



FEDERAL SUBSIDIARY LEGISLATION

OCCUPATIONAL SAFETY AND HEALTH ACT 1994 [ACT 514] P.U.(A) 315/1997 OCCUPATIONAL SAFETY AND HEALTH (SAFETY AND HEALTH OFFICER) REGULATIONS 1997

Date of publication:

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Date of coming into operation:

22nd August 1997

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SCHEDULE I

SCHEDULE II

Preamble

IN exercise of the powers conferred by sections 29 and 66 of the Occupational Safety and Health Act 1994 [Act 514], the Minister makes the following regulations:

PART I PRELIMINARY

1. Citation and commencement.

These regulations may be cited as the **Occupational Safety and Health (Safety and Health Officer) Regulations 1997** and shall come into force on 22 August 1997.

2. Interpretation.

In these Regulations, unless the context otherwise requires-

"continuous education programme" means a course, seminar, conference or other education programme in occupational safety and health or the equivalent thereof, approved by the Director General;

"Director General" means the Director General of Occupational Safety and Health appointed under subsection 5(1) of the Act;

"lost-time injury" means an injury which prevents any worker from performing normal work and leads to a permanent or temporary incapacity of work;

"near-miss accident" means any accident at a place of work which has the potential of causing injury to any person or damage to any property;

"no lost-time injury" means an injury where no work is lost beyond that required for medical attention.

3. Application.

These Regulations shall apply to-

(a) a person who acts as a safety and health officer required under the Act or any regulations made under the Act; and

(b) an employer of the class or description of industries who are required to employ safety and health officer under the Act.

PART II REGISTRATION OF A SAFETY AND HEALTH OFFICER

4. Registration.

No person shall act as a safety and health officer unless he is registered with the Director General.

5. Application for registration.

(1) Each application for registration of a safety and health officer shall be made in the Form as specified in Schedule I.

(2) The application for registration shall be submitted to the Director General together with any document and information as are specified in the Form accompanied with a processing fee of one hundred ringgit.

6. Qualification for registration.

(1) A person who-

(a) holds a diploma in occupational safety and health or the equivalent thereof from any professional body or institution, approved by the Minister, on the recommendation of the Director General;

(b) has successfully completed a course of training in occupational safety and health and passed any examination for that course or the equivalent thereof, approved by the Minister, on the recommendation of the Director General, and has a minimum of three years experience in occupational safety and health;

(c) has been working in the area of occupational safety and health at least for a period of ten years; or

(d) holds such other qualification or has received such training as prescribed from time to time by the Minister pursuant to subsection 29(4) of the Act,

shall be entitled, on application made by him, to be registered as a safety and health officer.

(2) Notwithstanding subsection (1), a person shall not be entitled to be registered as a safety and health officer if at the time of the application for registration he has been-

(a) convicted of any offence under the Act or any regulations made under the Act; or

(b) convicted of any offence and sentence to more than one year imprisonment or a fine of more than two thousand ringgit; and

(c) declared as a bankrupt.

(3) For the purpose of subparagraph (1)(b), the Safety and Health Officer course conducted by the National Institute of Occupational Safety and Health, Malaysia is one of the approved course.

7. Certificate of registration.

The Director General shall issue to an applicant whose application for registration as a safety and health officer has been approved, a certificate of registration in the prescribed form.

8. Compulsory attendance in any continuous education programme for renewal of registration purposes.

A person who is registered as a safety and health officer shall attend any continuous education programme at least once in a year for the purpose of renewal of registration.

9. Refusal to register.

The Director General may refuse to register any application for registration made under regulation 5 if he is satisfied that the applicant does not meet the requirements stipulated under these Regulations or any order made by the Minister.

10. Duration of registration.

The registration as a safety and health officer shall be valid for a period of three years from the date of registration, unless it is cancelled earlier under these Regulations.

11. Renewal of registration.

An application for the renewal of registration as a safety and health officer shall be made in the prescribed Form specified in Schedule II accompanied with a processing fee of fifty ringgit.

12. Director General may refuse to renew registration.

The Director General may refuse to renew registration made under regulation 11 if the applicant-

- (a) has ceased to become a safety and health officer;
- (b) is a registered safety and health officer who has not been appointed as a safety and health officer under the Act since his registration or renewal;
- (c) has not met any requirements stipulated under these Regulations;
- (d) has failed to conduct his duties as stipulated under the Act or any regulations made under the Act; or
- (e) has not shown any evidence that he has attended any continuous education programme or the equivalent thereof in the last three years as required under regulation 8.

13. Cancellation of registration.

The Director General may cancel the registration of a safety and health officer at any time, if he finds that the safety and health officer-

- (a) has ceased to become a safety and health officer;
- (b) has been convicted of any offence under the Act or any regulations made under the Act;

(c) has not met any requirements stipulated under these Regulations or any order made by the Minister under subsection 29(4) of the Act; or

(d) has obtained registration by misrepresentation or fraud.

PART III NOTIFICATION OF A SAFETY AND HEALTH OFFICER

14. Notification of person employed as a safety and health officer.

An employer shall notify in writing to the Director General within one month of any-

(a) appointment of a safety and health officer; or

(b) termination or resignation of a safety and health officer.

PART IV DUTIES OF AN EMPLOYER

15. Facilities.

An employer of a place of work shall provide the safety and health officer employed by him adequate facilities, including training equipment, and appropriate information to enable the safety and health officer to conduct his duties as required under the Act.

16. Continuous education programme.

An employer shall permit the safety and health officer at least once in a year to attend any continuous education programme to enhance his knowledge on occupational safety and health.

