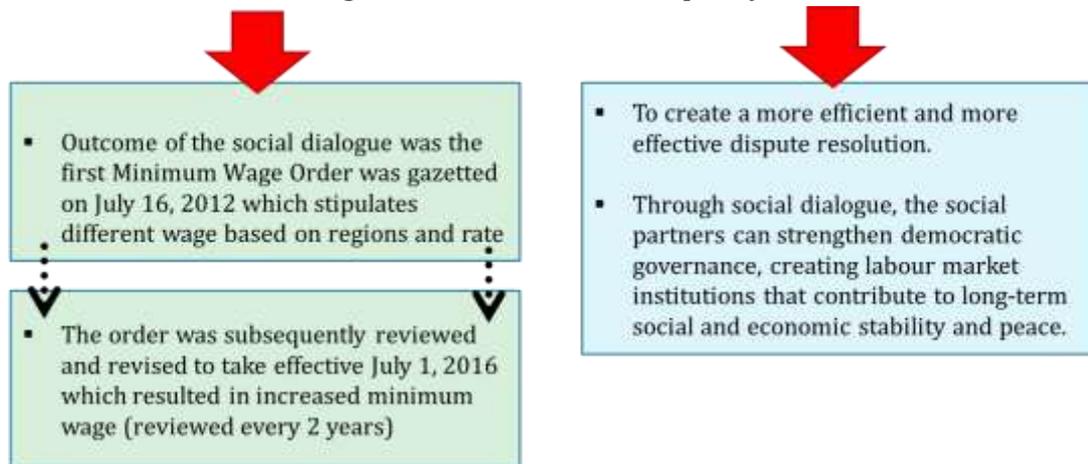


### 3.0 OSH COORDINATION AND COOPERATION

#### 3.1 Coordination Mechanism in OSH

##### a) Social Dialogue

Social dialogue can take place at different levels and forms depending on national settings. According to ILO, social dialogue includes all types of negotiations, consultations or information sharing among representatives of governments, employers and workers or between those employers and workers on issues of common interest relating to economic and social policy.



##### b) Tripartite Concept

The tripartite concept is the interaction of government, employers and workers' representatives as equal and independent partners to seek solutions to issues of common concern. The party includes government, employers and their organization and employees and their unions. The government utilizes this platform in formulating the government policy, legislation, and national programs on Occupational Safety and Health in the country.

<b>Laws that govern Malaysia's tripartite system</b>	<p><b>Employment Act 1955</b> - covering all aspects of employment of workers. The coverage are to:</p> <ul style="list-style-type: none"> <li>Provide minimum benefits for workers</li> <li>Establish certain rights for employers</li> <li>Establish certain rights for employees</li> </ul>
	<p><b>Industrial Relations Act 1967</b> - Regulates the relationships between employers and employees through trade union by:</p> <ul style="list-style-type: none"> <li>Provide harmonious relation between employers and employee</li> <li>Provide guidelines on collective bargaining between employers and employees</li> <li>Establish procedures for settlement of trade disputes</li> </ul>
	<p><b>Trade Unions Act 1959</b> - Establishes the responsibilities of trade unions and their members by</p> <ul style="list-style-type: none"> <li>Provide rules on the rights of employees to form, join and participate in any lawful trade union activities</li> <li>Provide rules on the rights of employers to form, join and participate in any lawful employer's association activities.</li> <li>Establish and promote legislations affecting the interest of the trade union members</li> </ul>

Through MOHR, National Labour Advisory Council (NLAC) is the main authority in discussing, studying and investigating matters regarding the safety, health and welfare of workers at the workplace and advising the MOHR thereof. DOSH is responsible for ensuring the safety, health and welfare of people at work and protecting other people from the safety and health hazards arising from the activities sectors. OSH tripartite concept can be explained through Figure 3.1.

