

**UNOFFICIAL TRANSLATION**  
**OF THE MANAGEMENT OF SAFETY AND HEALTH**  
**AT WORK ISSUES REGULATIONS**

**Number 173**

The Management of Safety and Health at Work Issues Regulations, published by the Council of Ministers by virtue of the provisions of section 38 of the basic legislation for Safety and Health at Work, after deposition to the House of Representatives and subsequent approval by the House, are hereby published in the Official Gazette of the Republic in accordance with subsection (3) of section 3 of the Deposition to the House of Representatives Law (Law no. 99 of 1989 as amended by Law no. 227 of 1990) regarding Regulations issued by Authorization of Law.

**THE SAFETY AND HEALTH AT WORK LAWS OF 1996 TO 2003**

Regulations issued by virtue of section 38 and paragraphs 6, 7, 8,  
14, 15 and 16 of the First Table

For purposes of harmonization with the Act of the European n  
Community entitled:

“Directive 89/391/EEC of the Council of 12<sup>th</sup> June 1989 regarding  
the application of measures to promote the improvement of safety  
and health of workers at work” (EE L 183 of 29.6.1989, page 1),

The Council of Ministers, exercising the powers vested in it by  
section 38 and paragraphs 6, 7, 8, 14, 15 and 16 securing the  
safety, health and welfare of persons at work in all branches of  
economic activity and for the protection of any other person  
against risks to safety and health in connection with the activities of  
persons at work.

89(I)/1996  
158(I)/2001  
25(I)/2002  
41(I)/2003  
99(I)/2003

**PART I**  
**GENERAL PROVISIONS**

1. The present Regulations shall be referred to as the Management  
of Safety and Health at Work Issues Regulations of 2002.

Short Title

2. In the present Regulations, unless otherwise implied by the text,  
the following words or phrases shall have the meaning attributed to  
them as follows:

Interpretation

“assessment” means the assessment carried out and revised,  
when this is deemed necessary, by the employer or by the self-  
employed person, according to the provisions of Regulation 4 of  
the present Regulations;

“Regulations” include any regulations issued by virtue of the Law;

“Law” means the Safety and Health at Work Laws of 1996 to 2003;

89(I)/1996  
158(I)/2001  
25(I)/2002  
41(I)/2003  
99(I)/2003

“preventative and protective measures” means the measures which have been designated by the employer or the self employed person as a result of the assessment, which are necessary to be taken to secure the safety, health and welfare of persons at work as well as for the protection of any other persons from risks to their safety and health in relation to the activities of persons at work;

“Minister” means the Minister of Labour and Social Security.

Appli-  
cation

3. The present Regulations are enforced in workplaces, undertakings, businesses, installations and in economic activity fields where the Law and Regulations issued under the Law apply.

## **PART II OBLIGATIONS OF EMPLOYERS AND SELF-EMPLOYED PERSONS**

Risk  
Assess-  
ment

4. (1) The Employer, while taking into consideration the nature of the activities of the undertaking, business and/or installation, must:

- (a) Assess the risks for the safety and health of the employed persons, with regard to but not limited to, the selection of work equipment, the chemical substances or preparations used during the arrangement and/or the suitability of the workplaces.
- (b) Following the assessment, and where necessary, the activities of prevention and the work and production methods applied by the employer, must:
  - i. Secure the improvement of the level of protection of the health and safety of employed persons;
  - ii. Be integrated into all the activities of the undertaking, the business and/or the installation and in all levels of the hierarchy.

(2) The employer must:

- (a) Have at his disposal a written assessment:
  - i. Of the existing risks to the safety and health of employed persons, including of those risks concerning groups of employed persons exposed to particular risks, and
  - ii. Of those risks to the safety and health of persons not employed by him and which are created by or in relation to the way he conducts his work activities or manages his business.
- (b) Based on the above written risk assessment, the employer is obliged to define the preventative and

protective measures which must be undertaken and, if needed, the material or the protective equipment which must be used.

(3) In relation to the risk assessment mentioned in paragraphs (1) and (2) of the present Regulation and where the employer employs five or more persons, then the employer must undertake to record into a special safety and health register the following data and documentation:

- (a) The written assessment of risks and the particulars of the person having carried out the risk assessment;
- (b) The preventive and protective measures defined by the assessment;
- (c) The data of the employed persons subject to risks;
- (d) The data of the employed persons or the group of employed persons designated as being primarily at risk.

