



DEPARTMENT

**OCCUPATIONAL SAFETY & HEALTH
(DOSH)**

MINISTRY OF HUMAN RESOURCE

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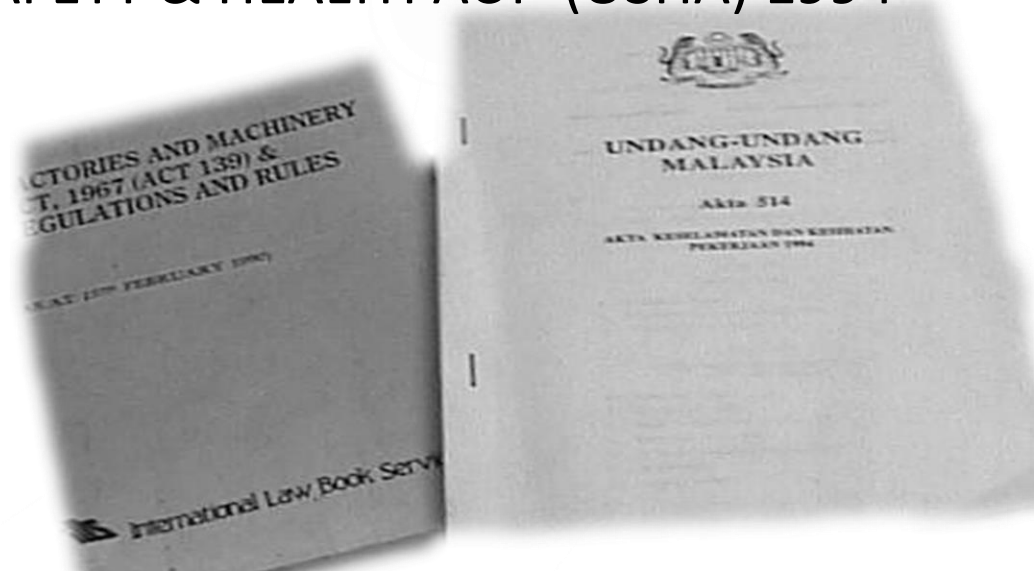
DEPARTMENT OCCUPATIONAL SAFETY & HEALTH SELANGOR

SCOPE

01. OBJECTIVE

02. INTRODUCTION OF DOSH

03. THE OCCUPATIONAL SAFETY & HEALTH ACT (OSHA) 1994



OBJECTIVE

1. To understand the requirements of safety and health legislation
2. Appreciate the importance of occupational safety and health
3. The role we have to play in promoting and creating a safe and healthy workplace

INTRODUCTION OF DOSH

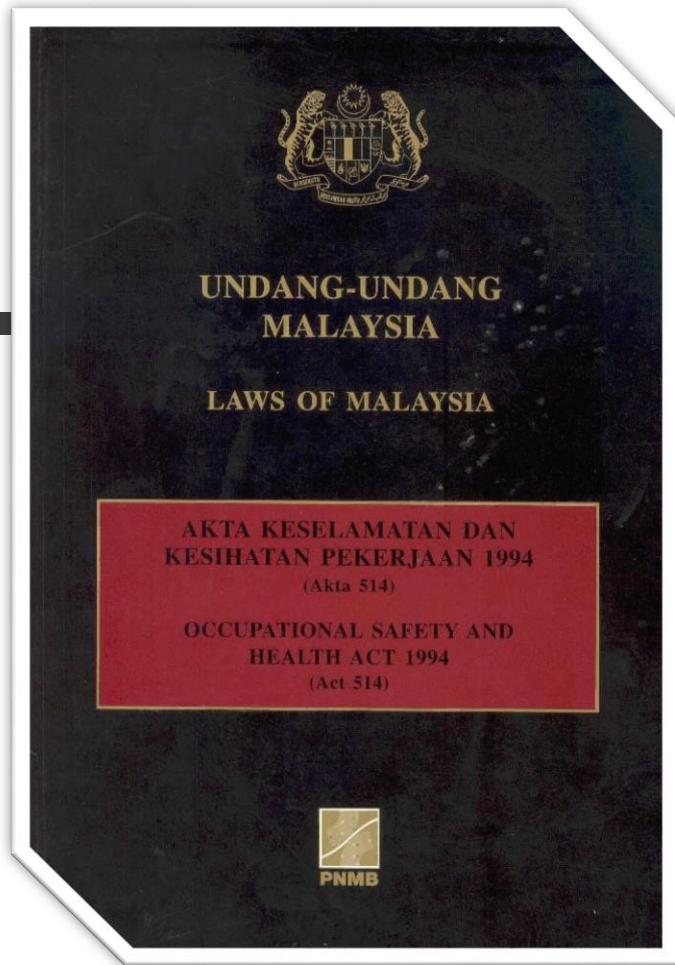
- The Department of Occupational Safety and Health (DOSH) is a department under the Ministry of Human Resources.
- As a government agency, the department is responsible for the administration and enforcement of legislations related to occupational safety and health of the country

