INTRODUCTION TO

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CHAPTER 2:

2.1 INTRODUCTION TO OSH LEGISLATION
Learning Objectives

- To differentiate the Statutory Law and Common Law.
- To list a chronology of OSH legislation in Malaysia.
- To explain the employer liability in Duty of Care.
Occupational safety and health (OSH) is a **basic human right** for safety at workplace.

"There's still some work left in this one. Get him another pot of coffee."
Accident prevention is an essential part of good management and workmanship.

Management and workers must cooperate.

Top management must take the lead.

A define and known safety and health policy.

Organization and resources to achieve policy.

Best available knowledge and methods.
OSH Legislation

Statutory Law

- Enacted by Parliament
- Break the rule is illegal
- Punishment in term of detention in prison and charge.

Common Law

- Result was based on lawyer and Civil Courts.
- Those that have any injury, can claimed to the responsible persons.
- Any compensation is in currency.
Employer Liability in Duty Of Care

**Injury towards:**

- Worker (individually).
- Other workers due to discipline problem and careless, or an agent that carry out a task for an employer.

Injury examples:

- **Penetrating Nail gun. Hand Injuries**
- **Table Saw Injury**
- **Crush Of Forefoot**
The Selangor Boiler Enactment 1892
The Perak Boiler Enactment 1903
The Pahang Boiler Enactment 1908
The Negeri Sembilan Boiler Enactment 1908
Federal Machinery Enactment 1913
Machinery Ordinance 1953
Factories & Machineries Act 1967 (FMA 1967)
Occupational Safety & Health Act 1994 (OSHA 1994)
HISTORY OF THE DEVELOPMENT OF OSHA IN MALAYSIA

• The Era of Boiler Safety - Before 1913
  ❖ Around 1900’s Perak state government elected a personnel expertise in steam boiler and was given a license as boiler surveyor.

• The era of machinery safety- 1913 to 1962
  ❖ On 1913, all the steam boiler enactments was replaced with “Machinery Enactment”.
  ❖ The inspector inspects the steam boiler and any other machinery such as internal combustion engine, water turbine and any other auxiliary installation involved.
The era of industrial safety- 1953 to 1967
- All the machinery enactment used before 1953 was then replaced with **Ordinal 1953**.
- The role of an inspector has **expanded** from only inspecting the steam boiler to the safety of workers in factories that uses machinery.

The era of industrial safety and health- 1970 to 1994
- **Akta Kilang dan Jentera (Factories and Machinery Act)** 1970 was **approved by the parliaments**.
- To solve all the shortcoming of the Machine Ordinal 1953, as the workers in a workplace without machine previously are now **being protected under the new Acts**.
The era of occupational safety and health - 1994 onwards:

- Occupational Safety and Health Act (OSHA) was enacted in 1994.
- FMA 1967 emphasis on safety while OSHA 1994 emphasis on addressing health hazards in the workplace.
Thank you!
CHAPTER 2:

2.2 OSHA 1994
Formation of OSHA 1994

Statutory Law

Common Law

OSHA 1994
Responsibility to: ensure security and health at workplaces was sitting on those who create risk and those working with that risk.

- Self Regulation
- Negotiation
- Cooperation and employee involvement
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## Arrangement Of Sections in OSHA 1994

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OSHA 1994 Was Applied to:

- People Working
  - At all economic sector in First Schedule including civil service and the authorities
  - Except above Merchant Ship and Army
First Schedule

1. Manufacturing
2. Mining and Quarrying
3. Construction
4. Agriculture, Forestry and Fishing
5. Utilities
   a) Electricity
   b) Gas
   c) Water
   d) Sanitary services
6. Transport, Storage and Communication
7. Wholesale and Retail Trades
8. Hotels and Restaurants
9. Finance, Insurance, Real Estate and Business Services
10. Public Services and Statutory Authorities
Section 15 (Employer)

- General duties of employers and self-employed persons to their employees.
- It shall be the duty of every employer to ensure, so far as practicable, the safety, health & welfare at work for all his employees.