(4) Every self-employed person must have at his disposal a suitable and adequate written risk assessment of:

- (a) The risks to the safety and health to which he is exposed at work, and
- (b) The risks to the safety and health of persons not employed by him and which are created by or in relation to the way in which the self-employed person conducts his work activities or manages his business,

with the purpose of determining the preventative and protective measures which are necessary to be undertaken. For the risk assessment undertaken by the self-employed person to be suitable, the nature of the activities of the business or the economic activity of the self-employed person must be taken into account and risks to the safety and health of the self-employed person himself or of other persons may be affected by his activities at work.

(5) The written assessments to which mention is made in paragraphs (2), (3) and (4) of the present Regulation and the special safety and health register, which is required in accordance with the provisions of paragraph (3) of the present Regulation, must be at the disposal of an Inspector by the employer or the self-employed person.

5. (1)(a) Each employer must implement a suitable safety system or a risk management system, making such arrangements as are suitable for the nature of the activities and the size of the business, for the effective planning, organization, control, as well as the monitoring and reviewing of the preventative and protective measures defined on the basis of the assessment provided for by Regulation 4 of the present Regulations.

Safety System  
or  
Management  
of risks and  
arrangements  
for safety and  
health

(b) This system must also target the improvement of safety, health and welfare issues of the workers and imbed the cooperation between employer and employees in these issues.

(2) Each self-employed person must undertake such

arrangements as are suitable for the nature of activities and the size of the business, for the effective planning, organization, control, as well as the monitoring and reviewing of the preventative and protective measures defined on the basis of the assessment provided for by Regulation 4 of the present Regulations, and which are necessary for the protection of the safety and health of the self-employed person and/or other persons who may be at risk by his activities at work.

(3) Any employer employing more than five persons is obliged to record into the special safety and health register prescribed in paragraph (3) of Regulation 4 of the present Regulations, the arrangements and measures provided for in paragraph (1) of the present Regulation.

6. (1)(a) With reservation to the obligations specified in paragraphs (12), (13) and (14) of the present Regulation, any employer must assign one or more employed persons to engage in activities of prevention and protection of the occupational risks in the undertaking, the business and/or the installation and for purposes of provision of consulting assistance to the employer to enable the taking of preventative and protective measures.

Services of  
protection and  
prevention

(b) In cases where an appointed safety officer exists, in accordance with the provisions of section 10 of the Law, then he shall be the one or one of the appointed employees in accordance with provisions of subparagraph (a) of paragraph (1) of the present Regulation.

(2)(a) The employed persons appointed for this purpose must not be subject to unfavourable treatment or discrimination by the employer due to carrying out their activities in the field of protection and prevention of occupational risks.

(b) In order to be able to fulfil their obligations arising from the present Regulations, employed persons assigned for this purpose must spend the appropriate time which must be provided by the employer.

(3) The employer must ensure that employed persons appointed for the purposes of paragraph (1) of the present Regulations possess the necessary skills, the necessary means and are adequate in number so as to be able to undertake the activities of prevention and protection, according to:

- (a) The size of the undertaking, the business and/or the installation and/or the risks to which the employed persons are exposed to;
- (b) The allocation of employed persons in the various departments in the entirety of the undertaking, the business and/or the installation;
- (c) The risks to which other persons are exposed to, who may be affected by the activities or the management of

the business at work.

(4)(a) Any employed person appointed by the employer to engage in activities of protection and prevention, shall be considered capable for the purposes of paragraph (1) of the present Regulation, provided he possesses the necessary personal and professional qualifications, such as sufficient training, experience or knowledge in issues of safety and health at work and other competencies which will allow him to engage in activities of protection and prevention and which render, on behalf of such a person, the provision of suitable aid to the employer, so as to enable him to undertake the measures mentioned in paragraph (1) of the present Regulation.

(b) The names of the persons appointed to carry out duties and activities mentioned in paragraph (1) of the present Regulation, as well as the relevant documentation which certifies the training, the experience, the knowledge or the competencies of such persons, which are mentioned in subparagraph (a) of paragraph (4) of the present Regulation, shall be recorded into the special safety and health register, as prescribed in paragraph (3) of Regulation 4 of the present Regulations.

