

Seminar Kebangsaan KKP 2016 Online Questions

Soalan ini direkod secara on-line semasa seminar berlangsung pada 8hb dan 9hb Disember di LE Meridian, IOI City Putrajaya. Maklumbalas adalah dari JKPP dan jika perlu, pihak penganjur akan cuba mendapatkan maklum balas kepada soalan khusus yang ditujukan kepada penceramah. Soalan disalin semula tanpa sebarang pengubahsuaian dari 'Online Questions'.

Questions on Paper 1: En Radzi Abdul Rashid- FMM

Tajuk : Driving OSH sustainability – are we on the right track?

1. Why you have planning, regulation and guideline but why enforcement is weak.

JKPP telah menyediakan dasar dan standard yang perlu dipatuhi oleh semua pihak yang berkenaan. Penguatkuasaan yang dibuat adalah berlandaskan peruntukan dan SOP sedia ada. Tindakan yang dibuat ke atas ketidakpatuhan adalah mengikut risiko yang ada dan impak ketas risiko tersebut. Ini digaris didalam EUM (Enforcement Uniformity Model) supaya semua tindakan yang dibuat konsisten di setiap negeri. Ianya bermula dari mengeluarkan (i) surat arahan, (ii) NOI/NOP (iii) Kompaun ; dan terakhir (iv) tindakan mahkamah. Ini bermakna tidak semua kesalahan atau ketidakpatuhan dibawa ke mahkamah dan mungkin dilihat sebagai 'penguatkuasaan yang lemah'. Dari rekod jumlah penguatkuasaan dan tindakan punitive yang diambil adalah meningkat dari masa ke semasa

Jenis / tahun	2012	2013	2014	2015	Nov 2016
Pemeriksaan Jentera	147,824	166,763	178,569	217,685	235,182
Penguatkuasaan KKP	38,620	38,751	38,873	38,617	35,656
Kompaun	466	415	500	913	1,202
mahkamah	247	350	309	353	396

Semua yang terlibat dan terkesan dalam pekerjaan iaitu majikan, pekerja dan kerajaan serta persatuan dan juga NGO mesti melaksanakan peranan masing-masing bagi meningkatkan tahap KKP ditempat kerja.

Maklumbalas dari JKPP

2. Why is it make difficult for OHD to visit place of work with tons of rules, application with late approval and places strictly off limit wxcept for dosh officials. Not the OHD is lazy.

Untuk makluman, pihak Jabatan tidak membebankan para Doktor Kesihatan Pekerjaan (DKP) dengan peraturan-peraturan yang mengganggu kelancaran tugas-tugas berkaitan kesihatan pekerjaan.

Subperaturan 27(2), Peraturan-peraturan Keselamatan dan Kesihatan (Penggunaan Dan Standard Pendedahan Bahan Kimia Berbahaya Kepada Kesihatan) 2000 memperuntukkan program pengawasan perubatan hendaklah dijalankan oleh seseorang Doktor Kesihatan Pekerjaan. Menurut **Garis Panduan Pengawasan Perubatan 2001** di bawah Peraturan yang sama, komponen Program Pengawasan Perubatan ini merangkumi siasatan penyakit dan keracunan pekerjaan termasuk lawatan pemeriksaan di tempat kerja. Malah, klausa ini turut digariskan sebagai salah satu tugas Doktor Kesihatan Pekerjaan di dalam **Guidelines for The Registration of Assessor, Hygiene Technician And Occupational Health Doctor, 2000**.

Maklumbalas dari JKPP

3. What are the strategy of fmm on its member to correlate significant improvement on osh sustainability . Legislative aspect n frame work are there within dosh application

As an NGO, our members join FMM on voluntary basis. Hence, not all manufacturers in Malaysia are members of FMM.

FMM do not have a specific national strategy to improve and sustain OSH for its members. However FMM had over the years focused on several OSH sustainability initiatives countrywide such as follows depending on the needs of our members particularly at branch (state) level:

1. Assisting SMIs on OSH

Some of our members are categorized as SMIs. So, large and/or multi-national companies among our members, normally with established OSH management system will help the SMIs in setting up or improving their OSH performance. For example, some SMI companies in Selangor responded to FMM invitations on OSH improvement. Under the program, the FMM Safety Committee members helped SMI developed the essential elements for OSH management via training conducted for 6 Saturdays spreading over duration of 6 weeks. A few months after the training, FMM Safety Committee members would visit the companies to assess their OSH implementations. The programs were carried out with grants from SOCSO.