INTRODUCTION OF DOSH

- This department is responsible for ensuring the safety, health and welfare of people at work as well as protecting other people from the safety and health hazards arising from the activities sectors which include:
 - Manufacturing
 - Mining and Quarrying
 - Construction
 - Hotels and Restaurant
 - Agriculture, Forestry and Fishing
 - Transport, Storage and Communication
 - Public Services and Statutory Authorities
 - Utilities - Gas, Electricity, Water and Sanitary Services
 - Finance, Insurance, Real Estate and Business Services
 - Wholesale and Retail Trades

INTRODUCTION OF DOSH

- Jabatan Keselamatan dan Kesihatan Pekerjaan formerly known as Jabatan Kilang dan Jentera is given the mandate to administer and enforce the safety and health law in Malaysia.
 - Factories and Machinery Act 1967
 - Petroleum (Safety Measures)Act 1984
 - Occupational Safety and Health Act 1994



INTRODUCTION

Occupational Safety and Health Act (OSHA) 1994 And Its Regulations

PHILOSOPHY AND GUIDING PRINCIPLES

“ Responsibilities to ensure safety and health at the workplace lies with those who create the risk and with those who work with the risk ”

- **Self-regulation**
 - employers must develop a good and orderly management system
- **Consultation (tri partite)**
 - Employers, employees and the government must negotiate to settle issues and problems relating to occupational safety and health at the workplace
- **Workers cooperation & participation**
 - Employers and employees must co-operate to take care, nurture and to increase the quality of occupational safety and health at the workplace

SCOPE

Persons at work –

- In Industries specified in the **First Schedule**
- Except for work
 - on board ships
 - in the Armed Forces

LIST OF INDUSTRIES (FIRST SCHEDULE)

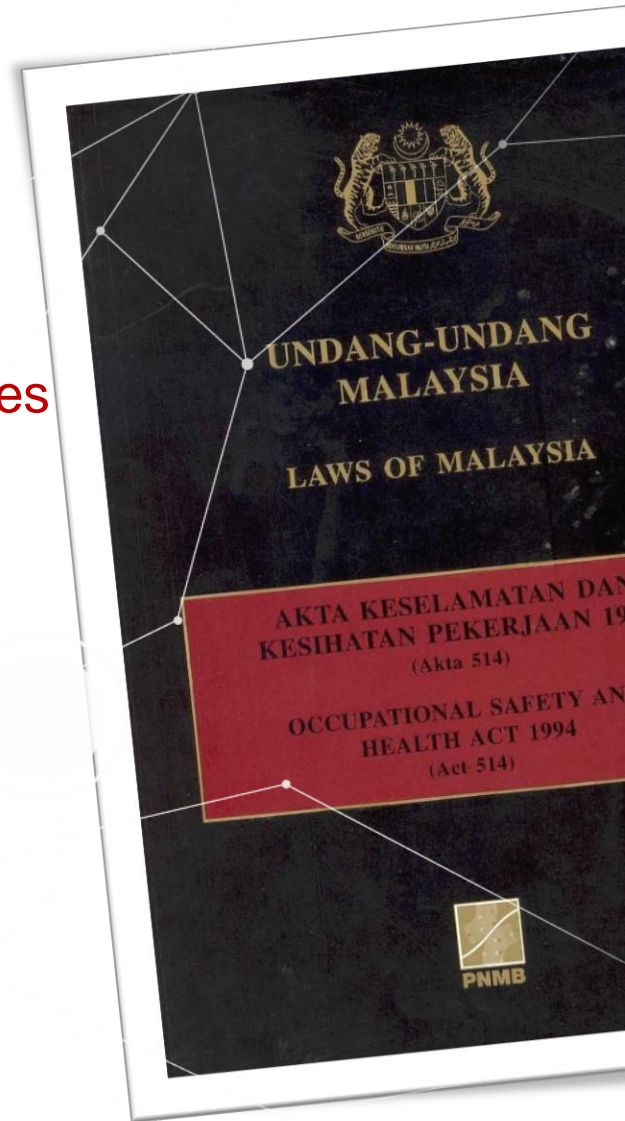
- manufacturing
- mining and quarrying
- construction
- agriculture, forestry and fishing
- utilities - electricity, gas, water, and sanitary services
- transport, storage and communication
- wholesale and retail traders
- hotels and restaurants
- finance, insurance, real estate and business services
- public services and statutory authorities