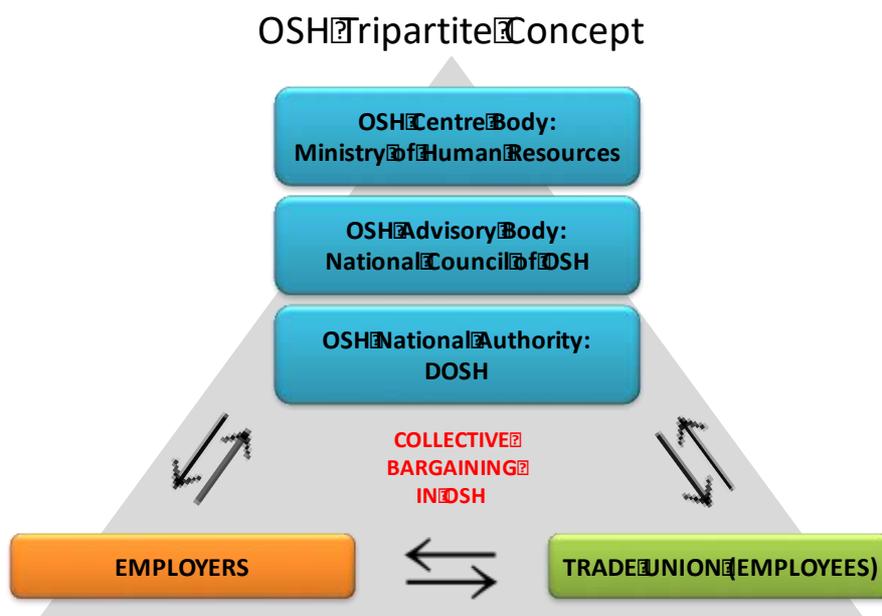
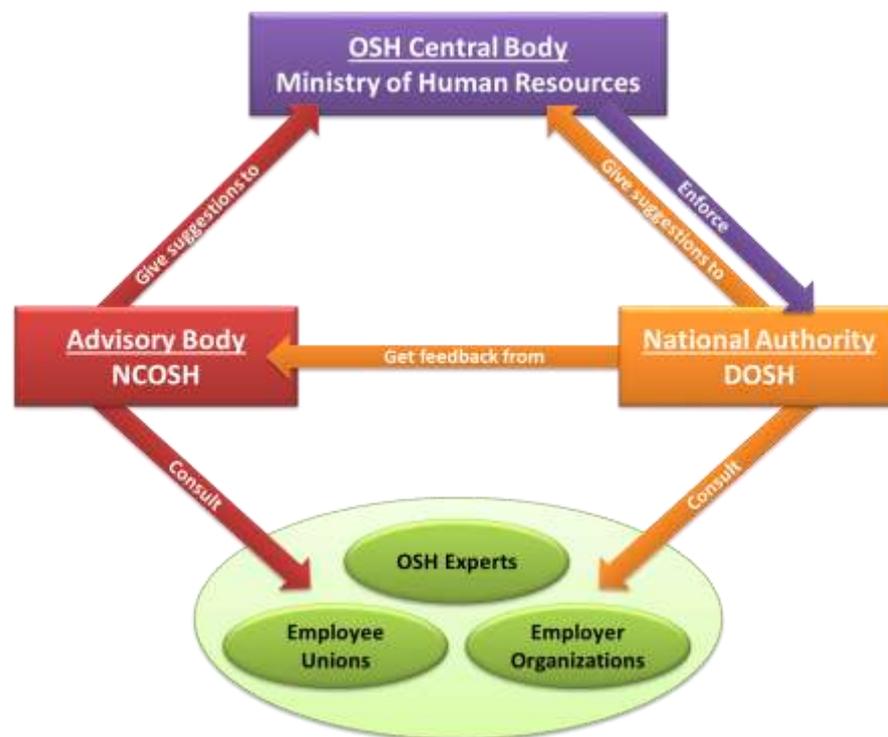


Figure 3.1: Social Dialogue Diagram: Tripartite Concept in Malaysia

The approach for tripartite process is shown in Figure 3.2 below. All OSH related policies and promotion of OSH are coordinated through a tripartite process under the MOHR. The tripartite process involves a process of discussions, studies and investigations carried out by NCOSH and enforcements carried out by DOSH.