Section 16

- Duty to formulate safety and health policy

Section 17

- General duties of employers and self-employed persons to persons other than their employees.
- Who may be affected thereby are not thereby exposed to risks to their safety or health.
OSHA 1994

Section 24 (Employee)

- Employee responsible to take care of their safety & health during work.
- Cooperate with the employer @ any other person regarding OSHA 1994 requirements.
- Wear PPE
- Comply with any instruction made by employer.

Section 29 (SHO)

- Occupier must employ a competent person to act as SHO.
- SHO responsible to ensure safe working place (overall).
- SHO must possess qualification @ receive training from time to time.

Section 30

- Establishment of safety and health committee at place of work.
Relation Of Regulations

SAFE WORK PRACTICES / CONDITIONS

- FMA 1967
- EQA 1974

SHO 1997
CPL 1997
SHC 1996

NADOPOD 2004
OSHA 1994
CIMAH 1996
USECHH 2000
CPL 1997

Hazardous Chemicals

Classification

Packaging

CSDS/MSDS

Labeling

Seal of Package

Dimension of Label

Packaging Requirement

Duty of Supplier to Furnish CSDS

Confidential Information on Chemical

SCHEDULES
USECHH 2000

- Hazardous Chemicals
- Chemical Register
- PPE
- PEL-TWA
- Labelling & Relabeling
- Control Exposure
- CHRA
- CSDS Monitoring Exposure
- Warning Sign
- Information, Instruction & Training
- Health Surveillance
NADOPOD 2004

Main Purpose:
- Determine the underlying causes of incidences for remedial actions and to prevent in future.
- Record keeping / reporting easy to access.

Notify DOSH of:
- Accident
- Dangerous Occurrences
- Poisoning
- Disease
thank you!
CHAPTER 2:

2.2 OSHA 1994
PART A: FMA 1967

FACTORIES & MACHINERIES ACT 1967
Principle of The Act

- To provide for the **control of factories** with respect to matters relating to the **safety, health and welfare** of person therein.

- The **registration and inspection** of the machinery and for matters connected therewith.
UNFIRED PRESSURE VESSEL:
- Air Compressor
- Air Container
- LPG Storage Tank
- Heat Exchanger
- Pressure Vessels At The Petrochemical Plants Etc
PMA – Permit / Perakuan Mesin Angkat

- Lifts
- Escalators
- Dumbwaiters
- Hoisting Machine
- Skylift
- Post-Lifter
PMD – Permit / Perakuan Mesin Dandang

STEAM BOILER:
- Water tube steam boiler
- Fire tube steam boiler
- Electric steam boiler
- Waste heat recovery boiler

Electrical, Diesel & Gas Boilers
## Arrangement Of Sections in FMA 1967

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**Strategy of Safety Regulations**

**PROTECT WORKER WITH:**

1. **Hold a standard** for risk/dangerous machinery.

2. **Identify & evaluate the risk level or the hazard** of machinery handled and environmental circumstance.

3. **Reduce exposure** through engineering control, administrative procedure and personal protective tools.
PROTECT EXPOSURE TOWARD EMPLOYEE WITH:

4. Hold a standard to persons that are responsible to handle a dangerous machineries. (PTW, Competent)

5. Create an awareness among employee by giving training and information.
Safety Regulations Under FMA 1967

- Factories and Machinery (Steam Boilers And Unfired Pressure Vessel) Regulations, 1970.
- Factories and Machinery (Person-In-Charge) Regulations, 1970.
- Factories and Machinery (Notification Of Fitness, Certificates Of Competency-Examinations And Inspections) Regulations, 1970.
Strategy of Health Regulations

PROTECT EXPOSURE TOWARDS WORKER WITH:

1. **Fix** the exposure limit.
2. Identify & assess **exposure level**.
3. **Reduce** the exposure through:
   a) engineering method (ex: LEV)
   b) administrative procedure
   c) self-protection equipment (PPE)
4. Hold disease's early detection through medical surveillance.
5. Create awareness amongst staff through training and information.
Health Regulations Under FMA 1967

• Factories and Machinery (Leads) Regulations, 1984
• Factories and Machinery (Asbestos) Regulations, 1986
• Factories and Machinery (Noise Exposure) Regulations, 1989
• Factories and Machinery (Mineral Dust) Regulations, 1989
PART B: EQA 1974

ENVIRONMENTAL QUALITY ACT 1974
Learning Objectives

• To introduce the regulation under EQA 1974.