OBJECTS OF THE ACT

- To secure the safety, health and welfare of persons at work against risks
- To protect persons at a place of work other than persons at work against risks
- To promote an occupational environment for persons at work which is adapted to their physiological and psychological needs.
- to provide the means towards a legislative system based on regulations and industry codes of practice in combination with the provisions of the Act.

SALIENT PROVISION

- National Council for OSH
- General duties of - employers & self-employed; designers, manufacturers and suppliers; employees
- Safety and Health Organisation
- Reporting of accident, dangerous occurrence, occupational poisoning and disease
- Prohibition of the Use of Plant or Substance
- Industry Code of Practice
- Enforcement and Investigation
- Liability for offences
- Appeals
- Penalties



GENERAL DUTIES OF EMPLOYERS AND SELF-EMPLOYED PERSONS (SECTION 15)

- So far as is practicable –
 - Provide and maintain plant and system of work
 - Make arrangements for the safe use, operation, handling, storage and transportation of substances and plant
 - Provide information, instruction, training and supervision
 - Provide and maintain place of work and means of access to and egress from any place of work
 - Provide and maintain working environment that is safe and without health risk and adequate welfare facilities

GENERAL DUTIES OF EMPLOYERS AND SELF-EMPLOYED PERSONS

“PRACTICABLE”

means practicable having regard to –

- i. the severity of the hazard or risk in question;
- ii. the state of knowledge about the hazard or risk and the way of removing or mitigating the hazard or risk;
- iii. the availability and suitability of ways to remove or mitigate the hazard or risk; and
- iv. the cost removing or mitigating the hazard or risk

PHILOSOPHY AND GUIDING PRINCIPLES

- **Duty of care under common law now becomes a legal duty of the employer to provide the necessary care to his employees**
 - **non-compliance is a crime**

ROOT CAUSE OF ACCIDENT

- Most occupational accidents is cause by **Unsafe Act** or **Unsafe Condition** or the combination of both
 - **Unsafe Act**
 - Activity that is conducted in a manner that may threaten the health and/or safety of workers.
 - **Unsafe Condition**
 - A condition in the work place that is likely to cause property damage or injury.
- However the 2 reasons are the result of factors that can be **prevented or controlled by employer/management**

WHAT TO DO

- Establish programs on the provision, maintenance and procedure for the safe use of plant and substances e.g. purchasing procedure, SOPs, work permit, maintenance schedule etc.
- Establish training, education and supervisory programs for new employees and continuous training and education programs on existing employees
- Establish programs to ensure workplaces are safe e.g. housekeeping, lighting, inspection etc.
- establish industrial hygiene programs to ensure healthy working environment e.g. monitoring, PPE, Chemical Health Risk Assessment.

HOW TO MAKE IT WORK

- Set Goals & The Means Of Achieving Them
 - Safety & Health Policy

Duty to formulate safety and health policy (section 16)

- It shall be the duty of every employer and every self-employed person to prepare and be appropriate revise a written statement of his general policy with respect to the safety and health at work of his employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.
- Except those with not more than 5 employees

HOW TO MAKE IT WORK

- Assign Responsibilities
 - Safety & Health Organisation

Medical Surveillance (Section 28)

- Cases of illness he has reason to believe may be due to the nature of the process or other conditions of work;
- Cases of change in process or substance which may cause risk of injury;
- Persons below age 16 years are about to be employed in work which may cause risk of injury; or
- Risk of injury to health from Third Schedule of new substance as result of process changes.

HOW TO MAKE IT WORK

- Assign Responsibilities
 - Safety & Health Organisation

Safety & Health Officer (Section 29)

- Safety and health officer shall be appointed to such class of industries as the Minister may published in the Gazettes.
- Shall employ a competent person to act as safety and health officer.
- Safety and health officer employed for ensuring this Act and any regulation thereafter is followed.
- The safety and health officer shall possess such qualifications or have received such training as the Minister may from time to time prescribe.

