Occupational Safety & Health Act (OSHA) 1994
Scope of OSHA 1994

First Schedule

- Manufacturing, Mining & Quarrying, Construction, Agriculture, Forestry & Fishing, Utilities (Electricity, Gas, Water, Sanitary Services)
- Transport, Storage & Communication.
- Wholesale & Retail Trades.
- Hotels & Restaurants.
- Public Services & Statutory Authorities.
- Finance, Insurance, Real Estate and Business Services. (IPTA/IPTS)(Institut Pendidikan Tinggi Awam/Institut Pendidikan Tinggi Swasta)
OSHA 1994 Requirement

For all industries

- If >5 Employees
- If ≥40 Employees (S30)

Safety & Health Policy
Safety & Health Policy + Safety & Health Committee

For high risk industries (i.e. construction, ship building, gas etc.)

- >100 Employees (Order 1997)

Safety & Health Policy + Safety & Health Committee + a Certified Safety & Health Officer

For low risk industries (other than the above mentioned industries)

- >500 Employees (Order 1997)

Safety & Health Policy + Safety & Health Committee + a Certified Safety & Health Officer
Duties of an Employer

- To ensure the safety, health and welfare at work of all his employees and visitors.
- To formulate safety and health policy.
- Extra protection for the disabled etc.
OSHA 1994

Section 15 – 19

- Penalty For Non Compliance
  - A fine not exceeding RM50,000 or
  - Imprisonment not exceeding 2 years
  - Or both

- Other Penalty / Fine
  - Common Law:
    Affected person (employee or public) may take legal action against the organization under the Civil Law (Common Law).
Duties of third party (suppliers / contractors)
- To provide sufficient information.
- To eliminate or reduce hazard.
- To build and fix the equipment with safety feature.
- Penalty for non compliance.
  - A fine not exceeding RM20,000 or maximum 2 years imprisonment or both
OSHA 1994 Requirement
Section 24 – 27

- **Duties of an Employee**
  - To take reasonable safety and health measure for himself and other persons;
  - To co-operate with his employer or any other persons in the discharge of any duty;
  - To use and wear at all times, any protective equipment or clothing provided by employer;
  - To comply with any instruction or measure on occupational safety and health instituted by his employer.
OSHA 1994 Requirement
Section 24 – 27

- Penalty for non compliance
  - A fine not exceeding RM1,000 or
  - Imprisonment not exceeding 3 months
  - Or both
The Seven Regulations of OSHA 1994

1) Employers Safety and Health General Policy Statement (Exception) Regulation 1995
2) Control of Industry Major Hazards (CIMAH) Regulations 1996
3) Safety and Health Committee Regulations 1996
4) Classification, Packaging and Labeling of Hazardous Chemicals (CPL) Regulations 1997
5) Safety and Health Officer Regulations 1997
6) Use and Standards of Exposure of Chemicals Hazardous to Health (USECHH) Regulations 2000
7) Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease (NADOOPOD) Regulation 2004
Appointment of Members

Regulation 6 & 7

- Chairman: An employer or his authorized manager

- Secretary: Safety and health officer at the place of work

- Employer representatives: Nominated by employer (>100 employees – 4 representatives)

- Employees representatives: Nominated by employees (>100 employees – 4 representatives)
Functions of Safety & Health Committee

Regulation 11

- Assist in the development of safety & health rules and safe systems of work;
- Review the effectiveness of safety & health programmes;
- Carry out studies on the trends of accident, near-miss accident, dangerous occurrence, occupational poisoning or disease, and shall report to the employer together with recommendations for corrective actions;
- Review the safety & health policies.
Inspection of Work Place

Regulation 12

- A safety and health committee shall inspect the place of work at least once in every 3 months to ascertain if there is anything prejudicial to the safety & health of persons employed therein;
- Discuss the observations and keep proper records;
- Make recommendations to the employer on the remedial measures.
Inaugural Meeting

Regulation 23

- The employer shall convene the inaugural (first) safety & health committee meeting at workplace.
- At inaugural meeting, the employer (represented by the OSH Pro-tem Committee) shall make known his safety & health policies and proposals.
Frequency of Meetings of Committee

As often as may be necessary depending on work place requirement but shall not meet less than once in 3 months.

Immediately in the event of any accidents, dangerous occurrence, etc.
Minutes of Meeting

Regulation 27

- A copy of minutes shall be furnished to every member of the committee within 2 weeks after the meeting.
- A copy of the minutes of meeting shall be kept by the employer for a minimum period of 7 years for purposes of inspection (Hard or soft copy).
### The Seven Regulations of OSHA 1994

1. **Employers Safety and Health General Policy Statement (Exception) Regulation 1995**
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5. **Safety and Health Officer Regulations 1997**
6. **Use and Standards of Exposure of Chemicals Hazardous to Health (USECHH) Regulations 2000**
7. **Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease (NADOOPOD) Regulation 2004**
Qualification for Safety & Health Officer (SHO)
Regulation 6

A person who-

- holds a diploma in occupational safety & health (OSH) or equivalent which is approved by the Minister of Human Resources;

- has successfully completed a course of training in occupational safety & health and passed examination, both approved by the Minister and has a minimum of 3 years of experience in OSH;

- has been working in the area of OSH for at least 10 years;

- holds such other qualifications or has received such training as prescribed from time to time by the Minister.
Duties of SHO

Regulation 18

- to advise employer on the safety and health measures;
- to inspect and determine the safety of work place;
- to investigate any accident which has happened in the work place;
- to assist employer in organizing and implementing OSH programme;
- to become secretary to the committee;
- to assist the committee in any inspection of the work place;
- to collect, analyze and maintain statistics on any accident, dangerous occurrence, occupational poisoning and disease which have occurred at the work place;
- to assist any officer in carrying out his duty under the Act;
- to carry out other instruction made by the employer on any matters pertaining to OSH.