**Figure 3.2: Tripartite process approach**

**c) Bipartite Concept**

In Malaysia, important initiatives have also occurred at the sectoral level, where there has been substantial cooperation between trade unions and employers in lessening the impact of the crisis on jobs.

**3.2 Occupational Safety and Health Structure, Function and Organizations at National Level**

The overview of the coordination structure of Occupational Safety and Health in Malaysia is described in **Figure 3.3**.

## Malaysian Occupational Safety and Health Profile (DOSH/01/2016/OSHPROFILE)

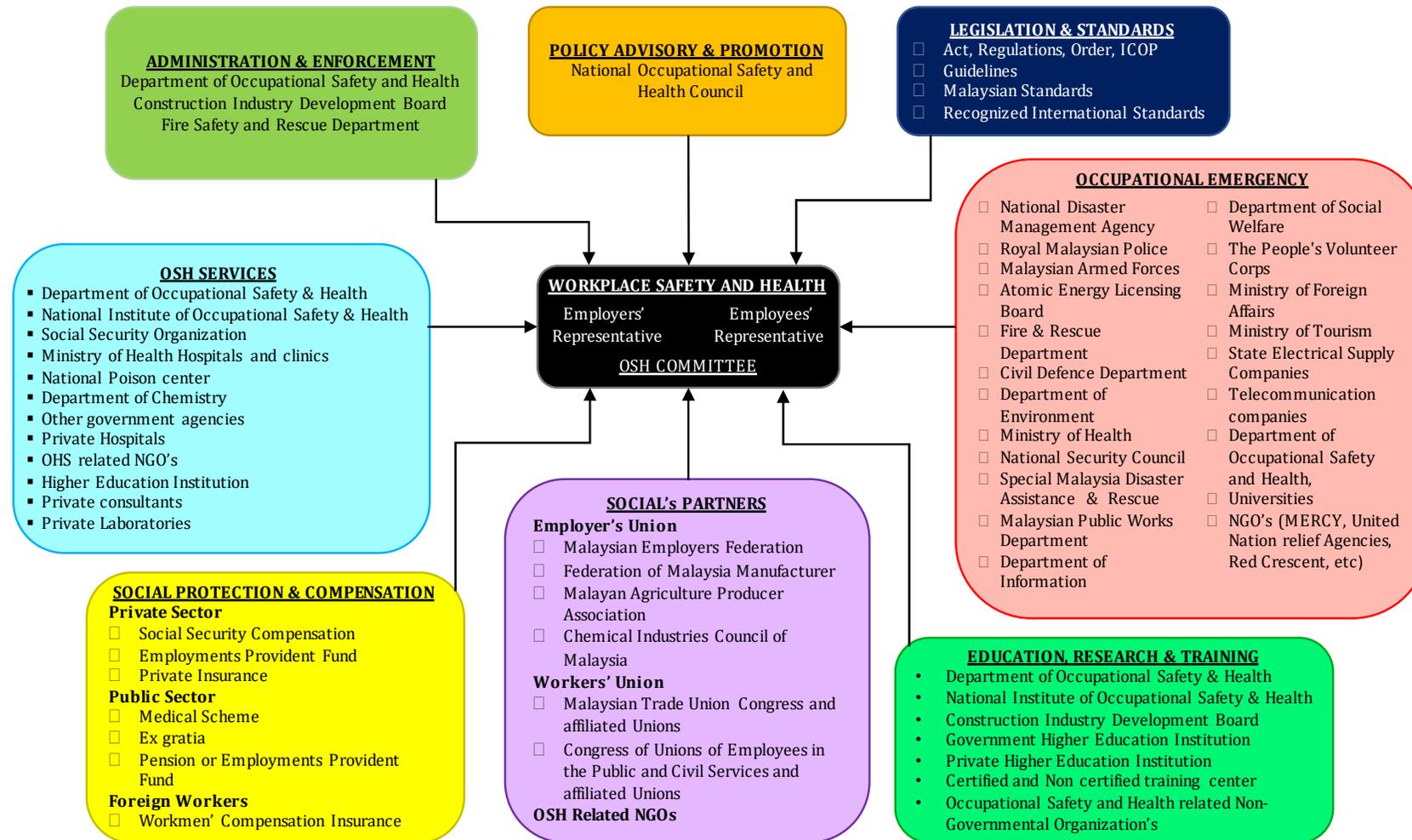
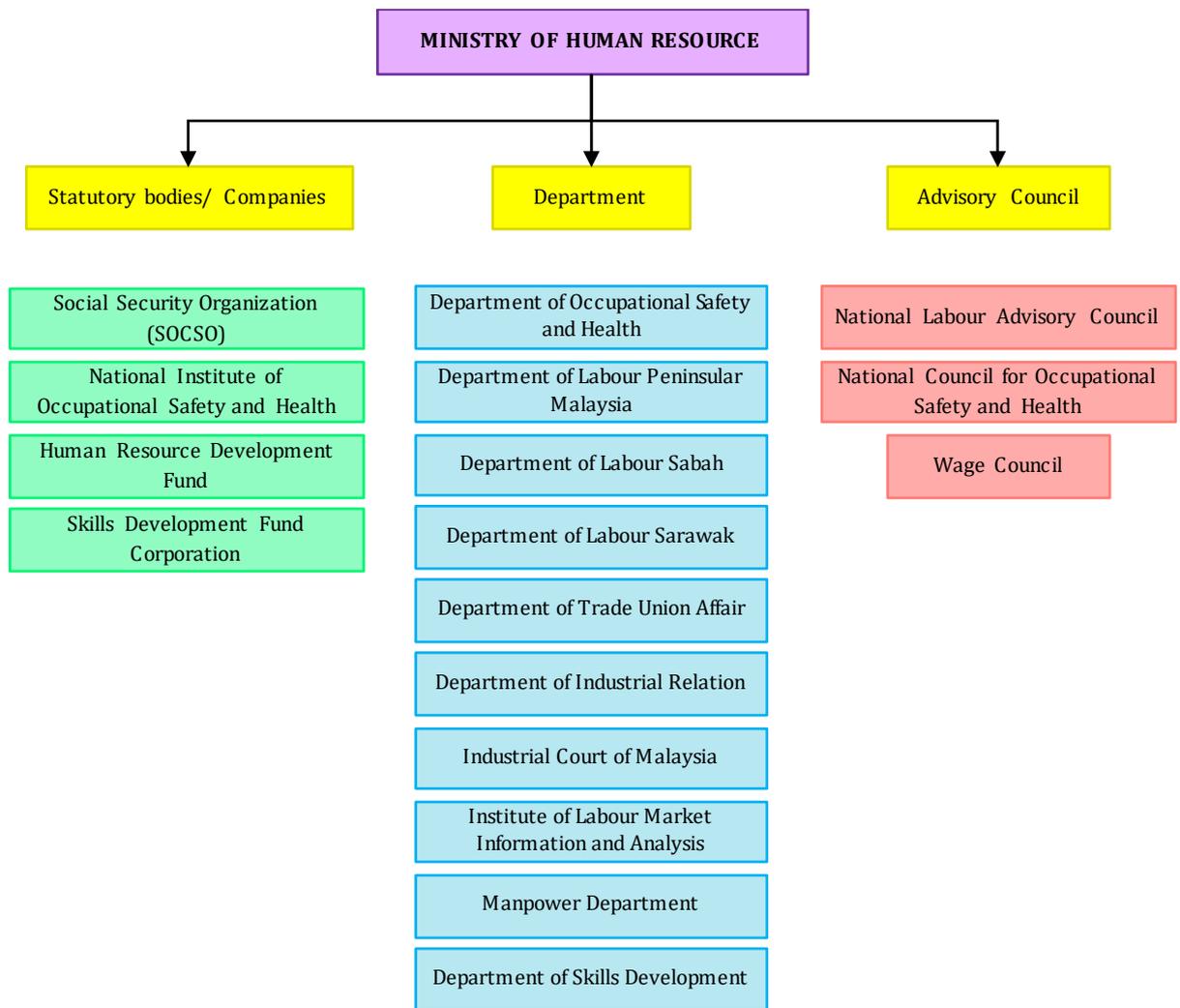