Other provision:

- OSH (Safety & Health Officer) Regulation 1997
- OSH (Safety & Health Officer) Order 1997

HOW TO MAKE IT WORK

- Assign Responsibilities
 - Safety & Health Organisation

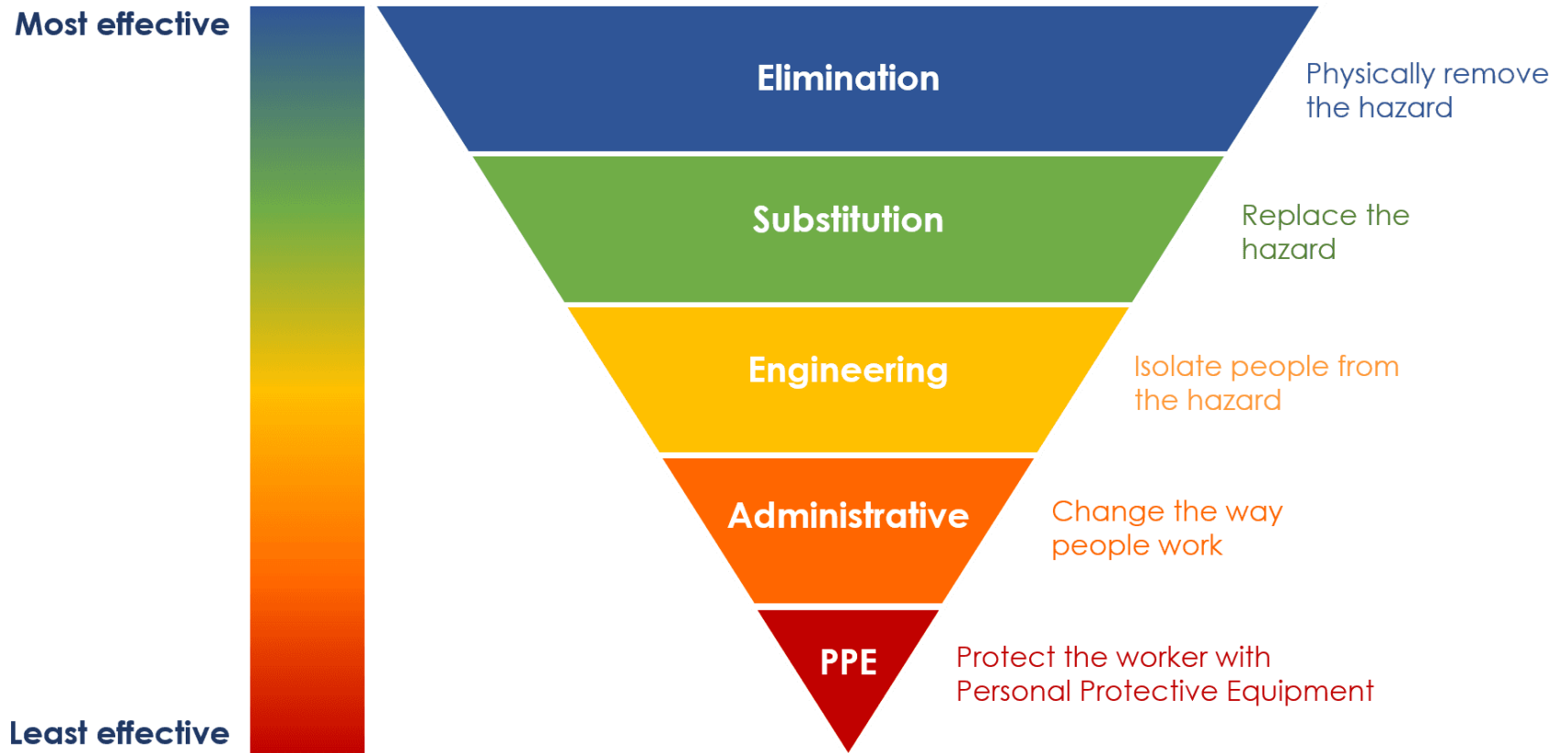
Establishment of safety & health committee at place of work (Section 30)

- Every employer shall establish a safety and health committee at the place of work in accordance with this section if :-
 - there are 40 or more persons employed at the place of work; or
 - the Director General directs the establishment of such a committee at the place of work.
- Every employer shall consult the safety and health committee to the making and maintenance of arrangements which will enable him and his employees to co-operate in promoting and developing measures to ensure the safety and health at the place of work and in checking the effectiveness of such measures.

