

# Lecture 18 – Communication and Consultation in OHS

## Student Notes

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### Introduction

**“The single biggest problem in communication is the illusion that it has taken place.”** – George Bernard Shaw

Effective communication and consultation in Occupational Health & Safety (OHS) play a critical role in preventing workplace accidents, fostering safety culture, and ensuring compliance with legal frameworks. Despite its importance, poor communication is consistently identified as a root cause of major workplace incidents (Conchie, Taylor, & Charlton, 2011).

#### **This lecture explores:**


- ✓ Why effective communication is vital for OHS.
  - ✓ The difference between one-way and two-way safety communication.
  - ✓ Legal obligations for worker consultation in Malta & the EU.
  - ✓ Barriers to effective communication & solutions.
  - ✓ Best practices for worker consultation & hazard reporting.
  - ✓ Case studies of successful and failed communication in safety-critical industries.
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### Chapter 1: Why Communication & Consultation Are Critical in OHS

#### **Communication in OHS ensures that:**

- ✓ Employees understand workplace hazards and know how to mitigate them.
- ✓ Safety policies are implemented correctly across all levels.
- ✓ Workers feel empowered to report unsafe conditions.
- ✓ Emergency response plans are effectively executed.

#### **1.1 The Cost of Poor Communication**

 Deepwater Horizon Oil Spill (2010) – Lack of proper communication of safety concerns between frontline workers and management led to a catastrophic explosion, 11 deaths, and a massive environmental disaster.

📌 Piper Alpha Oil Rig Disaster (1988) – A simple miscommunication about a pressure relief valve being removed led to a gas explosion that killed 167 people.

💡 **Lesson: If safety-critical information is not properly communicated and consulted upon, lives are at risk.**

 **Discussion Prompt:**

- Can you think of a workplace accident that was caused by poor communication? What happened?
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## 📌 **Chapter 2: The Impact of Poor Communication on Workplace Safety and Productivity**

### **Introduction**

Effective communication is a fundamental pillar of workplace safety and efficiency, particularly in high-risk industries such as construction, manufacturing, oil & gas, and mining. Poor communication can lead to increased accidents, reduced productivity, and low employee morale. Many workplace incidents occur due to misunderstandings, lack of clear instructions, or ineffective consultation with workers.

This chapter explores the consequences of poor communication, the benefits of strong workplace communication skills, and real-world examples of how organisations improved safety through better communication practices.

### **How Poor Communication Affects Workplace Safety and Performance**

#### **1. Increased Risk of Workplace Accidents**


- Miscommunication about safety procedures, hazard warnings, or task instructions can result in serious accidents.
- Studies show that a large percentage of workplace accidents are linked to communication breakdowns.
- Example: A misinterpreted safety instruction in a manufacturing plant could lead to an employee operating machinery unsafely, increasing the likelihood of an injury.

#### **2. Reduced Productivity & Inefficiency**

- Poor communication leads to delays, duplication of work, and confusion about roles and responsibilities.
- Example: If workers are not informed about task priorities or changes in workflow, they may waste time repeating tasks or making errors that require rework.
- A lack of clarity in instructions can lead to conflicts between teams, slowing down project timelines.

### 3. Lower Employee Morale & Higher Turnover

- Employees who feel ignored, misunderstood, or excluded from safety discussions may become disengaged.
- Poor workplace communication reduces trust between workers and management, leading to low morale and high staff turnover.
- Example: If workers do not feel consulted on safety issues, they may ignore new policies or resist change, which can create a negative work environment.

 **Thinking Exercise:** Have you ever encountered a situation where **poor communication** caused delays, mistakes, or safety concerns at work? How was it handled?

## The Benefits of Developing Workplace Communication Skills

Investing in **communication training** has been proven to **enhance safety, improve teamwork, and boost overall performance.**

### 1. Improved Safety Standards

- Training workers in clear and concise communication reduces misunderstandings and ensures compliance with safety procedures.
- Example: A workplace that conducts daily safety briefings experiences fewer accidents because workers remain informed about hazards and operational risks.

