun qed isir.</p>		
<p>Sinjali ghas-sahha u s-sigurtà li ma jkunux adekwati.</p>	250	Avviż Legali 45/2002.

SKEDA II (Għal magni jew apparat użati fuq ix-xogħol)

Tip ta' magna jew apparat	Regolament li japplika	Frekwenza ta' Eżaminar / Ittestjar / Ċertifikazzjoni	Azzjoni li trid tittiehed minn min ihaddem
Pressa mhaddma b' xi mutur	Avviż Legali 25/1984.	B' ilqugh fiss : kull tnax-il xahar Minghajr ilqugh: kull sitt xhur	Jinżamm registru
Parankijiet u Liftijiet tal-merkanzija,	Avviż Legali 47/1964.	Kull sitt xhur (Liftijiet tal-merkanzija) Fil-każ ta' parank kontinwu jew parank jew lift mhux konness ma' energija mekkanika— kull tnax-il xahar	Rapport jintbagħad lil-Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol
Krejnijiet u makni oħra li jtellgħu l-oġġetti nklużi wincijiet	Avviż Legali 52/1986.	Kull erbatax-il xahar	Jinżamm registru
Ktajjen, ħbula u paranki	Avviż Legali 52/1986.	Kull sitt xhur	Jinżamm registru
<i>Boilers</i> ta' l-istim	Avviż Legali 34/1976.	Kull tnax-il xahar, u wara li jsiru xi tiswijiet kbar	Rapport jintbagħad lil-Awtorità għas-Sahħa u s-Sigurtà fuq il-Post tax-Xogħol

<i>Boilers</i> tal-mishun	Avviż Legali 34/1976.	Kull tnax-il xahar, u wara li jsiru xi tiswijiet kbar	Jinzamm regjistru
Liftijiet għal persuni u liftijiet għal persuni u merkanzija	Avviż Legali 231/2007.	Spezzjoni preventiva tal-liftijiet stallati f' post tax-xogħol, kull sitt xhur	Rapport jintbagħad lill-Awtorità għas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol
Liftijiet għal persuni u liftijiet għal persuni u merkanzija	Avviż Legali 231/2007.	Eżami estensiv ta' liftijiet stallati f' post tax-xogħol, kull sitt snin	Rapport jintbagħad lill-Awtorità għas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol
Skali mobbli u <i>travelators</i>	Avviż Legali 44/2002.	Eżaminati u ċertifikati kull sitt xhur	Rapport jintbagħad lill-Awtorità għas-Sahha u s-Sigurtà fuq il-Post tax-Xogħol

L.N. 36 of 2012**OCCUPATIONAL HEALTH AND
SAFETY AUTHORITY ACT
(CAP. 424)****Occupational Health and Safety (Payment of Penalties)
Regulations, 2012**

IN EXERCISE of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, the Minister for Health, the Elderly and Community Care, in consultation with the Occupational Health and Safety Authority, has made the following regulations:

Title and scope.

1. (1) The title of these regulations is the Occupational Health and Safety (Payment of Penalties) Regulations, 2012.

(2) The scope of these regulations is to establish a list of offences for which the Authority may intimate for the payment of a penalty, and to establish the penalties to be paid.

Interpretation.

2. In these regulations, unless the context otherwise requires:

“the Act” means the Occupational Health and Safety Authority Act;

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

Penalty to be determined by reference to Schedule I

3. (1) Where the Authority intimates any person for the payment of a penalty as provided for in article 38 (3) of the Act, the amount of such penalty shall be determined by reference to Schedule I to these regulations.

(2) The first column of Schedule I to these regulations provides a general description of the infringement, which description shall not be relied on in interpreting the relevant regulation cited, the second column establishes the penalty to be paid and the third column refers to the regulations for which a penalty is applicable.

(3) The penalty shall become due on the day on which such intimation is received.

(4) If the intimated party fails to pay the penalty or penalties due within fifteen days from receipt of the intimation, the said party shall be liable to the legal proceedings referred to in article 38 of the Act, leading, on conviction, to a fine in respect of each and every infringement, which in any case shall not be less than the fine or fines intimated by the Authority.