2. Establishing & Strengthening Liaison with OSH Authorities & Stakeholders

- a. Some FMM branches (state) also organized periodical (yearly) dialogues with the state DOSH & BOMBA offices to bring out their OSH problems / grievances to be resolved plus getting updates on laws & regulations.

- b. The national OSH committee also had fulfilled invitation from DOSH to participate in relevant dialogues, discussions and conference on OSH improvement, OSH regulations amendment and introduction of new regulation / guidelines in OSH.
- c. Some FMM branches (state) also advised local authorities on infrastructures and industrial projects and activities including for new industrial areas in some states.

3. Enhancing OSH Awareness, Capability & Competency

On annual basis FMM via its respective FMM Institute at Branch (State) level also conducted OSH related awareness, capability & competency trainings, workshops & seminars for members & nonmembers in most of its branches. Most of the sessions also carried CEP approval from DOSH. The aim was to educate and impart OSH knowledge to its members, non-members, education institutions, professional bodies and community where they operate.

4. Networking & Sharing of OSH Knowledge & Best Practices

- a. Availability of HR Committee on OSH at national level and SHE Committee at branch (state) level to share & communicate OSH issues pertaining to manufacturers & industries. This committee conducts bi-monthly OSH meeting.
- b. Implementation of OSH Reward & Recognition program by industry & branch:
 - By chemical industry such as Chemical Industry Council of Malaysia (CICM) : Conducting Annual CICM Responsible Care (RC) Award since 2002
 - By Branch such as FMM N. Sembilan : SHE Excellence Awards including SHE Best Practices for manufacturing members & non-members in N. Sembilan since 2015
- c. SHE Committee at branch or national level normally conducts Manufacturing Site (Factory/Plant) Visits among members normally during OSH meetings.
- d. Most of FMM branches also hold yearly safety conferences or seminar with state DOSH support to expose its members to best practices on OSH.
- e. Share OSH information via FMM website and publication.
- f. Establishing OSH WhatsApp Group among members. For example: To share and advise on SHE issues, information & updates and communicate on SHE initiatives within FMM N. Sembilan SHE Committee.

Jawapan disediakan oleh En. Radzi Abdul Rashid (FMM)

4. The OSH planing from the government agencies are good. But the true pictures are the incidents reported in the newspaper. They are telling different stories. Are the KPIs from the companies reliable? AMANAH is the name of the game here. Next is the ENFORCEMENT.

Setiap pemegang taruh mempunyai minat dan pengaruh tersendiri terhadap KKP dinegara ini. Setiapnya memainkan peranan bagi memastikan tahap KKP ditempat kerja meningkat. Cuma dalam kegairahan tersebut, kadang kadang pelaporan dibuat agak 'mislead'. Begitu juga dengan pelaporan yang dibuat oleh industri, pemberita dan juga pihak kerajaan.

Apabila Pelan KKP dibangunkan, JKPP berharap setiap pihak memainkan peranan dengan lebih telus dan komited. Sasaran dan KPI yang dipersetujui sepatutnya menjadi agenda bersama. Hakikatnya di dalam Pelan KKP, JKPP boleh berperanan sebagai pemudahcara dalam semua pentadbiran KKP negara dan penguatkuasaan / tindakan punitif cuma langkah terakhir dalam pentadbiran KKP ini.

Maklumbalas dari JKPP

FMM do not have a standard KPI reporting database for the whole manufacturing industry. Company members reported their own KPI as per their corporate or industrial requirement. For instance, for chemical or paint manufacturers, they have their basic SHE KPIs which they share among themselves. However, it is not fully adhered most of the time.

FMM members in particular, the large companies definitely have periodical and yearly KPIs and performance indicators. The KPIs and indicators targets are set every year so that the company could work towards achieving them. The KPIs and indicators are reviewed in management meetings or by the safety committee on a periodic basis so that any short fall could be identified and remedial actions taken.

Companies do not report their KPIs and indicators to the authorities unless upon request.