• To define Environmental Law and Pollution according to EPA 1990.

• To distinguish the regulations lay under EQA 1974 Act.
• The Environmental Protection Act 1990 defines **ENVIRONMENT** as:

  “the environment as consisting of all, or any, of the following media, namely the air, water and land; and the medium of air includes the air within the buildings and the air within other natural or man-made structures above or below the ground”

• The Environmental Protection Act 1990 defines **POLLUTION** as:

  “the release into any environmental medium from any process of substances which are capable of causing harm to man or any living organisms supported by the environment”
Understanding Environmental Standard

• A) Emission standards
  • Set the levels of discharge into different media. Ex: benzene

• B) Quality standards
  • Set the maximum allowable levels of pollution in environment. Ex: water standard for drinking water.

• C) Process standards
  • Apply to fixed installations such as factories or chimneys. The means of production leaving no discretion to the polluter.

• D) Product standards
  • This example of standard setting is familiar in relation to pharmaceuticals, food, packaging and labelling. Ex: pesticides & chemicals.
Arrangement Of Sections in EQA 1974

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EQA 1974 & Its Packages Regulations

- Environmental Quality (Prescribed Premises) (Crude Palm Oil) Regulations 1977.
- Environmental Quality (Licensing) Regulations 1977.
- Environmental Quality (Clean Air) Regulations 1978.
- Environmental Quality (Compounding of Offences) Rules 1978.
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) Regulations 1978.
- Environmental Quality (Sewage and Industrial Effluents) Regulations 1979.
EQA 1974 & Its Packages Regulations

• Environmental Quality (Control of Lead Concentration in Motor Gasoline) Regulations 1985.
• Environmental Quality (Motor Vehicle Noise) Regulations 1987.
• Environmental Quality (Scheduled Wastes) Regulations 1989.
• Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Order 1989.
EQA 1974 & Its Packages Regulations

- Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment and Disposal Facilities) Regulations 1989.
- Environmental Quality (Prescribed Premises) (Crude Palm Oil) Order 1977.
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) Order 1978.
- Environmental Quality (Delegation of Powers on Marine Pollution Control) Order 1993.
- Environmental Quality (Prohibition on the Use of Chlorofluoro-carbons and Other Gases as Propellants and Blowing Agents) Order 1993.
EQA 1974 & Its Packages Regulations

• Environmental Quality (Delegation of Powers on Marine Pollution Control) Order 1994.
• Environmental Quality (Prohibition on the Use of Controlled Substance in Soap, Synthetic Detergent and Other Cleaning Agents) Order 1995.
• Environmental Quality (Control of Emission from Diesel Engines) Regulations 1996.
• Environmental Quality (Control of Emission from Petrol Engines) Regulations 1996.
• Environmental Quality (Refrigerant Management) Regulations 1999.
EQA 1974 & Its Packages Regulations

- Environmental Quality (Halon Management) Regulations 1999.
EQA 1974 & Its Packages

Regulations

• Environmental Quality (Appeal Board) Regulations 2003.
• Environmental Quality (Declared Activities) (Open Burning) Order 2003.
• Environmental Quality (Control of Emission From Motorcycles) Regulations 2003.
• Environmental Quality (Dioxin and Furan) Regulations 2004.
• Environmental Quality (Prescribed Conveyance) (Scheduled Wastes) Order 2005.
EQA 1974 & Its Packages Regulations

- Environmental Quality (Schedule Wastes) Regulations 2005.
- Environmental Quality (Control of Petrol and Diesel Properties) Regulations 2007.
thank you!