(5) The Authority may also in its discretion direct that any fine to which any person is liable, may be paid by installments in such amounts and in relation to such recurrent intervals as the Authority may deem fit, but so nevertheless that the period over which the whole amount shall be paid shall in no case exceed three years, and that in default of payment of any one such installment the whole of the amount outstanding shall become and be immediately due and payable.

(6) For the purposes of these regulations, penalties due following the intimation by the Authority for the payment of a penalty, are deemed to be civil debts.

4. The Minister may amend the Schedules to these regulations, which shall be published in the Gazette, and any such changes will become effective on the date of publication.

Power of Minister to amend Schedules to these regulations.

5. Where by virtue of the Act or of any regulation made thereunder, it is for an accused person to prove that it was not practicable or not reasonably practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement, the Authority may intimate that person for the payment of a penalty, for having disregarded any provision of any published Code of Practice or other forms of guidance issued by the Authority, if in the opinion of the Authority, such person was not taking suitable or sufficient measures for the protection of occupational health and safety.

Disregard of any provision of any published Code of Practice or other form of guidance issued by the Authority.

6. (1) The payment of a penalty shall not prejudice the duty of a person to undertake any measure by which occupational health and safety may be safeguarded, whether such duty arises out of the Act or any regulation issued thereunder, or out of an order issued by an Occupational Health and Safety Officer in terms of the Act.

Payment of penalty shall not prejudice the duty to undertake any measure.

(2) These regulations shall be without prejudice to the power of an Occupational Health and Safety Officer to issue an order in terms of article 17 of the Act.

Continuing offence.

7. Where, following the payment of a penalty, the violation of any provision of the Act or any regulation made thereunder persists regardless of any instructions the Authority may have given for the redress of the same, the Authority may institute the proceedings referred to in article 38 of the Act for such continuing violation or may issue an intimation for the payment of another penalty in lieu of the said proceedings, provided that an intimation may be issued for every day that such violation continues without redress.

Infringements and penalties shall apply *mutatis mutandis*.

8. (1) The infringements described in the Schedules to these regulations, and the penalties cited shall also apply *mutatis mutandis* with reference to other regulations issued under the Act, and the fact that such a reference is not made in the Schedules to these regulations shall not be reason for the non-application of these regulations.

Provided that the penalties shown in the Schedules to these regulations shall also be used in such cases.

(2) Where no specific regulation exists, the Authority shall cite the closest equivalent description of an infringement, which shall also apply *mutatis mutandis*, taking account of the circumstances of the work activity or activities being carried out, and when sending an intimation for the payment of the penalty, the penalty stipulated in the Schedules to these regulations for the closest equivalent infringement shall apply.

SCHEDULE I

Description of Contravention	Penalty (€)	Legal Reference
<p>Workplace equipment or machinery in use not inspected, examined, tested and, or certified according to OHS legislation.</p> <p>The stipulated penalty shall apply for each item of equipment or machinery which has not been examined, tested and, or certified within the prescribed time from when the obligation falls due, and, or in cases where (i) no certificate required to be sent has been sent, or (ii) no entry in a register is made, or (iii) no register is kept.</p>	250	The legal references for this penalty are listed in Schedule II to these regulations.
Not carrying out a suitable, sufficient and systematic assessment of all occupational health and safety hazards and the resultant risks involved.	250	Legal Notice 36/2003.

<p>Employer not performing suitable and sufficient assessments of the health and safety risks to which workers are exposed in consequence of VDU use.</p>	<p>250</p>	<p>Legal Notice 43 / 2002</p>
<p>Employer not carrying out an assessment of the occupational health and safety hazards which may be involved at the place of work, before engaging or offering work to any young person.</p>	<p>250</p>	<p>Legal Notice 91 / 2000</p>
<p>Employer not carrying out an assessment of the occupational health and safety hazards which may be involved at the place of work, before assigning work to any pregnant or breastfeeding worker or to a mother.</p>	<p>250</p>	<p>Legal Notice 92 / 2000</p>
<p>Levying or permitting to be levied a charge or deduction of wages of any worker in respect of anything done or provided in the interests of occupational health, safety, hygiene or welfare pursuant to the regulations. The penalty shall be applied to an organisation, irrespective of the number of employees affected.</p>	<p>250</p>	<p>Legal Notice 36/2003.</p>