(5) In cases where the employer employs fewer than five persons, he may personally undertake the obligations mentioned in paragraph (1) of the present Regulations, provided he possesses the equipment as well as sufficient means and necessary personal and professional qualifications, such as adequate training, experience or knowledge and other competencies which will allow him to undertake activities of protection and prevention.

(6) If the available capabilities within the undertaking, the business and/or the installation are not adequate for organizing the aforementioned activities of protection and prevention, the employer must apply to suitable services or suitable persons outside the business and/or the installation.

(7) In case the employer applies to the aforementioned suitable external services or suitable persons, then the employer must:

- (a) Inform the aforementioned suitable services or the suitable persons of the factors which he knows of, or has reasonable cause to believe that they have, or may have, adverse effects on the safety and health of any person at work and/or any other person, as a result of carrying out the activities or the management of the business and the employer must ensure that these services or these persons have access to the information mentioned in paragraph (2) of Regulation 8 of the present Regulations;
- (b) Ensure that the persons or the external services whose

help has been asked for, have the necessary qualifications, possess the required personal and professional means and that these are sufficient in number so as to be able to undertake activities of protection and prevention, according to:

- i. The size of the undertaking, the business and/or the installation and/or the risks to which employed persons are exposed to,
  - ii. The distribution of employed persons in the total area of the undertaking, the business and/or the installation,
  - iii. The risks to which other persons are exposed to, who may be affected by the activities or the management of the business at work.
- (c) Communicate to the Chief Inspector or the Inspector by letter, a copy of which will be placed in the special safety and health register, as prescribed in paragraph (3) of Regulation 4 of the present Regulations, the following data:
- i. The name and address of the suitable service or the suitable person undertaking the activities of protection and prevention,
  - ii. The type of offered services.

(8) If the employer, while applying the present Regulation, resorts to external, in relation to the undertaking, the business and/or the installation, suitable services or suitable persons, this does not absolve him of his obligations in this field, or of any other obligations imposed according to the Law.

(9) The employer must ensure that:

- (a) The protection and prevention of risks for the safety and health, being regulated by the present law, are secured through the use of one or more employed persons, through one and only one service or through different services or persons regardless of whether or not these belong to the undertaking, the business and/or the installation;
- (b) The services or the persons conducting activities of protection and prevention cooperate according to the needs, with the employer or with the appointed by the employer, according to paragraph (1) of the present Regulation, employed persons, with the representatives of the employed persons and the employed persons of the employer to whom services are provided.

(10) The services or the persons conducting activities of protection and prevention of the risks and who offer their services to other employers or to other employed persons must:

- (a) Be approved by the Chief Inspector, after furnishing data which certifies the possession by the services or

persons themselves or, accordingly, by the persons they employ;

- i. The necessary qualifications with the required scientific expertise;
- ii. The necessary means or the equipment for conducting measurements, examinations, etc.

(b) Maintain records with data such as examinations, measurements, surveys, recommendations, etc. for each undertaking, business or installation of an employer or a self-employed person with whom they have merged to provide services;

(c) Submit to the Chief Inspector by the end of the first bimester of each new year, an annual activity report; and

(d) Maintain business confidentiality regarding themselves as well as the employer or the self-employed person with whom they have merged to provide their services or to whom they provide their services.

(11)(a) Any person who was not successful in obtaining the approval of the Chief Inspector, according to subparagraph (a) of paragraph (10) of the present Regulation, may appeal to the Minister for annulment or modification of the decision of the Chief Inspector.

(b) Any appeal launched based on subparagraph (a) of paragraph (11) of the present Regulation must be submitted not later than within one month from the day of notification of the decision of the Chief Inspector to the interested party.

(12) The provisions of paragraph (1) of the present Regulation do not apply in the case of self-employed persons or employers who do not employ other persons or who do not have a partnership with another person, provided that the self-employed person or the employer possess the required personal and professional qualifications and means, such as adequate training, experience or knowledge in issues of safety and health at work, equipment and other competencies to conduct activities of protection and prevention and to take suitable measures so as to secure the protection of the safety and health of himself or of other persons who may be affected by his activities at work.