HOW TO MAKE IT WORK

- Identify hazards & assess risks
 - Hazard Identification, Risk Assessment & Risk Control (HIRARC)
- Determine appropriate Control Measures & Management Strategies
 - **Hierarchy Of Control**
 - Use Of Industry Codes Of Practice & Guidelines

HIERARCHY OF CONTROL



HOW TO MAKE IT WORK

- Implement Action Plan
 - Implement Control Measures
 - Disseminate Osh Information
 - Training & Supervision
 - Monitoring, Medical Surveillance
 - Noise Monitoring, Audiometric Test,
 - Chemical Health Risk Assessment, Ergonomic Risk Assessment
 - Emergency Procedures
 - Reporting & Investigation Of Accident, Dangerous Occurrence, Poisoning & Diseases
- Get Osh Services/Advice

GENERAL DUTIES OF DESIGNERS, MANUFACTURERS AND SUPPLIERS (SECTION 20 & 21)

- **So far as is practicable -**
 - To ensure plant/substance is designed and constructed to be safe and without risk to health when properly used
 - Arrange for carrying out testing and examination
 - Availability of adequate information
 - For designers and manufacturers - arrange for research to eliminate or minimize hazards
 - Safe erection and installation

GENERAL DUTIES OF EMPLOYEES (SECTION 24)

- Take reasonable care for safety and health of himself and others
- Co-operate with employer and others
- Wear and use Personal Protective Equipment (PPE)
- Comply with instructions on OSH

OSH – ELEMENT OF SUCCESS



COMMITMENT BY ALL PARTY

REPORTING OF ACCIDENT, DANGEROUS OCCURRENCE, OCCUPATIONAL POISONINGS AND DISEASE

- Employer to report to the nearest OSH office of any accident, dangerous occurrence, occupational poisonings and disease
 - Refer to OSH (Reporting Of Accident, Dangerous Occurrence, Occupational Poisonings And Disease) Regulations 2004
 - Death
 - Serious bodily injury (1st Schedule under these regulation)
 - Dangerous Occurrence (2nd Schedule under these regulation)
 - Accident arising out or in connection with work which cause bodily injury to any person which prevents the person from following his normal occupation for more than four calendar days
 - An employee, as a result of an accident arising out or in connection with work, has suffered an injury or condition reportable under sub regulation (1) which cause death within 1 year of the date of that accident

REPORTING OF ACCIDENT, DANGEROUS OCCURRENCE, OCCUPATIONAL POISONINGS AND DISEASE

- Registered medical practitioner or medical officer to report on scheduled diseases in FMA67 or any other diseases named by Minister
 - Reporting of cases of occupational poisoning & occupational disease

OSH (Prohibition of Use of Substance) Order 1999

4-aminodiphenyl; benzidine;2-naphthylamine; 4-nitrodiphenyl; their salt & substance exceeding 0.1%	Manufacture and use for all purposes including any manufacturing process in which a substance described in column (1) is formed, except for research or analytical purposes	To prevent cancer
White phosphorus	Use in the manufacture of matches	Chronic phosphorus poisoning (osteomyalitis of the jaw bone)
Benzene	Cleaning and degreasing purposes	Human carcinogen
Carbon disulphide; carbon tetrachloride and n-hexane	Cleaning and degreasing purposes	Damage to nervous system Liver or kidney necrosis Damage to paripheral nerves
Crocidolite	All purposes except for research or analytical purposes	Lung cancer and mesotheliomas

PENALTIES

Notice of improvement / prohibition	RM50,000 /+ 5 years + RM500 per day
General duties of employer and self-employed	RM50,000 /+ 2 years
Safety and Health Policy	RM50,000 /+ 2 years
Safety and health organisation	RM5,000 /+ 6 months
Interfere or misuse things provided for safety and health	RM20,000 /+ 2 years
Discrimination against employee	RM10,000 /+ 1 year
Offences in relation to inspection	RM10,000 /+ 1 year
Duties of employee	RM1,000 /+ 3 months
General Penalty Clause	RM10,000 /+ 1 year

REMINDER

- **We were given**
 - **2 hands**
 - **2 legs**
 - **2 eyes**
 - **2 ears**
- **But**
 - **We only have 1 life**

REMINDER



Therefore...

Think safety

Work safely

Thank you



**DEPARTMENT OCCUPATIONAL SAFETY & HEALTH
SELANGOR**

