CONSTRUCTION SAFETY: 2

LAW AND REGULATION TO CONSTRUCTION SAFETY

SBC 3363

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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
Reasons for OSHA

- Failure of existing programs
- State programs limited
- Federal programme partial
- Injuries/Illnesses/Deaths increasing

What Workers Are Most Likely To Be Injured?

1) Least experienced employees
2) Age 16-21  
   20 times
3) Age 21-25  
   10 times
4) Age 26-30  
   4 times
"So far as is practicable"

a) Provide and maintain safe plant and safe system of work.

b) Make arrangements for safe use, operation, handling, storage and transportation of substances and plant.

c) Provide information, instruction, training and supervision.

d) Provide and maintain safe place of work and safe access and egress; and

e) Provide and maintain working environment that is safe and without health risk and with adequate welfare facilities.
Section 16 – Duty to Formulate Safety & Health Policy

a) Prepare a written general OSH Policy.

b) Revise such policy when appropriate.

c) Organisation and arrangement for translating such policy in his/her undertakings.

d) Acknowledge his/her employees on any revision of the policy.

e) Employer with < 5 workers is exempted.

Section 17 – General Duties of Employers & Self-Employed Persons to Persons Other Than Their Employees

a) conduct his undertaking in a manner that will not endanger and expose himself and other persons.

b) provide necessary information to other persons on the manner in which he conduct his undertaking as might affect their safety or health.
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.

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
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.

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.
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**

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**
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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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**
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**
## OSHA 1994, Regulations & Orders

<table>
<thead>
<tr>
<th>PART/ SECTION</th>
<th>DESCRIPTION</th>
<th>PENALTY</th>
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<tbody>
<tr>
<td>OSH (Safety &amp; Health Officer) Regulations 1997</td>
<td>Employer to employ competent person as Safety &amp; Health Officer and other duties in ensuring such personnel could perform his duties effectively.</td>
<td>Max. RM5,000.00; or Max 6 months imprisonment or Both</td>
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<td>OSH (Safety &amp; Health Officer) Orders 1997</td>
<td>Define class of industry to appoint competent Safety &amp; Health Officer.</td>
<td>- do -</td>
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<tr>
<td>OSH (Prohibition of Use of Substances) Regulations 1999</td>
<td>Certain substances are prohibited to be used.</td>
<td>- do -</td>
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<td>OSH (Use and Standard of Exposure of Chemical Hazardous to Health) Regulations 2000</td>
<td>Employer to monitor employees’ health if there are chemicals being used in the workplace.</td>
<td>Max. RM5,000.00; or Max 6 months imprisonment or Both</td>
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<tr>
<td>OSH (Notification of Accident, Dangerous Occurrence, Occupational Poisoning &amp; Occupational Disease) Regulations 2004</td>
<td>Employer to notify JKKP for all accidents, dangerous occurrences, occupational poisoning and occupational diseases occurred at the workplace.</td>
<td>Max. RM10,000.00; or Max 1 year imprisonment or Both</td>
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</table>
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.
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.

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.
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.

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 weeks.

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.
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.

2. Fine Not Exceeding RM2,000.00 – offences under any other provisions under the Act.
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.

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.
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.

7. Working at Height.
8. Confined Spaces.
11. Precautions against ignition.
12. Precautions with regard to explosives or inflammable dust, fumes or substances
14. Objects on incline.
17. Fire Fighting Appliance.
18. Cleanliness.
19. Space for each person.
20. Ventilation, Air Cleanliness, Temperature & Illumination.
21. Partake of Food or Drink.

22. Seating Facilities & Work Benches
24. Dressing Room.
25. Drinking Water.
27. Washing Facilities & Sanitary Conveniences.
28. First Aid.
29. Duty of Occupier & Compliance With Any Other Written Law.
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 & Employers.
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 & powr tools, use & handling of explosives, etc.

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<tbody>
<tr>
<td>1</td>
<td>Formwork &amp; Reshores.</td>
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<td>2</td>
<td>Catch-Platform</td>
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<td>3</td>
<td>Chutes &gt; 12M</td>
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<td>4</td>
<td>Runways &amp; Ramps</td>
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<tr>
<td>5</td>
<td>Metal Tube Scaffold &gt; 40M</td>
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<td>6</td>
<td>Other Scaffold &gt; 15M</td>
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<tr>
<td>7</td>
<td>Support for Adjacent Structure During Excavation/Trenching Work</td>
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<tr>
<td>8</td>
<td>Side Protection for Excavation &gt; 1.2M</td>
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15. Code of Practice for Building Operation MS 282.
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.
25. Guidelines for Labelling of Hazardous Chemicals.
27. Guidelines on the Control of Chemical Hazardous to Health; etc.
THANK YOU