### 2. Enhanced Teamwork & Collaboration

- Strong communication fosters teamwork and problem-solving, improving efficiency.

- Example: Workplaces where employees feel comfortable raising concerns tend to have faster incident resolution and better hazard reporting.
- Studies show that effective communication can increase team productivity by up to 25%.

### 3. Faster Emergency Responses

- In high-risk environments, clear communication can mean the difference between life and death.
- Workplaces that prioritise emergency communication training respond 35% faster during crisis situations.
- Example: In a fire or chemical spill, a well-trained workforce reacts faster and more efficiently, reducing the severity of the incident.

💡 **Discussion:** What **communication methods** do you think are **most effective** during emergencies?

### Real-World Example: How Communication Training Reduced Workplace Accidents

📌 A **mining company** implemented a **structured communication training programme**, including:

- ✓ **Clear protocols for radio communication** and task handovers.
- ✓ **Regular toolbox talks and hazard reporting drills.**
- ✓ **Worker consultation to improve safety practices.**

💡 **Results within a year:**

- ✓ **30% reduction in workplace accidents.**
- ✓ **20% improvement in task completion times.**
- ✓ **Higher employee engagement and job satisfaction.**

This example demonstrates that **even minor investments in communication training** can lead to **significant improvements in workplace safety and efficiency.**

### Conclusion & Key Takeaways

- ✓ **Poor communication increases accident risks, reduces productivity, and lowers morale.**
- ✓ **Miscommunication in high-risk industries can lead to life-threatening incidents.**

✓ Companies that implement structured communication training see measurable improvements in safety and efficiency.

✓ Consulting workers and involving them in decision-making fosters a strong safety culture.

✦ **Final Reflection:** What changes could be made to **improve communication and consultation** in your workplace?

The above was adapted from: **Graham, T. (2025, January 16). *The Impact of Poor Communication on Workplace Safety and Productivity*. Driving Mining Excellence.**

## STAR Framework & SLAM Technique in OHS Communication

The **STAR** framework is a structured method used to **improve communication, especially in safety reporting and briefings**. It ensures that messages are clear, complete, and actionable.

✦ **STAR stands for:**

- ✓ **S – Situation:** Describe what happened.
- ✓ **T – Task:** Explain what needed to be done.
- ✓ **A – Action:** Outline what actions were taken.
- ✓ **R – Result:** Communicate the outcome or next steps.

✦ **Why it's useful?**

- Ensures **accurate incident reporting**.
- Helps workers **communicate risks clearly**.
- Supports **OHS training and investigations**.

💡 **Example:**

A worker reports a **chemical spill** using STAR:

**S:** A cleaning product spilled near a walkway.

**T:** It needed to be cleaned to prevent slips.

**A:** The worker cordoned off the area and alerted maintenance.

**R:** The hazard was neutralised, preventing an accident.

The **SLAM** technique is used for **dynamic risk assessment** before performing a task, ensuring workers stop and think before acting in hazardous situations.

### **SLAM stands for:**

- ✓ **S – Stop:** Pause before starting a task.
- ✓ **L – Look:** Identify potential hazards.
- ✓ **A – Assess:** Evaluate risks and necessary precautions.
- ✓ **M – Manage:** Take action to minimise risks.

### **Why it's useful?**

- Helps workers make **safe decisions on the spot**.
- Reduces **risk-taking behaviour**.
- Improves **situational awareness** in high-risk environments.

### **Example:**

Before operating a **forklift in a congested area**, a worker applies SLAM:


**S:** Stops and assesses surroundings.

**L:** Looks for pedestrians, obstructions, or unstable loads.

**A:** Evaluates if additional precautions (e.g., a spotter) are needed.

**M:** Manages risks by using horns, mirrors, and clear pathways before moving.

### **Key Takeaway:**

Both **STAR** and **SLAM** provide **structured, effective ways to communicate safety risks and make informed decisions**, enhancing workplace safety and preventing accidents. 

