OSH LEGAL DEVELOPMENTS IN MALAYSIA

1890
• The Perak Order In Council,

1892
• Selangor Boiler Enactment

1908
• Negeri Melayu Bersekutu has been enforced by Perak Order Council

1913
• Machinery Enactment of 1913

1932
• Machinery Enactment of 1932 under Mineral Department.

1953
• The Machinery Ordinance has been enforced.

1967
Factory & Machinery Act1967 (By Department of Factory & Machinery – JKJ)

1994
Occupational Safety & Health Act 1994

Factory & Machinery Act1967 (By Department of Factory & Machinery – JKJ)

Occupational Safety & Health Act 1994
OSP LEGAL DEVELOPMENTS IN MALAYSIA

CONVENTIONAL

Pre-Independence
- Control by colonial system (British)
- Focus on rubber & tin industries (immigrant workers)
- First appointed Boiler Inspector in 1878
- In 1913, scope of an inspector was expanded to other dangerous machinery

Post-Independence
- Est. Factory & Machinery Dept
- Est. National Institute Of Occupational Safety and Health 1985
- Formation of :
  - Major Hazards Div.
  - Ind. Safety Div.
  - Ind. Hygiene Div.
  - Off-Shore Div.
  - Health Div.
  - Etc.

Self-Regulation
- Est. National Council for OSH
- Developed national OSH strategy & program 2011-2015 (OSH MP15)
- Developed OSH MS 1722
- Conduct Regulatory Impact Assessment

Preventive Culture
- Safety elements integrate into daily business

OSH SYSTEMATIC APPROACH

1876 1967 1994 2015 2020
Tripartite approach to OSH through Decent Work. As affirmed by Mr. Juan Somavia:

**DECENT WORK is SAFE WORK!**

- To create Employment Opportunities and Ensuring Workers Right
- To provide Social Safety Network
- To maintain Harmonious Industrial Relations
- To implement Dynamic Occupational Safety and Health Programs
- To resolve Industrial Disputes Fairly and Equitably
- To develop National Competitive Workforce

ILO Mission: Decent work
1919-1980  Piecemeal approach; detailed and numerous standards; focused on **PROTECTION**

1981-2012  Gradual paradigm shift towards a dynamic and systemic approach, focused on **PREVENTION**

1981  - Convention No. 155
2001  - (ILO-OSH 2001) OSHMS Guidelines
2002  - Protocol Recording and Notification
2003  - Global Strategy

**2006 - Convention No. 187**

2009  - A General Survey

- Systemic approach
- Preventative safety and health culture
- Continuous improvement
- Indicators / Benchmarking
- Requires a national OSH policy, system, and programme
ILO Convention No. 187

3 MAIN OBJECTIVES IN C187 RATIFICATION

Article 2 (1)
Promote continuous improvement of occupational safety and health to prevent occupational injuries, diseases and deaths.

Article 2 (2)
Achieving progressively a safe and healthy working environment through a national system and national programmes on OSH.

Article 2 (3)
Periodically consider what measures could be taken to ratify relevant occupational safety and health Conventions of the ILO.

Article 3 (1)
Promote a safe and healthy working environment by formulating a national policy.

Article 3 (2)
Promote and advance, at all relevant levels, the right of workers to a safe and healthy working environment.

Article 3 (3)
Promote basic principles such as assessing occupational risks or hazards; combating occupational risks or hazards at source; and developing a national preventative safety and health culture that includes information, consultation and training.
**STRATEGIC DRIVER**

**OUTCOME: PREVENTIVE CULTURE**
- Enhance public awareness on OSH
- Self regulation become a practice
- National policy & framework on OSH established
- Promote preventive culture & well practice
- Create an expert group in various field & skill
- Strategic alliance at international level
- Increase enforcement activities
- Focus on new emerging hazards
- R & D — research outcomes driven
- Enhancing leadership (Social Partners & Public)
- OSH MS as part of business

**PROMOTION**
- National policy framework on OSH
- Tripartite co-operation
- Promote preventive culture
- New skill & competencies are acquired & developed
- Strategic alliance at regional level
- Increase enforcement activities
- Focus on soft issues, ergonomic, stress & etc.
- R&D — structured & defined
- Enhancing leadership (employers/Union)
- OSH MS in place