Figure 3.3: Occupational Safety and Health Structure, Function and Organizations in Malaysia

❖ **Ministry of Human Resources and Agencies under the Ministry**

The Ministry of Human Resources (MOHR) is a ministry responsible for skills development, labour, occupational safety and health, trade unions, industrial relations, industrial court, labour market information and analysis, as well as social security.

MOHR currently has ten (10) Departments, four (4) Statutory Bodies and Companies, and three (3) Advisory Councils under its authority. MOHR organization chart is illustrated in Figure 3.4.



**Figure 3.4: Ministry of Human Resources Organizational Chart**

The following sub-Chapters describes the agencies under Ministry of Human Resources which collaborate significantly in the management of OSH at national level.

✚ **Department of Occupational Safety and Health**

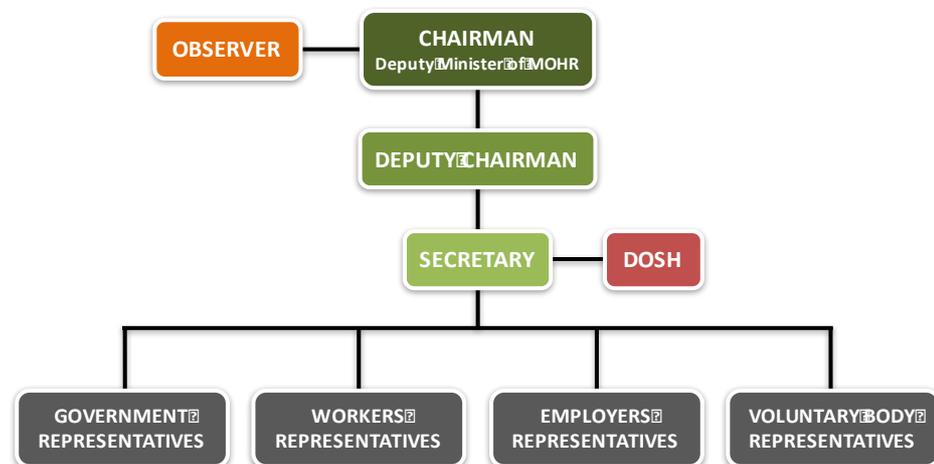
The Department of Occupational Safety and Health (DOSH) is a department under the Ministry of Human Resources. This department is responsible for ensuring the safety, health and welfare of people at work as well as protecting other people from the safety and health hazards arising from the work activities.

✚ **Department of Labour**

Under the Ministry of Human Resource, there are 3 separate Department of Labour; Peninsular Malaysia, Sabah and Sarawak respectively in the labour management of different region in Malaysia. This department is to strengthen labour administrations in upgrading the welfare of employees, interest of employers and widen job opportunities in fulfilling the needs of labour market.

✚ **National Council for Occupational Safety and Health (NCOSH)**

National Council for Occupational Safety and Health (NCOSH) under the Ministry of Human Resources is a supreme body responsible for determining the direction and policy of the State in relation to occupational safety and health in Malaysia. It was established in 1995 in accordance with Section 8 of the Occupational Health and Safety Act 1994 (Act 514).