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## **Chapter 3: Legal Framework for OHS Communication & Consultation**

Effective communication and consultation in OHS are not just best practices; they are legal obligations. Both national (Maltese) and EU laws mandate that employers consult workers and their representatives regarding workplace health and safety. The aim is to ensure that employees participate in safety decisions and are provided with essential information to protect themselves from hazards.

## 2.1 Legal Obligations Under Maltese Law

The Health and Safety at Work Act (Cap. 646) and the General Provisions for Health and Safety at Work Places Regulations (S.L. 646.11) outline the core obligations of employers, workers, and their representatives in workplace safety communication.

### a). Establishment and Role of Workers' Health and Safety Representatives

#### Cap. 646, Art. 12(4):

- Workplaces with a specified number of employees (to be defined by subsidiary regulations) must elect, designate, or choose Workers' Health & Safety Representatives.
- These representatives act as intermediaries between workers and management on health and safety matters.
- Their primary role is to consult with the employer to improve workplace safety conditions.

#### Why is this important?

- Workers are often the first to recognise hazards.
- Active worker participation reduces accident rates and fosters a culture of safety awareness.

### b). Consultation and Participation of Workers' Representatives

#### S.L. 646.11, Reg. 13(1):

- Employers must consult workers or their representatives before implementing workplace health and safety measures.
- This consultation must be done in advance and in good time, allowing representatives to contribute meaningfully.

#### S.L. 646.11, Reg. 13(3):

- If workers fail to elect a representative, the employer **must appoint a person** to act in that capacity.

#### S.L. 646.11, Reg. 13(4):

- Workers' representatives must act without conflict of interest and ensure that their primary focus is the welfare and safety of employees.

 **Key Considerations:**


- Consultation should not be a formality—workers should actively influence safety policies.
- Employers must engage workers before making decisions, not just inform them afterward.

**c). Rights and Responsibilities of Workers' Representatives**


Workers' Health and Safety Representatives have the right to:

 **S.L. 646.11, Reg. 13(5):**

- Make safety-related proposals to employers.
- Request modifications to risk assessments, procedures, and accident investigations.

 **S.L. 646.11, Reg. 13(6):**


- Request that employers take immediate action to mitigate workplace hazards.

 **S.L. 646.11, Reg. 13(7):**


- Not suffer any disadvantage or retaliation for engaging in health and safety activities.

 **S.L. 646.11, Reg. 13(8):**

- Receive adequate time off work (with pay) and necessary resources to perform their duties effectively.

 **S.L. 646.11, Reg. 13(10):**

- Observe and participate in official workplace inspections conducted by OHS officers.

 **S.L. 646.11, Reg. 14(4):**

- Receive mandatory training to carry out their role effectively.

 **Why is this important?**

- Safety representatives empower workers by ensuring their voices are heard.
- They act as a check and balance against poor safety practices.



#### **d). Information and Training for Representatives**

Employers must provide safety representatives with the necessary information and training to fulfill their role.

##### **S.L. 646.11, Reg. 12(1):**

- Information on workplace risks and risk assessments.
- Details on preventive and protective measures to mitigate hazards.
- Clear procedures for handling serious and imminent dangers.
- Copies of workplace safety policies and documents (Cap. 646, Art. 12(4)(a)).

##### **S.L. 646.11, Reg. 14(5), (6):**

- Employers must ensure that workers' representatives receive training at no cost and during paid working hours.

##### **What happens when training is not provided?**

- Workers' representatives may lack the competence to identify hazards effectively.
- Safety procedures may be misinterpreted, leading to higher risks of accidents.

#### **e). Protection from Retaliation**

##### **Cap. 646, Art. 12(4)(b):**

- Employers cannot discipline, penalise, or take adverse action against workers' representatives for carrying out their duties in good faith.