(13) The provisions of paragraph (1) of the present Regulation do not apply in the case of an employer who does not employ other persons, or for self-employed persons who carry out business operations in the form of a partnership jointly, provided that at least one of those persons who partake in the said partnership, has the equipment and the means, as well as the required personal and professional qualifications, such as adequate training, experience or knowledge in issues of safety and health at work as well as other competencies to be able to suitably undertake himself, or with the help of his partners, the materialization of measures necessary to secure the safety, health and welfare of partners at work as well as the protection of any other persons from risks to their safety and health in relation to the activities of himself and his partners at work.

(14)(a) Any self-employed person who does not possess the necessary personal and professional qualifications and means to undertake activities of protection and prevention of risks for himself or for other persons who may be affected by his activities, must apply to suitable services or persons beyond the undertaking, the business or the installation.

(b) In the above case, the self-employed person bears the same obligations as the employer does, as these are mentioned in paragraphs (7), (8) and (9) of the present Regulation, with the exception of the obligations referring to employed persons of the employer.

7. (1) The employer must:

(a) Take necessary measures, as far as first aid, fire safety and evacuation of employed persons from premises are concerned, which must be adapted to the size and the nature of the activities of the undertaking, the business and/or the installation and which must take into consideration other persons who may be present;

First aid,  
Fire safety,  
Evacuation of  
persons at  
work from  
premises,  
Serious and  
immediate  
danger

(b) Organize the necessary contacts with external services, especially as far as first aid, emergency medical care, rescue and fire safety are concerned;

(2) During the application of paragraph (1) of the present Regulation, the employer must, alongside other duties:

- (a) Appoint employed persons to be responsible for the implementation of measures concerning first aid, fire safety and the evacuation of employed persons from premises or by other persons present in his undertakings;
- (b) The employed persons appointed according to subparagraph (a) of paragraph (2) of the present Regulation must receive suitable training, be adequate in number and have at their disposal suitable equipment according to the size and/or the specific risks associated with the undertaking and/or the installation. The names of the persons appointed and the documentation certifying their training and the suitability of the equipment to be used, must be recorded in the special safety and health register, as prescribed in paragraph (3) of Regulation 4 of the present Regulations;

(3) In the cases where employed persons or other persons who are present in places where work activity is carried out, are exposed to, or may be exposed to serious and immediate danger, the employer must:

- (a) Inform at the earliest opportunity his employees or those other persons of the measures taken, or which are about to be taken;
- (b) Take measures and give instructions to his employed persons or to persons, so that they may, in case of serious, immediate and unavoidable danger, abandon their work post and/or the dangerous zone by moving to a safe location;
- (c) Not demand that his employed persons, except in extreme cases duly justified, again undertake their interrupted work activity as long as serious and immediate danger still exists.

(4) An employed person who, in case of serious, immediate and unavoidable danger, departs from his work post and/or from a danger zone, must not be subject to any adverse effect by his employer and must be protected from every damage-causing and unjustified consequences, in accordance with the provisions of the Termination of Employment Laws of 1967 to 2002.

6 του 1973  
1 του 1975  
18 του 1977  
30 του 1979  
57 του 1979  
82 του 1979  
92 του 1979  
54 του 1980  
12 του 1983  
167 του 1987  
37 του 1988  
18 του 1990  
203 του 1990  
52(I) του 1994  
61(I) του 1994  
26(I) του 2001  
111(I) του 2001  
70(I) του 2002

(5)(a) The employer must ensure all his employed persons are capable so that in case of serious and immediate danger for their own safety or for the safety of other persons, and where ever a weakness exists in communicating with the responsible hierarchical supervisor, the employed persons themselves must take suitable measures according to their knowledge and available technical means, so as to avoid the consequences of this danger.

(b) The actions of employed persons in such cases must not place them in any unfavourable position, unless they acted recklessly or with neglect.

(6) The employer must, while taking account of the nature of the activities taking place in his undertaking, business and/or installation, must ensure that access to zones of serious and special danger is provided only to employed persons who have received suitable instructions, who are under suitable guidance and who possess adequate, under the prevailing circumstances, means for protection of the safety and health of the employed persons.