**Figure: National Council of Occupational Safety & Health Organization**

❖ **National Institute of Occupational Safety & Health (NIOSH)**

NIOSH was established with an endowment fund from the SOCSO and from the Government. This fund was invested to become part of NIOSH's source of income. NIOSH was registered in June 1992 as a company limited by guarantee under the

Malaysian Companies Act 1965. The vision of NIOSH is to be the Leading Centre of Excellence in Occupational Safety and Health in Malaysia.

### ❖ **Social Security Organisation (SOCSO)**

The Social Security Scheme was first introduced in the country in 1958, soon after Malaysia gained its independence. At the same time, the International Labour Organisation (ILO) was conducting a study on social security. In 1962, a high-level committee was formed to review the study results. The study by A.N. Ambo through the ILO provided the basis for the drafting of the Employees' Social Security Bill, which was subsequently passed by the Parliament of Malaysia in April 1969 and named the Employees' Social Security Act 1969.

### ❖ **Other Ministry and Agencies**

#### ✚ **Ministry of Health (MOH)**

The MOH is to assist an individual in achieving and sustaining as well as maintaining a certain level of health status to further facilitate them in leading a productive lifestyle - economically and socially. This could be materialised by introducing or providing a promotional and preventive approaches, other than an efficient treatment and rehabilitation services, which is suitable and effective, whilst priorities on the less fortunate groups.

#### ✚ **Ministry of Science, Technology and Innovation (MoSTI)**

The Atomic Energy Licensing Board (AELB) under MoSTI was established on 1st February 1985 as the National Regulatory Authority to enforce the Atomic Energy Licensing Act (1984). The AELB's main objective is to regulate and control all activities dealing with atomic energy throughout the country in order to ensure that such activities are being handled safely and do not endanger the radiation workers, members of the public, properties and environment from radiation hazards.

#### ✚ **Ministry of Agriculture and Agro-Based Industry**

The Pesticides Board of Crop Protection Division is established under Ministry of Agriculture and Agro-Based Industry Malaysia in the management of pesticides. The Board is empowered by Pesticides Act, 1974 and Pesticides (Highly Toxic Pesticides) Regulation, 1996.

#### ✚ **Construction Industry Development Board (CIDB)**

CIDB was established under the Construction Industry Development Board Act (Act 520) and among their functions are to promote and stimulate the

development, improvement and expansion of the construction industry. The Government through CIDB Malaysia is responsible for developing and enhancing the development of the construction industry in Malaysia.

**Ministry of Higher Education (MoHE)**

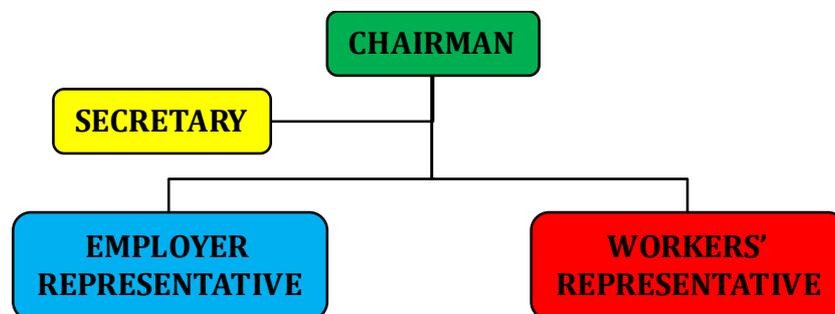
MoHE important role in creating an ecosystem of higher learning in the best public university (UA), private higher education institutions (IPTs), polytechnics and community colleges. The higher learning and educational institutes provides various technical resources and expertise in research and development as well as capacity building in OSH.