**OUTCOME: SELF REGULATION**

**ENFORCEMENT**
- Conduct R&D
- Enhancing leadership (gov.)
- Regulate OSH MS

**OUTCOME: OSH OWNERSHIP**
- Enhance competencies of officers & OSH practitioners
- Strategic alliances
- Increase enforcement activities
- Focus on critical sectors (SME, BC, Agriculture, Transportation & School)

**STANDARD SETTING**
- National policy framework on OSH
- Tripartite co-operation
- Promote preventive culture
- New skill & competencies are acquired & developed
- Strategic alliance at regional level
- Increase enforcement activities
- Focus on soft issues, ergonomic, stress & etc.
- R&D — structured & defined
- Enhancing leadership (employers/Union)
- OSH MS in place

**DOSH 2010-2015**
- DOSH 2010-2015

**DOSH 2015-2020**
- DOSH 2015-2020

**Preventive OSH Culture**
Strategic Driver aim?

AGENDA TOWARD THE SAFETY CULTURE

Self Regulation, Safety Culture

Facilitator

SAFETY CULTURE

SELF-REGULATION

OSH OWNERSHIP

Formulate, Enforcement

Ownership, Implementation

GOVERNMENT

INDUSTRY

1890

2010

2020
Now, we are in action mode, whereby we must identify the kinds of actions and methods we should adopt or do. I want this mentality to be translated into seriousness and commitment on our part in order to realize the people’s needs and bring about a major transformation to our country.” … PM 04/08/2009 NST
Vision
To be the Ideal Vanguard of Occupational Safety and Health

Objectives
1. Increase awareness and knowledge in OSH.
2. Reduce workplace injuries and fatalities
3. Reduce the numbers of occupational diseases.
4. Minimize their adverse impacts on efficiency, productivity, and business performance.

Mission
To build a safe, healthy, and productive human capital by creating, cultivating, and sustaining a safe and healthy work culture in all organizations throughout Malaysia

Vision
Formulate, implement, monitor, evaluate and periodically review a national program on OSH in consultation with employers and workers representatives

Article 5 (1)
National program shall:
1. Promote preventive OSH culture
2. Contribute to workers protection.
3. Analyse OSH national situation.
4. Include objective, target, and indicator of progress
5. Support by other national programs

Article 5 (2)
National program shall be widely publicized and, to the extent possible, endorsed and launched by the highest national authorities.
WHY OSH-MP15??

INCREASE AWARENESS, KNOWLEDGE AND COMMITMENT
ENCOURAGE STAKEHOLDER AND SOCIAL PARTNER
PROVIDE CLEAR DIRECTION / MILESTONE
SAFE, HEALTHY AND PRODUCTIVE POOL OF HUMAN CAPITAL

WHAT WE WANT BY 2015

Preventive Culture
National framework
Self Regulation
OSH Leadership

Safer, healthier and more productive
Regional centre of excellence and a regional leader in OSH
National OSH hard and soft infrastructure
Strategic OSH alliances
WHAT’S OSH MP15?
(APA ITU PELAN INDUK KKP?)

SAFE, HEALTHY AND PRODUCTIVE HUMAN CAPITAL

STRATEGY 1
Government Leadership & Practices

Government promotes a high level of workplace health and safety performance, and has excellent health and safety practices in its own workplaces.

STRATEGY 2
Preventive Workplace Culture

Work-related fatality rate down by 20% from 12.4 fatalities/100,000 workers
Work related injury rate down by 30% from 6.1 injuries/1,000 workers

STRATEGY 3
Industry Leadership and Community Engagement

Industries lead improvements in workplace health & safety practices, and there is strong support for workplace health & safety in the wider community.

STRATEGY 4
Strong Partnership Locally & Internationally

Internally: Strong correlation between OSH practitioner & Government.
Externally, more bilateral agreements on OSH implemented.
STRATEGIC INITIATIVES FRAMEWORK
(KERANGKA INISIATIF STRATEGIK)

OSH Best Practices
- Compliance Support
- Effective Enforcement
- Special Prog & New Approach
- Enhance legal & policy framework
- Strengthens NIOSH
- Training & Info. Services
- ILO- Ratification
- Encouragement R&D
- Incentive & Recognition
- Punitive Scheme
- Strengthen Gov. Capacity
- Estimate accident costs & promote a business case
- Disseminate OSH information
- Industry-led OSH outreach program
- Build Strong Capabilities
- OSH performance in contracts
- Driving improvements through large organisations
- Recognition to industry & community leaders

