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OPENCOURSEWARE

CONSTRUCTION SAFETY: 2


LAW AND REGULATION TO CONSTRUCTION SAFETY

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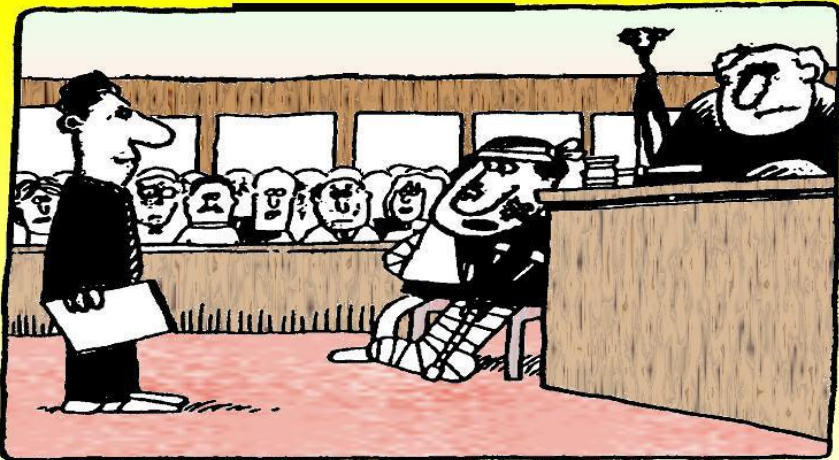
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LAW AND REGULATION TO CONSTRUCTION SAFETY



OSH LEGISLATION

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LEARNING OBJECTIVES

To enable the participants to:

Identify relevant statutory requirements relevant to construction works as stipulated under:

- a) OSHA 1994, Regulations & Orders; and
- b) FMA 1967, Regulations & Rules,

OSHA Is:

- Occupational Safety and Health Act
 - Created by OSH Act of 1994
 - Additional from FMA 1967
 - Imposed nationwide safety standards
 - General industry
 - Construction
 - Strict employee S & H standards
 - Covered employees
 - Enforce same standards for inspections, investigations, record-keeping requirements, and enforcement procedures

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Occupational Safety & Health Act 1994

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OSHA 1994, REGULATIONS & ORDERS

Section 15(2) – General Duties of Employers & Self-Employed Persons to Their Employees

“So far as is practicable”

- Provide and maintain safe plant and safe system of work.
- Make arrangements for safe use, operation, handling, storage and transportation of substances and plant.
- Provide information, instruction, training and supervision.
- Provide and maintain safe place of work and safe access and egress; and
- Provide and maintain working environment that is safe and without health risk and with adequate welfare facilities.

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OSHA 1994, REGULATIONS & ORDERS

Section 18 –Duties of an Occupier of Place of Work to Persons Other Than His Employees

- a) safe means of access & egress for use by persons other than his employees.
- b) ensure the safe and absence of risk in connection with the use of plant and substances provided for use by persons other than his employees.

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OSHA 1994, REGULATIONS & ORDERS

Section 19 – Penalties

A person who contravene the provisions of Section 15, 16, 17 or 18 shall be guilty of an offence and shall on conviction be liable to:

**Maximum Fine RM50,000; or
Maximum Imprisonment 2
Years; or Both**

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OSHA 1994, REGULATIONS & ORDERS

Section 20 – Duties of Designers, Manufacturers & Suppliers as Regards Plant for Use at Work

- a) Plant is of safe design and construction and without risk to health when properly used.
- b) Arrange/carry out necessary test/examination.
- c) Provision of adequate information of plant.

OSHA 1994, REGULATIONS & ORDERS

Section 21 – Duties Designers, Manufacturers & Suppliers as Regards Substances for Use at Work

- a) Substance is of safe and without risk to health when properly used.
- b) Arrange/carry out necessary test/examination.
- c) Provision of adequate information of substances.