##### **S.L. 646.11, Reg. 13(9):**

- Representatives have the right to escalate complaints to OHSa if they believe that the employer's health and safety measures are inadequate.


##### **Why does this matter?**

- Without protection, workers may be afraid to raise safety concerns.
- Fear of retaliation can lead to unreported hazards and higher accident rates.

#### **f). Employer's General Duties Related to Workers' Representatives**

##### **S.L. 646.11, Reg. 13(1):**


- Employers must consult representatives before making health and safety decisions.

 **S.L. 646.11, Reg. 13(8):**

- Employers must provide adequate time, access to information, and resources for representatives to carry out their role.


 **S.L. 646.11, Reg. 8:**

- Employers cannot charge workers for any legally required health and safety training or provisions.


 **S.L. 646.11, Reg. 12(2):**

- If external workers (contractors, temporary staff) are on-site, the employer must ensure they receive appropriate health and safety information.

#### **g). Duties in Serious and Imminent Danger**

 **S.L. 646.11, Reg. 13(5)(b):**

- Representatives must be involved in the planning and implementation of emergency procedures.

 **S.L. 646.11, Reg. 11(2)(a):**

- Employers must inform workers' representatives immediately if serious and imminent dangers arise.

 **What happens if this duty is ignored?**

- Workers may be exposed to life-threatening risks without proper warnings.
- Emergency responses may be delayed, leading to higher casualties.

#### **Summary of Workers' Representatives' Legal Protections & Responsibilities**

1. Election/Designation of Representatives
2. Consultation with Representatives
3. Provision of Information and Training
4. Active Role in Health and Safety Decision-Making
5. Protection from Retaliation
6. Employer's Duty to Facilitate the Role
7. Involvement in Emergency Planning and Implementation

### Why are these obligations important?

- These laws ensure that workers' health and safety representatives are empowered, informed, and protected.
  - A lack of consultation leads to uninformed workers, which increases accident risks and legal liabilities.
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## Chapter 4: Employers with Shared Health and Safety Duties

### Legal Basis for Shared OHS Responsibilities in Malta

Under **S.L. 646.11, Article 7**, where multiple employers, contractors, or self-employed persons share a workplace, they must:

1. Cooperate in implementing occupational health, safety, and hygiene measures.
2. Coordinate their actions regarding protective and preventive measures to ensure risks are controlled effectively.
3. Inform each other and their respective workers (including Workers' Health and Safety Representatives (WHSRs)) about workplace risks.

### How This Affects Employers in Shared Workplaces

- Employers cannot assume that another company on-site will handle safety responsibilities—each duty holder must actively coordinate safety efforts.
- Contractors, subcontractors, and self-employed workers must follow agreed-upon OHS protocols to prevent conflicts in risk management.
- Workers must be informed of all potential risks, including those arising from the activities of other businesses on-site.
- Coordination should include pre-task planning, shared risk assessments, and safety briefings.

In many workplaces, multiple employers and duty holders share responsibility for health and safety. This occurs when different businesses operate in the same environment, interact as part of a supply chain, or jointly manage workers. Under S.L. 646.11 (General Provisions for Health and Safety at Work Places Regulations),

employers, contractors and self employed persons must consult, cooperate, and coordinate to manage occupational health and safety (OHS) risks effectively.

### **When Do Employers Share Health and Safety Duties?**

Employers may share responsibility for health and safety when they:

- **Are involved in the same activities** – This applies to businesses within a supply chain, such as manufacturers, distributors, and service providers contributing to a single project.
- **Have a duty of care for the same workers** – For example, labour hire agencies, host employers, and building owners all share responsibility for agency workers placed on-site.
- **Operate in the same workplace** – In multi-employer environments, such as construction sites, industrial zones, or shared office buildings, multiple employers must work together to control risks.

In these situations, duty holders must consult and exchange information to clarify roles and ensure risks are managed efficiently. Employers cannot transfer their OHS responsibilities or assume another duty holder will take charge of a health and safety issue.