### **3.3 Occupational Safety and Health Structure, Function and Organizations at Enterprise Levels**

The OSHA (1994) provides a basic framework for collaboration at the workplace between employers and workers. The legal framework of the collaboration was detailed in OSH (Safety and Health Committee) Regulations (1996) that stipulates the obligations of establishing a safety committee at the workplace under Section 30(1) where:

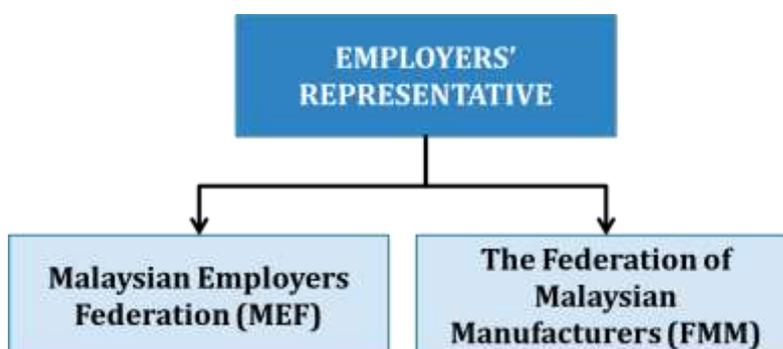
- ❖ there are forty (40) or more persons employed at the place of work or
- ❖ the Director General directs the establishment of such a committee at the place of work.

In coordinating OSH, employer shall consult the safety and health committee with the view of making arrangements for the employer and employees to co-operate effectively in promoting and developing measures to ensure safety and health is taken care of at the workplace and in checking the effectiveness of such measures. The composition and functions of the Occupational Safety and Health Committee are shown in **Figure 3.5**.

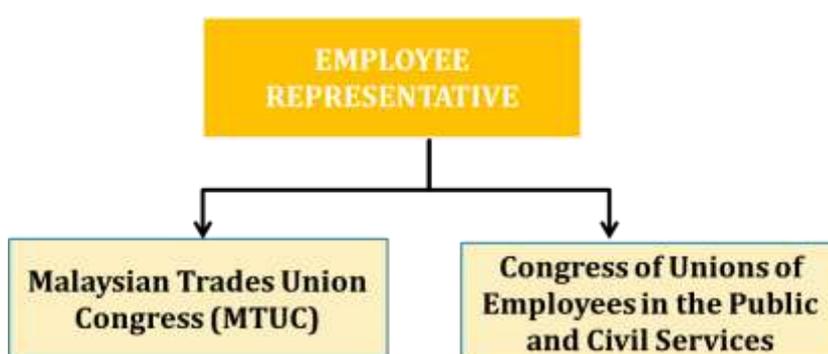


**Figure 3.5: Composition of OSH Actors in Malaysian OSH Committee**

### 3.4 Employers' and Worker's Organizations



- ❖ **Malaysian Employers Federation (MEF)** is the central organisation of private sector employers in Malaysia recognised nationally, regionally and internationally. MEF promotes and safeguards the rights and interests of employers, provides a forum for consultation and discussion among members on matters of common interest, and seeks for the adoption of sound principles and practices of human resource and industrial relations through information, advice, research and information, training and etc.
- ❖ The **Federation of Malaysian Manufacturers (FMM)** is Malaysia's premier economic organization that has membership of various types of manufacturing companies in Malaysia. It is the largest private sector economic organization in Malaysia representing over 2,800 manufacturing and industrial service companies of varying sizes.



- ❖ The **Malaysian Trades Union Congress (MTUC)**, is a national trade union centre in Malaysia. The Unions affiliated to MTUC represent all major industries and sector with approximately 500,000 members. Their main function is to improve the economic and social conditions of workers and render them assistance, establish training facilities for workers,

provide protection against sickness, and promotion of high standards of health, hygiene and welfare in all places of employment and seek adequate compensation for workers disabled by accidents and diseases.

- ❖ The **Congress of Union of Employees** in the Public & Civil Services Malaysia (CUEPACS), is a national trade union centre in Malaysia. It has a membership of 1,200,000 workers to protect the health and welfare of public and civil workers in the country.