OSHA 1994, REGULATIONS & ORDERS

Section 23 – Penalties

A person who contravene the provisions of Section 20 or 21 shall be guilty of an offence and shall on conviction be liable to:

**Maximum Fine RM20,000; or
Maximum Imprisonment 2
Years; or Both**

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OSHA 1994, REGULATIONS & ORDERS

Section 24(1) – General Duties of Employees at Work

- a) Reasonable care for safety and health of himself and others;
- b) Cooperate with employer and others;
- c) Wear and use PPE; and
- d) Comply with instructions on OSH.

**Maximum Fine RM1,000; or
Maximum Imprisonment 3
Months; or Both**

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OSHA 1994, REGULATIONS & ORDERS

- a) **Section 25 – Duty Not to Interfere With or Misuse Things Provided Pursuant to Certain Provisions.**
- b) **A person who contravene the provisions of Section 25 shall be guilty of an offence and shall on conviction be liable to:**

**Maximum Fine RM20,000; or
Maximum Imprisonment 2
Years; or Both**

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OSHA 1994, REGULATIONS & ORDERS

- a) **Section 26 - Duty Not to Charge Employees for Things Done or Provided.**
- b) **A person who contravene the provisions of Section 26 shall be guilty of an offence and shall on conviction be liable to:**

**Maximum Fine RM10,000; or
Maximum Imprisonment 1
Year; or Both**

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OSHA 1994, REGULATIONS & ORDERS


a) **Section 30 – Establishment of Safety & Health Committee.**

b) **A person who contravene the provisions of Section 30 shall be guilty of an offence and shall on conviction be liable to:**

**Maximum Fine RM5,000; or
Maximum Imprisonment 6
Months; or Both**




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OSHA 1994, REGULATIONS & ORDERS

PART/ SECTION	DESCRIPTION	PENALTY
OSH (Employers' Safety & Health General Policy Statements) (Exceptions) Regulations 1995	Employers with than 5 workers are exempted form the duties stipulated under Section 16, OSHA 1994.	-
OSH (Control of Industrial Major Accident Hazards) Regulations 1996	Employer to make arrangements for handling emergency at the workplace.	Max. RM50,000.00; or Max 2 years imprisonment or Both
OSH (Safety & Health Committee) Regulations 1996	Under certain conditions, employer shall establish and maintain workplace Safety & Health Committee.	Max. RM5,000.00; or Max 6 months imprisonment or Both


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OSHA 1994, REGULATIONS & ORDERS

PART/ SECTION	DESCRIPTION	PENALTY
OSH (Safety & Health Officer) Regulations 1997	Employer to employ competent person as Safety & Health Officer and other duties in ensuring such personnel could perform his duties effectively.	Max. RM5,000.00; or Max 6 months imprisonment or Both
OSH (Safety & Health Officer) Orders 1997	Define class of industry to appoint competent Safety & Health Officer.	- do -
OSH (Prohibition of Use of Substances) Regulations 1999	Certain substances are prohibited to be used.	- do -

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OSHA 1994, REGULATIONS & ORDERS

PART/ SECTION	DESCRIPTION	PENALTY
OSH (Use and Standard of Exposure of Chemical Hazardous to Health) Regulations 2000	Employer to monitor employees' health if there are chemicals being used in the workplace.	Max. RM5,000.00; or Max 6 months imprisonment or Both
OSH (Notification of Accident, Dangerous Occurrence, Occupational Poisoning & Occupational Disease) Regulations 2004	Employer to notify JKKP for all accidents, dangerous occurrences, occupational poisoning and occupational diseases occurred at the workplace.	Max. RM10,000.00; or Max 1 year imprisonment or Both

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FMA 1967, REGULATIONS & RULES

Section 10 – Provisions Relating to Safety, Etc.

