

L.N. 436 of 2012

**OCCUPATIONAL HEALTH AND SAFETY
AUTHORITY ACT**

(CAP. 424)

**Protection of Maternity at Work (Amendment)
Regulations, 2012.**

IN EXERCISE of the powers conferred by article 12 of the Occupational Health and Safety Authority Act, 2000, the Minister for Health, the Elderly and Community Care, in consultation with the Occupational Health and Safety Authority, has made the following regulations:

- 1.** The title of these Regulations is the Protection of Maternity at Work (Amendment) Regulations, 2012, and they shall be read and construed as one with the Protection of Maternity at Work Places Regulations, 2000, hereinafter referred to as “the principal regulations”.

Title
L.N. 92 of 2000.
- 2.** In sub-regulation (1) of regulation 2 of the principal regulations, the definition of the term “breastfeeding worker” shall be deleted and substituted by the following:

Amends regulation
2 of the principal
regulations.

““breastfeeding worker” means a breastfeeding employee as defined in the Employment and Industrial Relations Act, or in subsidiary legislation;”

Cap. 452.
- 3.** In the definition of the term “child” in sub-regulation 1 of regulation 2, the words “and any child under three years of age” shall be deleted.

Amends regulation
2 of the principal
regulations.
- 4.** In sub-regulation (1) of regulation 2 of the principal regulations, the term “Director” shall be deleted and any reference to it in the principal regulations shall be taken to mean the Occupational Health and Safety Authority established by virtue of Chapter 424 of the Laws of Malta.

Cap. 424.
- 5.** In sub-regulation (1) of regulation 2 of the principal regulations, the definition of the term “pregnant worker” shall be deleted and substituted by the following:

Amends regulation
2 of the principal
regulations.

““pregnant worker” means a pregnant worker as defined in the Employment and Industrial Relations Act, or in subsidiary legislation;” Cap. 452.

Deletes sub-regulation 2 of regulation 2 of the principal regulations.

6. Sub-regulation 2 of regulation 2 of the principal regulations shall be deleted.

Amends regulation 6 of the principal regulations.

7. Subregulations (2), (3), (4) and (5) of regulation 6 of the principal regulations are hereby deleted.

Amends regulation 7 of the principal regulations.

8. Subregulations (2), (3), (4) and (5) of regulation 7 of the principal regulations are hereby deleted.

Deletes regulations 8, 9 and 11 of the principal regulations.

9. Regulations 8 and 9 and 11 of the principal regulations are hereby deleted.

Renumbering of regulation 10.

10. Regulation 10 of the principal regulations shall be renumbered regulation 8.

11. The following new regulation to the principal regulations, shall be inserted:

Onus of proof

“9. In any proceedings for an offence under these regulations consisting of a failure to comply with a duty or requirement to do something, or to do something so far as is reasonably practicable, it shall be for the accused to prove (as the case may be) 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.”