S1
- Safety Culture
- Prevent Occupational Diseases
- Increase OSH Practitioners

S2
- Injury Prevention (Knowledge & Info)
- Safe system & Products
- Eliminate Hazard @Design Stage

S3
- Enhance NCOSH capabilities
- Develop local OSH experts to sit international bodies
- Inter-industry & inter-agency collaboration

S4
- STRATEGIC 1
- STRATEGIC 2
- STRATEGIC 3
- STRATEGIC 4
TO SUPPORT NATIONAL OSH AGENDA
Safety, Healthy And Productive Human Capital

FOCUS AREAS

SAFETY
- Human
- Machinery
- Technology
- Conductive working environment

HEALTH
- Eliminate health effect due to chemical exposure
- Ergonomic
- Fatigue
- Occ. Disease

WELFARE
- Decent Work
- Promotes & maintenance of physical, mental and social well-being of workers

ROLE OF GOVERNMENT
FACILITATE
SMART PARTNERSHIP
ENFORCEMENT
FOCAL POINT

ROLE OF INDUSTRIES
OSH MGT. STS.
SKILL & KNOWLEDGE
TECHNOLOGY
RESOURCES

OUTCOME
- Government promotes a high level of workplace health and safety performance, and has excellent health and safety practices in its own workplaces.
- Work-related fatality rate down by 20%, and work-related injury rate down by 30%
- Industries lead improvements in workplace health & safety practices, and there is strong support for workplace health and safety in the wider community
- Internally; strong correlation between OSH practitioner & Government. Externally, more bilateral agreements on OSH implemented.
“a good relationship would benefit all sides as it would increase productivity which in turn would generate better profits for employers and higher income for employees.”

“The success of the country’s development is the result of close relationships between employees and employers.”

**Towards Safety Work Culture**
In 2015

**Increase Productivity with NO Accident and Fatality at workplace**

**Toward Advance Country with High Income**
In 2020

DPM: The Star – 8 May 2011

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Organizational Model

Respect / Thrust

Effective Communication

Committed Partners

Resources

Continues Evaluation

**Shared Goals**

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Smart Partnership Program
HOW OSH MP15 MOVE?
(BAGAIMANA PELAN INDUK KKP DILAKSANAKAN)
OSH Master Plan 2011-2015

GOVERNMENT BODY
POLICY MAKER, REGULATOR, ENFORCER, ROLE MODEL

GOVERNMENT PLAYERS
DOSH : Enforcement, Legislation
NCOSH : Direction of DOSH
NIOSH : Training, Research, Advisory
SOCSO : Compensation
MOH : Health Advisory
Others related Government agencies

SOCIAL PARTNER
CREATE INTERRELATION BETWEEN GOVERNMENT-PRIVATE

SOCIAL PARTNERS
Employer : MEF, MBAM, FMM, etc
Employee : MTUC, etc
GLCs : TNB, PETRONAS, Proton, etc
Higher Learning Institutions (Universities, etc)
Others Social Partners as listed on OSHMP BOOK

TRIPARTITE CONCEPT

STEERING COMMITTEE
DG, Dep DG, Senior Director, and Tripartite members

SECRETARIAT: BDP, DOSH

IMPLEMENTER COMMITTEE
DOSH Director, and Tripartite members

SECRETARIAT: OSH MP TEAM

TECHNICAL COMMITTEE
Senior Deputy Director, and Tripartite members

SECRETARIAT: TC MEMBER

OCCUPATIONAL SAFETY AND HEALTH MASTER PLAN FOR MALAYSIA 2015 (OSHMP 15)
Government promotes a high level of workplace health and safety performance, and has excellent health and safety practices in its own workplaces.

Ratification of ILO convention and directive:
- Ratified C187 convention

Provide compliance support to OSH legislation:
- SME Compliance Model

Strengthen the capacity of government to influence OSH outcomes:
- Government agencies implement OSHMS

Enhance the legal and policy framework for OSH:
- Migration Act

Launch special programmers and new approaches to improve OSH:
- Pre-Pilot WISE
- PILOT WIND

Strengthen NIOSH:
- 5 Research on OSH
- 100% utilization of Laboratory
- Install Exhibition Centre
PREVENTIVE WORKPLACE CULTURE

Work-related fatality rate **down by 20%** from 12.4 fatalities/100,000 workers

Work-related injury rate **down by 30%** from 6.1 injuries/1,000 workers

- **Prevent Occupational disease more effectively**
  - 2 Dialog/Seminar
  - 304 visits on Basic Occupational Health (BOH)