In relation to safety, factory should be provided with:

- 1. Foundation & Floor of sufficient strength.**
- 2. Roof of adequate strength to carry suspended load.**
- 3. Hazard-free floors, working levels, platform, etc.**
- 4. Ladder of sufficient strength to sustain the load.**
- 5. Safe means of access and egress;**
- 6. Proper storage of material; and**
- 7. Fire Fighting Equipment/Prevention Program.**

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FMA 1967, REGULATIONS & RULES

Section 22 – Provisions Relating to Health

1. **Cleanliness – kept free from offensive effluvia arising from drain, sanitary conveniences, etc. – regularly disinfected.**
2. **Sufficient workspace.**
3. **Adequate ventilation.**
4. **Temperature – reasonable conditions of comfort.**
5. **Adequate illumination.**

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FMA 1967, REGULATIONS & RULES

Section 25 – Provisions Relating to Welfare

Provide and maintain:

1. **Adequate and suitable accommodation for clothing not worn during working hours.**
2. **Adequate supply of safe drinking water.**
3. **Adequate and suitable facilities for washing – kept in clean condition.**
4. **Readily accessible first aid facilities – first aid box/room.**

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FMA 1967, REGULATIONS & RULES

Section 26 – Training & Supervision

No one should be employed to operate a machine unless he/she:

- 1. has received sufficient instruction in work at the machine.**
- 2. is under adequate supervision by a competent/experienced person.**

FMA 1967, REGULATIONS & RULES

Section 28 – Young Persons

- 1. No young person to be allowed in the management of or attending on or proximity of any machinery.**
- 2. Exemption to trainees from government institution.**

FMA 1967, REGULATIONS & RULES

Section 35 – Building Operations & Works of Engineering Construction

- 1. Notification to be made to the Inspector in prescribed form not later than 7 days of the commencement of the operation.**
- 2. Exemption:**
 - a) Work which does not involve the use of machinery; and**
 - b) Work could be completed in a period less than six week.**

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FMA 1967, REGULATIONS & RULES

Section 36 – Installation of Machinery, Etc.

- 1. No person should install or cause to install any machinery except with written approval from the Inspector.**
- 2. In respect to machinery requires COF, a written notice to be served to the Inspector, who shall soon make the necessary inspection.**
- 3. No machinery requiring COF to be operated without written approval from the Inspector.**

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FMA 1967, REGULATIONS & RULES

1. Fine Not Exceeding RM5,000.00 – offences under Section:

- a) Section 19(1) – Certificate of Fitness.**
- b) Section 34(1) – Occupation of Factory.**
- c) Section 36(1) – Installation of Machinery, Etc.**
- d) Section 37 – Application for Registration (Machinery Requiring COF).**
- e) Section 38 – Register.**
- f) Section 39(1) – Moving or alteration of or addition to machinery to be approved.**
- g) Section 40 – Periodical Inspections – make good to any defect on machinery.**

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FMA 1967, REGULATIONS & RULES

- 2. Fine Not Exceeding RM2,000.00 – offences under any other provisions under the Act.**
- 3. Daily Fine Not Exceeding RM100/Day – Continuing Offences.**

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FMA 1967, REGULATIONS & RULES

Factories & Machinery (Electric Passengers & Goods Lift) Regulations 1970

Salient provisions under these Regulations are:

- a) **The design, construction, installation and testing of the lifts.**
- b) **The responsibility of lift owner which include the duty to appoint an approved competent firm for periodic maintenance.**
- c) **The duty of the owner to seek approval form the Chief Inspector before installation and operation.**

FMA 1967, REGULATIONS & RULES

Factories & Machinery (Fencing of Machinery & Safety) Regulations 1970

Salient provisions under these Regulations are:

- a) **The requirements for fencing of dangerous moving parts.**
- b) **Fencing requirements for prime movers, transmission machinery and driven machinery.**
- c) **The method of guarding for various types and parts of machines.**
- d) **The construction and maintenance of machine guards.**

FMA 1967, REGULATIONS & RULES

Factories & Machinery (Safety, Health & Welfare) Regulations 1970

These Regulations detail out the following requirements:

- 1. Factory not to be used as family dwellings.**
- 2. Underground room not to be used for a factory.**
- 3. Machinery installed on any floor above the ground floor.**
- 4. Access to place of work.**
- 5. Openings generally to be fenced.**