### **Consulting with Other Employers and Duty Holders**

Employers should begin consulting as soon as they become aware that other businesses are involved in a shared workplace or project. Early discussions help identify hazards, risks, and overlapping duties, ensuring proper risk management from the start.

Effective consultation allows employers to establish a clear, shared understanding of:

- **Workplace hazards and risks** that require joint management.
- **How different activities interact and contribute to safety risks** (e.g., subcontractors working in confined spaces while another team is handling hazardous chemicals).
- **Which workers may be affected** by shared risks, and what control measures need to be in place.
- **How responsibilities will be divided** and who is best positioned to manage specific risks.

Consultation should clearly define roles, responsibilities, and actions for each duty holder to avoid misunderstandings and gaps in safety management.

### **Who Should Manage Workplace Risks?**

The employer or duty holder with the most influence and control over a safety matter is usually in the best position to implement and enforce risk management measures.

Employers can enter into agreements with other businesses to assign safety responsibilities, but this must not limit or modify their own legal obligations under Maltese OHS laws. Each duty holder remains legally accountable for workplace safety, regardless of any agreements in place.

### **Consulting Workers in Multi-Employer Workplaces**

Every employer has a separate duty to consult with their own workers, including Workers' Health and Safety Representatives (WHSRs) if present. However, in shared workplaces, businesses should coordinate worker consultation efforts to ensure that safety information is effectively communicated to everyone affected.

Employers should discuss:

- How to collectively consult all workers involved in shared work activities.
- Whether existing consultation arrangements need to be adjusted to reflect the involvement of multiple employers.
- How to prevent gaps in communication that could compromise safety.

If multiple businesses are operating at a worksite, a coordinated consultation approach is more efficient than separate, unstructured discussions.

### **Cooperating and Coordinating with Other Employers**

Cooperation means that duty holders must:

- Implement agreed-upon safety measures and ensure they are consistently applied.
- Avoid actions that could compromise another employer's risk control measures.
- Respond to reasonable requests from other duty holders to support safety efforts.

Coordination requires businesses to ensure that all safety measures complement each other, avoiding gaps or conflicts in risk management. This may include:

- **Scheduling work activities** to minimise safety risks (e.g., ensuring that electrical maintenance is completed before construction work begins).
- **Arranging safety procedures** so that pre-conditions for safe work are met before employees begin their tasks.
- **Regularly reviewing and adjusting risk management measures** to improve coordination between employers.

If coordination is ineffective or safety risks remain unaddressed, further consultation should take place to agree on changes and strengthen workplace safety.

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## **Chapter 5: Common Barriers to Effective Communication in OHS**

Effective communication is essential for workplace safety, yet various barriers can hinder the ability of employees and management to exchange crucial safety information. When these barriers are not addressed, misunderstandings, unsafe behaviours, and accidents become more likely. Below are some of the most common obstacles to effective OHS communication and strategies to overcome them.

### **What Prevents Effective Safety Communication?**

#### **1. Language Barriers**

In workplaces with diverse linguistic backgrounds, employees who do not speak the primary workplace language fluently may struggle to understand safety instructions, procedures, and warning signs. If training materials, signage, and briefings are not available in multiple languages, misunderstandings can occur, increasing the risk of accidents.

#### **2. Overly Technical Language**

Safety documents, policies, and training materials often contain complex terminology, industry-specific jargon, or legal phrasing that may be difficult for employees to comprehend. If instructions are not simplified, employees may misinterpret safety rules, leading to improper application of procedures.

#### **3. Lack of Listening Skills**

Effective communication is a two-way process. If supervisors dismiss or fail to actively listen to workers' safety concerns, employees may feel discouraged from reporting hazards. This can lead to a workplace culture where risks go unaddressed, increasing the likelihood of incidents.

#### **4. Fear of Speaking Up**

Employees may hesitate to report hazards, near misses, or unsafe practices due to fear of retaliation, job loss, or blame. In some workplaces, there may be a culture of blaming the worker rather than investigating systemic safety failures. When workers feel unsafe voicing concerns, critical risks remain unreported.