- **Promote a safety culture**
  - 4 Program OSH in School/year
  - 2 Program Mentor Mentee in school

- **Design & develop safe environment, system & products**
  - Briefing on OSH-MS Regulation

- **Increase quantity and quality of OSH practitioners**
**Industries lead improvements in workplace health & safety practices, and there is strong support for workplace health & safety in the wider community.**

**Strong capabilities to manage OSH:**
- 18,579 companies have OSH team & Budget
- 1,356 companies OSH-MS Certified

**OSH Accident Cost (OSHACC):**
<16,000 viewers until June 2013
23 Dialogues and seminar
5 new sector of calculator

**Driving OSH improvements:**
- 76 pairs of mentor mentee
- 16 Dialogues on mentor mentee

**OSH performance in contract:**
Finalizing New Guidelines

**OSH Outreach Programs by Assoc/Industries:**
- 7 OSH poster from different sector
- 3 engaging programs with Assoc
- 114 seminar/dialogues by Assoc
- 868 Outreach programs
STRONG PARTNERSHIP LOCALLY & INTERNATIONALLY

Internally; Strong correlation between OSH practitioner & Government. Externally, more bilateral agreements on OSH implemented.

DOSH had organized 5 MTCPs and 1 TCTP program since 2009-2014

Presented 30 International technical paper/year

Developing blue-print for OIC-OSHNet

1 research to study, and enhance the NCOSH

Attended the International and regional OSH Meeting (ILO, CBM, SLOM, etc) to discuss issue related to OSH
Berdasarkan grafik di atas, jumlah kecelakaan pada tahun 2004 adalah 58,365, menurun per tahun hingga tahun 2015 menjadi 42,148. Sementara itu, tingkat kecelakaan per 1000 pekerja (accident rate) pada tahun 2004 adalah 5.84, menurun per tahun hingga tahun 2015 menjadi 2.57. Tingkat kematian per 100,000 pekerja (fatality rate) pada tahun 2004 adalah 5.16, menurun per tahun hingga tahun 2015 menjadi 3.10. Target OSHMP-15 adalah 2.57.
DOSH will continually striving to ensure Safety and Health at Work...
Needs...Challenges

Dimensional of Industry

- Raw material
  - maintenance
  - loan
- Low Cost Technology
- Low Operational Cost

Provide OSH MP as a
catalyzer & guidance to the
OSH players to create “value
innovation” towards
preventive safety culture

- Resources
- Accident
  - Diseases
  - Commitment

- More Profit
- Effective Enforcement

- OSH Legislation Liberalization
- Simplified process of registration for
  setup business
- Modernization of OSH
  - FMA + OSHA

- OSH services, training, consultancy, advice
- Quality of life
  - Recognition

- Financial, human, capital
- Employers & employees

WELFARE

SAFETY

HEALTH
To increase awareness, knowledge and commitment to OSH in all undertakings to reduce injuries, diseases and fatalities. This will improve efficiency, productivity and business performance.

Contribute to the formation of a safe, health and productive pool of human capital.

Will guide and direct our combined efforts to encourage an entire spectrum of Key Stakeholders and Social Partners to give a higher priority to OSH and to boost our National OSH performance.

Why OSH MP2020?

Sustainable and continuing the momentum of previous master plan for program continuity.

Will provide a much needed strategic vision and direction for work safety and health in Malaysia.
STRATEGY 1: Enhancing Government Leadership To Provide Effective Regulatory Framework


STRATEGY 3: Enhancing Industry and Community Commitment to Occupational Safety and Health.

STRATEGY 4: Strategic Alliances OSH Expertise International & Locally.

CONCEPT & PRINCIPLE
THAT NEED TO BE CONSIDERED

- High Impact
- Easy To Implement
- Quick Win
- Realistic
- Measurable
- KPI and SKT are synchronized (Division and State)
- Face to Face Interaction.
- High Commitment
- Profitable
- Affordable
- Simple
- Other than Seminar programs!!!
When Planning

We have a tendency to focus on Inputs.

...and outputs are assembled based on inputs.

The focus should be on Outcomes.

Outcomes are the changes we bring to a problem or need situation.

Implementation

DEVELOPMENT OF MASTER PLAN 2020

Linear Logic Model
Question??