Informing 8. (1) The employer undertakes suitable measures so that his of the employed persons and/or their representatives in the undertaking, persons the business and/or the installation, receive all the necessary at work information in such a manner that renders it comprehensible as far as the following are concerned:

- (a) The dangers to the safety and health arising at work as well as the measures and the activities of protection and prevention regarding either the undertaking, or the business and/or the installation by and large, or each type of work post and/or duties;
- (b) The measures being taken as far as procedures and names of appointed persons for the application of Regulation 7 of the present Regulations are concerned, regarding first aid, fire safety, evacuation of work places and serious and immediate danger;
- (c) The information on issues of safety and health which has come to the perception or knowledge of the employer by other employers or self-employed persons on the basis of the provisions of Regulation 9 of the present Regulations regarding coordination, cooperation and mutual information;
- (d) The legislation in force which regards particular activities of the employer on safety and health at work and for the manner of its application in the undertaking, the business or the installation or in places where the employer conducts his activities.

(2) The employer must take all suitable measures so that the employers of persons employed by external services and/or

installations or self-employed persons carrying out or involved in work in the undertaking, the business or the installation of the employer or in places where he conducts his activities, receive suitable information, mentioned in subparagraphs (a)(b) and (c) of paragraph (1) of the present Regulation, which must be provided to employed persons of external businesses or to the self-employed persons.

(3) The employer takes suitable measures so that the employed persons carrying out special duties in the field of protection of the safety and health or the representatives of employed persons carrying out similar duties, have access to the following, for completing their duties:

- (a) The risk assessment, the safety system or the risk management system, the safety and health arrangements, the preventative and protective measures and the safety and health register prescribed for in Regulations 4 and 5 of the present Regulations;
- (b) The accident register, the special register of reports of accidents and dangerous occurrences, prescribed in Regulation 10 of the present Regulations; and
- (c) The information emerging or originating from the activities or the application of measures of protection and prevention as well as from the Chief Inspector or the Inspectors.

(4) Each self-employed person must ensure that information is provided in a easily comprehensible manner to any other self-employed person working at an undertaking, business, installation or place where his activities are carried out or at another employer, whose employed persons work at the undertaking, business, installation or place where activities of the other self-employed person are carried out, with regard to:

- (a) The risks to safety and health of the other self-employed person or the employed persons of the other employer originating or related to the conduct of work at the undertaking, the business, the installation or the activities of the self-employed person;
- (b) The measures undertaken by the self-employed person to ensure the application of the provisions of the Law for the protection of the safety and health of persons at work whenever these provisions relate to employed persons of another employer or to the other self-employed person.

Cooperation,  
Coordination and  
informing  
of  
employers  
and self-  
employed

9. When one or more employers or when one or more self-employed persons or one or more businesses share the same workplace, then all employers or all self-employed persons or all businesses must cooperate amongst them for the application of the provisions regarding safety, health, hygiene, and taking into account the nature of activities, must coordinate their activities on issues of protection or prevention of the occupational risks and

persons

must exchange information amongst themselves regarding these risks.

10.(1) Each employer must maintain a list of occupational accidents which had, as a consequence, the inability of their employed persons to work for a period greater than three continuous days and must record on this list the total number of days each injured employed person of his, has missed.

(2) Each employer must maintain a special report register of all fatal or serious occupational accident incidents and dangerous occurrences, which happened in the undertaking, the business or the installation. In these reports, the causes of each incident must be described, the date of the incident, the persons involved in it and the measures taken for future avoidance of a similar incident.

(3) The report register and the list of accidents required in accordance with the provisions of paragraphs (1) and (2) of the present Regulation must be kept in a special safety and health register, prescribed in paragraph (3) of Regulation 4 of the present regulations in cases where the presence of such a register is mandated. The list and register with all prescribed records and documents which must be kept or saved in them, must be at the disposal of the Inspector when the employer is requested to do so.

(4) The provisions of the present Regulation do not alter or excuse the employer from the obligation he has to have a written notification of accidents and dangerous occurrences according to the provisions of the Safety and Health at Work (Notification of Occupational Diseases) Regulations of 2007 and the Safety and Health at Work (Notification of Accidents and Dangerous Occurrences) Regulations of 2007.

P.I. 530/2007  
P.I. 531/2007

11. (1) The employers ask the opinion of the employed persons and/or the representatives and allow their participation under the framework of all issues pertaining to safety and health at work. This entails:

- (a) Consultation with the employed persons;
- (b) The right of employed persons and/or their representatives to submit proposals; and
- (c) The balanced participation in safety committees according to sections 4 upto 12 of the Law and the Regulations on Safety Committees at Work of 1997.