#### **5. One-Way Communication**

Some workplaces adopt a top-down approach to safety communication, where

management issues safety instructions without involving employees in discussions. This can result in workers passively receiving information rather than engaging in active problem-solving. Without employee input, safety policies may be impractical or poorly implemented.

## **How to Overcome These Barriers**

### **1. Use Visual Aids**

Safety signs, pictograms, and instructional videos help reinforce key messages in a way that is universally understood, regardless of language barriers. Visual materials should be clear, culturally appropriate, and strategically placed where workers can see them regularly.

### **2. Encourage Open Communication**

Workplaces should establish a non-punitive reporting culture where employees feel safe to report hazards without fear of blame or retaliation. Managers should actively seek feedback, ensure reports are followed up, and publicly acknowledge workers who contribute to safety improvements.

### **3. Simplify Language**

Safety instructions should be written in plain, straightforward language to ensure all workers, including those with lower literacy levels, can understand them. Complex terms should be explained, and technical jargon should be minimized. When necessary, translations should be provided in the languages spoken by employees.

### **4. Use Digital Tools**

Digital communication platforms, such as mobile apps, online reporting systems, and real-time safety alerts, can help bridge communication gaps. These tools enable workers to report hazards quickly and receive instant updates about workplace safety issues. Companies can also use video-based training in multiple languages to enhance understanding.

## **Thinking Exercise**

- Have you ever hesitated to report a safety issue at work? Why?
- What would make you feel more comfortable raising concerns in your workplace?

- Can you think of a time when a communication breakdown led to a safety issue? What happened, and how could it have been prevented?
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## **Chapter 6: Best Practices for Effective OHS Consultation**

Effective consultation is essential for ensuring that workers have a voice in health and safety matters. It allows employees to contribute their knowledge and experience, improving workplace safety and compliance with legal requirements. Consultation should be an ongoing process where employees and employers work together to identify risks and develop safer work practices.

### **The Difference Between One-Way and Two-Way Communication**

#### **One-Way Communication (Top-Down)**

One-way communication refers to situations where safety information flows only from management to employees without active worker participation. This approach has limitations, as workers may not fully understand or engage with the safety measures being implemented.

- Safety posters, memos, and formal briefings are used to inform employees.
- Employees receive safety information passively, with no room for discussion.
- Workers may feel disconnected from safety policies and less likely to follow them effectively.

#### **Two-Way Communication (Interactive)**

Two-way communication fosters engagement by allowing employees to actively participate in safety discussions. It ensures that workers can share concerns, ask questions, and provide input on safety measures.

- Encourages dialogue between workers and management, making safety discussions more inclusive.
- Promotes collaborative problem-solving, where workers can contribute practical insights on risk mitigation.
- More effective for hazard reporting and employee engagement, as workers feel valued and heard.



## Successful Consultation Methods

### Safety Committees

Regular meetings between management and worker representatives provide a structured platform to discuss workplace safety concerns, review incidents, and propose improvements. These committees help ensure that safety policies reflect real workplace conditions.

### Digital Reporting Systems

Mobile applications and online platforms allow workers to report hazards instantly and track the resolution of safety concerns. Digital reporting increases transparency and ensures that safety issues are addressed in a timely manner.

### Training Workshops

Interactive training sessions tailored to specific job hazards encourage workers to engage with safety concepts actively. Role-playing exercises, case studies, and hands-on demonstrations enhance learning and retention.

### Psychological Safety Strategies

Creating an environment where workers feel comfortable voicing concerns without fear of punishment or retaliation is essential. Encouraging open communication through anonymous reporting channels and leadership support helps build a strong safety culture.

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## Chapter 7: Information Provision Responsibilities

Employers have a **legal and ethical obligation** to ensure that all individuals in the workplace are informed about health and safety risks. Proper communication of safety information helps prevent accidents, ensures compliance with OHS regulations, and fosters a culture of safety awareness.