<p>Not ensuring the appointment of workers health and safety representatives.</p>	<p>250</p>	<p>Legal Notice 36 / 2003.</p>
<p>The commencement of work which requires prior notification, authorization or submission of plan of work to the OHSA without such an obligation being fulfilled.</p>	<p>250</p>	<p>Legal Notice 281 / 2004, Legal Notice 37 / 2003, as amended by Legal Notice 6 / 2005(COMAH), Legal Notice 323 / 2006</p>
<p>Non notification of any accident which results in either the death of or a major injury to any person or, in the case of an employee at work, in that employee being incapacitated for work for more than three consecutive days. The penalty applies for each injury not notified.</p>	<p>250</p>	<p>Legal Notice 52 / 1986.</p>
<p>Not complying with obligations laid down in Schedule IV to Legal Notice 281/2004.</p>	<p>250</p>	<p>Legal Notice 281/2004.</p>
<p>Requesting workers to handle a load, which by reason of its characteristics or because of unfavourable ergonomic conditions, involves a risk particularly of back injury to workers, without first having taken appropriate organisational</p>	<p>250</p>	<p>Legal Notice 35/2003.</p>

measures, or provided appropriate mechanical means in order to avoid the need for manual handling.			
A client not appointing a project supervisor/s.	250	Legal Notice 281/2004.	
A person intentionally or recklessly interferes with or misuses anything provided in the interests of occupational health and safety.	250	Legal Notice 36/2003.	
Not keeping a written or retrievable electronic copy of a risk assessment when more than 5 workers are employed.	250	Legal Notice 36/2003.	
Not providing workers and their representatives with comprehensible and relevant information.	250	Legal Notice 36/2003.	
Worker not taking care of his/other persons' health and safety in accordance with the training and the instructions given by an employer.	250	Legal Notice 36/2003.	
Temporary workers are not afforded adequate	250	Legal Notice 36/2003.	

health and safety protection.			
A project supervisor not ensuring the preparation of a health and safety plan	250	Legal Notice 281/2004.	
Workers not cooperating with employer and, or appointed workers health and safety representatives and, or workers having a specific responsibility for the safety and health of workers.	250	Cap. 424 / Legal Notice 36 / 2003.	
Worker not taking care of his and / or other persons' health and safety in accordance with the training and the instructions given by an employer.	250	Legal Notice 36/2003.	
Employer fails to ensure that where there is a risk of mechanical contact with moving parts of work equipment which could lead to accidents, those parts must be provided with guards or devices to prevent access to danger zones or to halt movements of dangerous parts before the danger zones are reached.	250	Legal Notice 282/2004. Legal Notice 52/1986.	
Employer not providing personal protective equipment and, or clothing, and, or not ensuring	250	Legal Notice 36/2003.	

that workers make full and correct use of such.			
Self-employed person not taking measures to safeguard one's own health and safety and that of other persons who can be affected by reason of the work which is carried out.	250	Cap. 424.	
A person breaks or tampers with any seal made, or with any monitoring equipment installed, put up or left by an OHS Officer in a work place, or in the case of personal monitoring equipment, on a worker.	250	Cap. 424.	
Mobile crane operated with outriggers on inadequate supports or unstable ground.	250	Cap. 424.	
Tower crane not certified after installation and before being put into service on a site.	250	Legal Notice 282/2004.	
Lifting equipment with suspended loads left without surveillance.	250	Legal notice 282/2004.	
Person/s lifted without adequate safety measures or cage which has not been certified.	250	Legal Notice 282/2004.	

Person/s lifted on forklift truck without certified attachments.	250	Legal Notice 282/2004.
An operator of a COMAH establishment not preparing a major accident prevention policy.	450	Legal Notice 37/2003, as amended by Legal Notice 6/2005.
An operator of a COMAH establishment not producing a safety report.	450	Legal Notice 37/2003, as amended by Legal Notice 6/2005.
An operator of a COMAH establishment not reviewing and revising a safety report.	450	Legal Notice 37/2003, as amended by Legal Notice 6/2005.
An operator of a COMAH establishment not preparing an internal emergency plan.	450	Legal Notice 37/2003, as amended by Legal Notice 6/2005.
An operator of a COMAH establishment not providing information to the Competent Authority.	450	Legal Notice 37/2003, as amended by Legal Notice 6/2005.
No person/s designated by an employer to assist him in undertaking the measures relating to occupational health and safety.	450	Legal Notice 36/2003.
Workers who are entitled to undergo health surveillance not provided with such health surveillance.	450	Legal Notice 36/2003.