Training of  
persons at  
work

12. (1) The employer must ensure that each employed person receives suitable and adequate training in the field of safety and health, especially in the form of information and directions relating especially to the work post or the duties of the employed person, in the following situations:

- (a) Hiring;

- (b) Any transfer or change of duties;
- (c) The introduction or change of work equipment;
- (d) The introduction of new technology;
- (e) The introduction of new or the change of existing systems or methods of work in the workplaces.

(2) This training must:

- (a) Be adapted to the advancement of risks and the appearance of new risks; and
- (b) If needed, be repeated in fixed time periods.

(3) The employer must ensure that employed persons of external businesses and/or installations or the self-employed persons who conduct or are involved in work in the undertaking, the business or the installation of the employer, have received all necessary instructions as far as the risks to the safety and health during their activities in the undertaking, the business or the installation of the employer.

(4) The employer must ensure that the representatives of the employed persons carrying out special duties for the protection of the safety and health receive suitable training.

(5) The training prescribed in the present Regulation must not place any burden on the employed persons or their representatives.

(6) The training prescribed in paragraphs (1) and (2) of the present Regulation must be provided during working hours.

(7) The training prescribed in paragraph (4) of the present regulation must be provided during working hours within the undertaking, business and/or installation or away from it.

### **PART III OBLIGATIONS OF EMPLOYED PERSONS**

Obligations  
of the  
employed  
persons

13.(1) It shall be the responsibility of each employed person to take care, according to his abilities, of his safety and health, as well as for the safety and health of other persons affected by his acts or omissions at work in accordance with his training and the suitable instructions of his employer.

(2) For materialising these aims, the employed persons must, specifically, and according to their training and suitable instructions issued by their employer:

- (a) Correctly use machinery, machines, appliances, tools, dangerous substances, transportation and other means;
- (b) Correctly use their personal protective equipment which is at their disposal, and after use, place it correctly back

- in its place;
- (c) Not set out of order, nor change, nor arbitrarily displace the safety mechanisms of machines, machinery, tools, appliances, installations, undertakings and buildings and must correctly use such safety mechanisms;
  - (d) Immediately mention to their employer and/or the employed persons carrying out special duties in the field of protection of safety and health, all situations which may be reasonably regarded as posing an immediate and serious risk to the safety and health of themselves or to other persons, as well as each deficiency so noted in the protection systems;
  - (e) Assist the employer and/or the employed persons carrying out special duties in the field of protection of the safety and health of employed persons, for as long as is required, to enable the fulfilment of all obligations or demands prescribed by the Law or by the Inspectors for the protection of the safety and health of employed persons at work or other persons who may be affected by the activities at work; and
  - (f) Assist the employer and/or the employed persons carrying out special duties in the field of protection of the safety and health of employed persons, for as long as is required, so that the employer may guarantee that the environment and conditions of work are safe and without risks to the safety and health within their field of application.

(3) The employed persons must cooperate according to the needs, with suitable services or with suitable persons prescribed in paragraph (6) of Regulation 6 of the present Regulation.

(4) The employed persons are obliged to attend relevant classes, seminars or other educational programmes or skills development programmes in issues of safety and health at work.

#### **PART IV VARIOUS PROVISIONS**

14.(1) Every employer must ensure that all employees are provided with, for as long as is necessary, suitable health surveillance, in connection with the risks, as far as their safety and health at work is concerned, which have been defined through the risk assessment prescribed in Regulation 4 of the present Regulations.

Health  
surveillance

(2) The measures referred to in paragraph (1) of the present Regulation are such that regular health surveillance of each employed person exists, if the employed person so wishes.

(3) It is possible that health surveillance may be an integral part of a general health plan.

15. The employers must take suitable preventative and protective measures, bearing especially in mind, the provisions of paragraphs (2) and (3) of Regulation 4 of the present Regulations for the protection of employed persons belonging to especially sensitive risk groups, who must be protected from the risks which specifically concern them.

Risk groups

16. The present Regulations come into force on the 1<sup>st</sup> of January 2003.

Commence-  
ment of  
enforcement  
of the present  
Regulations