### Who Must Receive Safety Information?

#### Employees

Workers must receive clear and regular safety communication to ensure they understand workplace hazards and the measures in place to protect them. Employers should provide:

- Regular safety briefings and toolbox talks.
- Safety manuals outlining workplace risks, emergency procedures, and best practices.
- Structured health and safety training relevant to job-specific hazards.

### **Temporary Workers**

Since temporary workers may not be familiar with workplace safety procedures, they must receive essential information before starting work. This includes:

- Pre-employment safety briefings covering general site risks.
- Task-specific training before handling equipment or hazardous substances.
- Clear instructions on emergency response protocols and reporting procedures.

### **Contractors and Visitors**

Contractors and visitors, though not permanent employees, must still comply with workplace safety regulations. Employers must ensure they receive:

- **Hazard notifications upon site entry**, including information on restricted areas, PPE requirements, and emergency exits.
- **Induction training for high-risk environments** such as construction sites or manufacturing plants.
- **Clear signage and guidance** to avoid unsafe areas and procedures.

### **Government Authorities (OHSA)**

Employers must provide OHS-related information to regulatory bodies such as the **Occupational Health and Safety Authority (OHSA)** when legally required. This may include:

- Workplace accident reports.
- Safety compliance documentation.
- Risk assessment records and audit findings.

## Best Practices for Information Sharing

### Use Plain Language and Visual Aids

To ensure accessibility, safety information should be conveyed in simple, straightforward language without unnecessary technical jargon. Supplementing written information with visual aids such as pictograms, safety posters, and infographics improves comprehension.

### Provide Multilingual Materials

In workplaces with a diverse workforce, employers should offer **safety information in multiple languages** to ensure all employees understand health and safety policies. Bilingual safety officers or translated materials can bridge communication gaps.

### Leverage Technology

Employers can enhance safety communication by integrating modern technology, such as:

- **H&S apps** that allow workers to access safety manuals, report hazards, and receive instant updates.
- **Digital signage** that displays safety alerts, reminders, and emergency procedures in real-time.
- **Online learning platforms** offering interactive training modules on workplace safety.

Ensuring clear, accessible, and timely communication of safety information is a fundamental responsibility of employers, directly impacting workplace safety and compliance.

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## Bonus Guidance 😊👉

## Health and Safety Consultation Checklist

This non mandatory checklist adapted by your lecturer will help you assess whether you have the necessary arrangements in place for effective consultation.

**Employer Name:**

### Consulting with Workers

Ask yourself:

- ✓ Have I asked workers how they prefer to be consulted? Have I taken their needs and views into account?
- ✓ Do I have arrangements in place to consult workers on health and safety matters before implementing safety measures?
- ✓ Do I have appropriate ways to consult workers about psychosocial hazards (e.g. bullying, harassment, stress)? For example, confidential ways for workers to report concerns.
- ✓ Is consultation accessible to all workers, including shift workers, remote employees, and those with language barriers?
- ✓ Do I encourage workers to actively participate in safety discussions and decision-making?

Employers in Malta must consult workers in good time before making decisions that may directly impact their health and safety.

Workers include:

- Full-time and part-time employees.
- Temporary or agency workers.
- Contractors, subcontractors, and self-employed individuals working on-site.
- Interns, trainees, and volunteers.

### When Should Employers Consult Workers?

Do I consult my workers when I:

- ✓ Identify **physical and psychosocial hazards** and assess risks?
- ✓ Make decisions on how to **eliminate or minimise risks**?
- ✓ Make decisions regarding **welfare facilities** (e.g. toilets, sanitation, rest areas)?

- ✓ Introduce changes that **may affect workers' health and safety** (e.g. work systems, shift schedules, or work procedures)?
- ✓ Purchase new **machinery, equipment, substances, or introduce new work methods**?

Develop or revise **safety procedures**, including:

- How I consult workers on OHS matters.
- How I resolve safety issues at the workplace.
- How I monitor workplace conditions and worker health.
- How I provide information and training to workers.