<p>An operator of a COMAH establishment not supplying information on safety measures and on the requisite behaviour in the event of a major accident.</p>	<p>450</p>	<p>Legal Notice 37/2003, as amended by Legal Notice 6/2005.</p>
<p>Employer not taking measures to:</p> <ul style="list-style-type: none"> • Prevent risks of falls from heights; • Ensure that all open edges are effectively fenced / guarded; • Ensure that work equipment is operated correctly 	<p>450</p>	<p>Cap. 424 / Legal Notice 36/2003.</p>
<p>Employer not providing adequate first aid equipment and facilities as are adequate and appropriate for enabling first aid to be rendered to whosoever becomes injured or ill inside the workplace</p>	<p>250</p>	<p>Legal Notice 11 of 2002.</p>
<p>Employer not ensuring the presence at all times of such a number of first aiders as is adequate and appropriate in the circumstances for rendering first</p>	<p>250</p>	<p>Legal Notice 11 of 2002.</p>

aid to employees if they are injured or become ill at work.			
Employer not providing and maintaining a suitably equipped first-aid room where two hundred or more employees are at work in a place of work, or where the type of activity or the frequency of accidents so dictate.	250	Legal Notice 11 of 2002.	
A self - employed person not providing or ensuring that there is provided, adequate first aid equipment to enable him to render first aid to himself while he is at work, or for others to give him first aid.	250	Legal Notice 11 of 2002.	
Blocked, inaccessible and / or locked emergency exits.	250	Legal Notice 44 of 2002.	
Employer not taking the necessary measures for fire-fighting and evacuation of workers in the event of serious and imminent danger.	250	Legal Notice 44 of 2002.	
Employer not ensuring the structure and solidity of any building or structure.	250	Legal Notice 44 of 2002.	

<p>Employer not making effective and suitable provisions to ensure that every workplace, particularly if enclosed, is ventilated by a sufficient quantity of fresh or purified air, and for rendering harmless by the use of extraction systems, so far as reasonably practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process of work carried out in the workplace.</p>	<p>250</p>	<p>Legal Notice 44 of 2002.</p>
<p>Inadequate or no health and / or safety signage.</p>	<p>250</p>	<p>Legal Notice 45 of 2002.</p>

SCHEDULE II (In respect of workplace machinery or equipment)

Type of machinery or equipment	Applicable regulation	Frequency of Examination/Testing/Certification	Action required to be taken by Employer
Power presses	Legal Notice 25 of 1984.	Fenced: every 12 months Unfenced: every 6 months	Register to be kept.
Hoists and goods lifts	Legal Notice 47 of 1964.	6months (goods lifts) In case of a continuous hoist or a hoist or lift which is not connected to mechanical power – every 12 months	Report to be sent to OHSA.
Lifting machines, including cranes and winches	Legal Notice 52 of 1986.	Every 14 months	Register to be kept.
Chains, ropes and lifting tackle	Legal Notice 52 of 1986.	Every 6 months	Register to be kept.
Steam water boilers	Legal Notice 34 of 1976.	12 months, and after any extensive repairs	Report to be sent to OHSA.
Hot water boilers	Legal Notice 34 of 1976.	12 months, and after any extensive repairs	Register to be kept.

Passenger and Passenger goods lifts	Legal Notice 231 of 2007.	Preventive inspection of lifts in workplaces every six months	Report to be sent to OHS
Passenger and Passenger goods lifts	Legal Notice 231 of 2007.	Thorough examination of lifts in workplaces every six years	Report to be sent to OHS
Escalators and travelators	Legal Notice 44 of 2002.	Examination and certification of escalators and travelators every six months	Report to be sent to OHS