17. Investigation into any accident, etc.

An employer shall direct one supervisor or who has direct control on person or activity of the place of work to assist the safety and health officer in any investigation of accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease.

PART V DUTIES OF SAFETY AND HEALTH OFFICERS

18. Duties of safety and health officers.

It shall be the duty of a safety and health officer-

(a) to advise the employer or any person in charge of a place of work on the measures to be taken in the interests of the safety and health of the persons employed in the place of work;

(b) to inspect the place of work to determine whether any machinery, plant, equipment, substance, appliance or process or any description of manual labour used in the place of work, is of such nature liable to cause bodily injury to any person working in the place of work;

(c) to investigate any accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease which has happened in the place of work;

(d) to assist the employer or the safety and health committee, if any, pursuant to regulation 11 of the Occupational Safety and Health (Safety and Health Committee) Regulations 1996 [P.U.(A) 616/96] in organizing and implementing occupational safety and health programme at the place of work;

(e) to become secretary to the safety and health committee, if any, as specified under subregulation 6(2) of the Occupational Safety and Health (Safety and Health Committee) Regulations 1996, and perform all functions of a secretary as specified in that Regulations;

(f) to assist the safety and health committee in any inspection of the place of work for the purpose of checking the effectiveness and efficacy of any measures taken in compliance with the Act or any regulations made under the Act;

(g) to collect, analyse and maintain statistics on any accident, dangerous occurrence, occupational poisoning and occupational disease which have occurred at the place of work;

(h) to assist any officer in carrying out his duty under the Act or any regulations made under the Act; and

(i) to carry out any other instruction made by the employer or any other person in charge of the place of work on any matters pertaining to safety and health of the place of work.

19. Safety and health officer to submit report.

(1) A safety and health officer shall, before the tenth of a preceding month, submit a report pertaining to his activities to the employer.

(2) The report submitted under subregulation (1) shall contain, but no limited to the following particulars:

(a) any action to be taken by the employer in order to comply with the requirements of the Act or any regulations made under the Act;

(b) method of establishing and maintaining a safe and healthy working condition in the place of work;

(c) the number and types of accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease which have occurred in the place of work including the number of persons injured either incurring lost-time injury or no lost-time injury;

(d) any machinery, plant, equipment, appliance, substance or process or any description of manual labour used in the place of work which is of such nature liable to cause bodily injury to any person working in the place of work;

(e) any machinery, plant, equipment, appliance, or any personal protective equipment required for the purpose of minimising any such risk;

(f) recommend any alteration to be made to the structure or layout of the place of work in the interests of the safety and health of the persons employed therein.

(g) any work related to safety and health which has been carried out by any persons, or group of persons, engaged by the employer in order to promote safety and health in the place of work;

(h) any outstanding matter arising from the previous report specified under paragraphs (a) to (g); or

(i) any other matters related to safety and health of persons working in the place of work.

20. Action to be taken on report.

(1) An employer or any person in charge of a place of work after receiving the report under regulation 19, shall not later than two weeks after the receipt discuss the report with the safety and health officer.

(2) An employer or any person in charge of the place of work shall countersign the report in order to confirm that he has received it.

(3) The report shall be kept in good condition at least for a period of ten years for the purpose of inspection or investigation by the officer if necessary.

PART VI MISCELLANEOUS

21. Death, sickness and absence from work of a safety and health officer.

In a case of death, sickness or absence from work of a safety and health officer, the Director General may, notwithstanding the provisions of these Regulations, authorised the employer, by certificate in writing, allow work to be carried out for a period not exceeding three calendar months without the safety and health officer.

SCHEDULE I

OCCUPATIONAL SAFETY AND HEALTH ACT 1994

**OCCUPATIONAL SAFETY AND HEALTH (SAFETY AND HEALTH OFFICER)
REGULATION 1997**

(Subregulation 5(1))



1.0 PERSONAL PARTICULARS:

1.1 Name (in block letters):

.....

1.2 Date of birth:

.....

1.3 Sex:

Male/Female

1.4 Identity card number:

.....

1.5 Place of birth:

.....

1.6 Citizenship:

.....

1.7 Office address:

.....
.....

1.8 Tel. no. (Office):

.....

1.9 Home address:

.....
.....

1.10 Tel. no. (home)

.....

2.0 EDUCATION

2.1 Name of institution/University:

.....
.....
.....

Year:

.....to.....
.....to.....
.....to.....

Level of qualification:

.....
.....
.....

(Please attach certified photocopy of certificate/diploma/degree)

2.2 Working experience

Brief description and the
nature of experience:

.....
.....
.....

Period of employment
From: To:

.....
.....
.....

Name and address of employer:

.....
.....
.....

2.3 Other types of training in occupational safety and health:

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.....
.....

3.0 DECLARATION:

I hereby declare that the above particulars are true and correct to the best of my knowledge.

Signature:

Signature:

Name of applicant :

Name of witness:

N.R.I.C. No. :

SCHEDULE II

OCCUPATIONAL SAFETY AND HEALTH ACT 1994

**OCCUPATIONAL SAFETY AND HEALTH (SAFETY AND HEALTH OFFICER)
REGULATION 1997**

RENEWAL OF REGISTRATION

(Regulation 11)

Expiry date:

1. I N.R.I.C. No.would like to apply for renewal of registration as a safety and health officer for the next three years.

2. Attached herewith please find information on continuing safety and health education which I undertook for the last three years.

Dated :

Signature :
.....

Name of application :
.....

Made 28 July 1997.
[KSM. PUU (S) 6/8; PN. (PU²) 541/III.]

DATO' LIM AH LEK,
Minister of Human Resources