Consultation can take place in different ways, depending on what suits the workplace.

#### **Examples of consultation methods:**

- Workers' Health and Safety Representatives (WHSRs)
- Health and Safety Committees (HSCs)
- Regular team meetings or toolbox talks
- Pre-shift briefings and staff updates
- One-on-one discussions with workers

#### **Effective Consultation**

When consulting workers, do I:

Identify **who is affected by the safety issue** and include them in the discussion?

Consult with **Workers' Health and Safety Representatives (WHSRs)** if they are elected?

Share **relevant information** about the hazard or safety issue?

Inform workers about **potential workplace changes** that may impact their health and safety?

Give workers a **reasonable opportunity** to express concerns and contribute to decision-making?

Consider workers' **suggestions and viewpoints** before making final safety decisions?

Provide feedback and **inform workers about the outcomes** of the consultation process?

**Although consultation may not always result in agreement, the goal should be to reach a mutual understanding so that the safety decisions are effective and actively supported by workers.**

### **Workers' Health and Safety Representatives (WHSRs)**

If workers are represented by WHSRs, do I:

- ✓ Understand their **legal role, powers, and functions** under Maltese OHS law?
- ✓ Make myself available for WHSRs to **raise safety concerns** with me?
- ✓ Consult with WHSRs before making decisions on workplace health and safety?
- ✓ Share information with WHSRs regarding **workplace risks, hazards, and incident trends**?
- ✓ Provide necessary **resources and facilities** to help WHSRs carry out their duties?
- ✓ Ensure WHSRs have **paid work time to perform their functions**?
- ✓ Protect WHSRs from any form of **discrimination or disadvantage** for fulfilling their role?
- ✓ Grant WHSRs **paid time off to attend training** relevant to their responsibilities?
- ✓ Permit WHSRs to **accompany OHS inspectors during workplace inspections**?
- ✓ Allow WHSRs to attend interviews between workers and OHS inspectors (with worker consent)?
- ✓ Display an **updated list of WHSRs in a visible and accessible location**, such as a noticeboard or intranet?

Under Maltese OHS laws, an election must be organised to appoint one or more representatives. If employees fail to elect someone, the employer is obliged to appoint a WHSR. Where a WHSR is present, employers **must consult them** on all safety matters affecting their workgroup.

## Consulting with Other Duty Holders

If I share health and safety responsibilities with other businesses, do I:

Start consulting with them **before work begins**, such as when negotiating contracts?

Regularly **coordinate and exchange safety information** with duty holders during the work process?

Work with them to:

- Identify hazards and risks.
- Find ways to eliminate or minimise risks.
- Decide who is responsible for controlling specific risks.
- Establish procedures for reporting workplace incidents.
- Coordinate arrangements for consulting with workers.

Employers working **alongside other businesses or contractors** (e.g., on construction sites, shared workspaces, or contracting chains) **must consult, cooperate, and coordinate efforts** to manage OHS risks effectively.

## Keeping Records of Consultation

While Maltese OHS laws do not **require** employers to document all consultations, keeping records is considered **best practice**. It helps demonstrate compliance with consultation obligations and provides a clear reference for future safety improvements.

- ✓ Have I recorded the safety matter being discussed?
- ✓ Have I identified **who is affected by the issue** and who was consulted?
- ✓ Have I documented **key concerns and issues raised** during consultation?
- ✓ Have I recorded the **final decision, reasons for the decision, and alternative options considered**?
- ✓ Have I outlined **who is responsible for taking action, deadlines, and follow-ups**?
- ✓ Have I noted when the action was completed and if any further consultation is required?

Records do not need to be complex but should be **clear and structured**. Consultation records can help prevent disputes and demonstrate a commitment to workplace safety.

## **Final Notes**

Use this section to **record any actions identified to improve consultation arrangements.**

Completed by:

Position:

In consultation with:

Date:

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