FMA 1967, REGULATIONS & RULES

Factories & Machinery (Safety, Health & Welfare) Regulations 1970

- 6. Stairways, Fixed Ladder, Catwalk, Runways & Ramps.**
- 7. Working at Height.**
- 8. Confined Spaces.**
- 9. Dangerous Liquids.**
- 10. Containers for volatile inflammable substances.**
- 11. Precautions against ignition.**
- 12. Precautions with regard to explosives or inflammable dust, fumes or substances**

FMA 1967, REGULATIONS & RULES

Factories & Machinery (Safety, Health & Welfare) Regulations 1970

- 13. Hot Pipes.**
- 14. Objects on incline.**
- 15. Stacking of Materials.**
- 16. Safety Provisions in the Case of Fire.**
- 17. Fire Fighting Appliance.**
- 18. Cleanliness.**
- 19. Space for each person.**
- 20. Ventilation, Air Cleanliness, Temperature & Illumination.**
- 21. Partake of Food or Drink.**

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FMA 1967, REGULATIONS & RULES

Factories & Machinery (Safety, Health & Welfare) Regulations 1970

- 22. Seating Facilities & Work Benches**
- 23. Working Clothes, Personal Protective Clothing & Appliances.**
- 24. Dressing Room.**
- 25. Drinking Water.**
- 26. Water Unsafe for Drinking.**
- 27. Washing Facilities & Sanitary Conveniences.**
- 28. First Aid.**
- 29. Duty of Occupier & Compliance With Any Other Written Law.**

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FMA 1967, REGULATIONS & RULES

Factories & Machinery (Building Operations & Works of Engineering Construction) (Safety) Regulations 1984

- a) Provisions for safety in the building operations and works of engineering construction
- b) Obligations of Contractors, Employers & Employees.
- c) Appointment of Site Safety Supervisors and Contractors' Site Safety Supervisors.
- d) Appointment of designated persons.
- e) Precautionary measures for construction activities such as demolition, excavation, piling, scaffolding, electrical safety, hand & power tools, use & handling of explosives, etc.

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NO	DESCRIPTION
1	Formwork & Reshores.
2	Catch-Platform
3	Chutes > 12M
4	Runways & Ramps
5	Metal Tube Scaffold > 40M
6	Other Scaffold > 15M
7	Support for Adjacent Structure During Excavation/Trenching Work
8	Side Protection for Excavation > 1.2M

OTHER ACTS, COP & GUIDELINES

1. **Food Act 1983.**
2. **Electricity Supply Act 1990.**
3. **Environmental Quality Act 1974.**
4. **Fire Service Act & Regulations 1984.**
5. **Uniformity Building By Law 1984.**
6. **Dangerous Drugs Act 1952.**
7. **Akta Lembaga Pembangunan Industri Pembinaan Malaysia 1994.**
8. **Destruction Disease Bearing Insect Act 1975.**
9. **Employment Act 1995.**
10. **Social Security Act 1969.**
11. **Industrial Relation Act & Regulations 1967.**
12. **Atomic Energy Licensing Act & Regulations 1984.**

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OTHER ACTS, COP & GUIDELINES

13. **Explosive Act & Regulations 1957.**
14. **Street, Drainage & Building Act 1974.**
15. **Code of Practice for Building Operation MS 282.**
16. **Code of Practice for Safe Working in Confined Space.**
17. **Guidelines for Public Safety & Health at Construction Sites.**
18. **Guidelines on First Aid Facilities in the Workplace.**
19. **Guidelines on Occupational Safety & Health in the Office.**
20. **Guidelines on Medical Surveillance.**
21. **Guidelines on Trenching for Construction Safety.**
22. **Guidelines on Occupational Safety & Health in Tunnel Construction.**
23. **Guidelines on the Prevention of Stress & Violence at the Workplace.**
24. **Guidelines on Occupational Safety & Health for Standing at Work.**
25. **Guidelines for Labelling of Hazardous Chemicals.**
26. **Guidelines on Monitoring of Airborne Contamination for Chemical Hazardous to Health.**
27. **Guidelines on the Control of Chemical Hazardous to Health; etc.**

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THANK YOU