Jawapan disediakan oleh En. Radzi Abdul Rashid (FMM)

5. Government as OSH role model- How was the implementation of the OSHA act and FMA Act towards the government sector, did they comply? If not, did they had being charged? One of the accident happen at hospital in johor, then bomba said, most of the hospital building don't have Fire Certificated which determine our management of fire safety at workplace. Do they being charged on that like private sector?

Sektor awam adalah salah satu dari sektor yang terpakainya AKKP. JKPP telah menguatkuasa AKKP secara beringkat di sektor awam menerusi beberapa pendekatan. Antaranya melalui program kesedaran, menggunakan arahan/pekeliling Ketua Setiausaha untuk membuat perkiraan ke atas menjaga keselamatan dan kesihatan ditempat kerja, audit dan juga penganugerahan kecermelangan KKP. Seperti tindakan punitif di sektor swasta, arahan dan NOI/NOP juga dikeluarkan. Bagaimanapun, buat masa ini, pendekatan untuk tidak kepatuhan hanya melibatkan tindakan tatatertib kerana gagal mematuhi arahan pekeliling Ketua Setiausaha

Maklumbalas dari JKPP

Questions on Paper 2: En K.Somasundram – MTUC

Tajuk : JKPP – Bolehkah menyumbang kearah pembentukan Budaya Kerja Selamat?

1. Well through oshp 2020 that is a road map to further enhance osh strategy in malaysia. The question what is MTUC roadmap to correlate osh among its member

To begin with we were invited by the University that was assigned to carry out a study on OSH Policies Chaired by the former DG – DOSH Dato' Dr. Jo and we gave our views, together us were the current Secretary General of MTUC, Prresident NUTP, OSH committee and my self

We suggested that there is a dire need to change behaviour, attitude towards and to do that the National education curriculum has to consider Osh subjects, among the important suggestion was to seek assistance from Marketing Gurus to be included by the government (DOSH) to promote effective Behavioural methods the reason being. Self regulation is still a big challenge to Malaysians. You can see the figured from MIROS, SOCSO etc.

Jawapan disediakan oleh En. K. Somasindam (MTUC)

2. So far I didn't see any MTUC contributions.can MTUC show their OSH plan and the result on their contribution to workers and country

We have a OSH plan and our own OSH Policy too except not many of them are aware. You can ask a random question to any worker if he or she knows about responsibility of Employer or the OSH committee, Most of them may not know.

The reason is they are not involved in the implementation of it. Unless the media continuously, show it on our national news channels. We wish to thank you for reminding us our role. Just to inform you we carry out 13 training on OSH in West Malaysia and two each in Sabah and Sarawak annually for more than 20 years and one National Seminar on OSH by inviting MEF, FMM, Companies and OSH Consultants annually. Towards life- long learning participated by most of our members. Our OSH committee is among the most active committee within MTUC .

Jawapan disediakan oleh En. K. Somasindam (MTUC)

3. ENFORCEMENT, ENFORCEMENT, ENFORCEMENT. How many CEO / Directors, Project Manager n Safety Manager are being FINED/JAILED?? Case Study: MRT accidents, Penang crane that fell on the car etc When TOP Managements are not being held for accountability, the OSH MP will not be achieved

Setakat ini pihak jabatan telah pun mengambil tindakan terhadap syarikat yang tidak mematuhi undang-undang dan belum lagi sampai ke peringkat mengambil tindakan kepada orang perseorangan. Untuk makluman, keputusan samaada denda atau penjara adalah terserah kepada pihak mahkamah. Pihak jabatan tiada sebarang halangan oleh individu yang berkepentingan bagi membuat sebarang tuntutan sivil di mahkamah. Maklumat lanjut boleh didapati dilaman web jabatan

Maklumbalas dari JKPP

4. ENFORCEMENTS in Malaysia are so poor that foreign workers like Bangla, Indon, Myanmar etc didn't respect our jalan raya LAWS.

Terima kasih atas ulasan tetapi perundangan ke atas keselamatan jalan raya tidak di dalam bidang kuasa JKPP.

Maklumbalas dari JKPP

5. There was a figure different on accident reporting to socso and dosh, do we can create a regulation or did we already have the regulation which state that every socso claim (workplace accident) should also submit the copy of JKPP 6/7 form which a proved that they had also submit report to dosh or any investigation report by the company safety and health committee to be attached.

Memang benar terdapat perbezaan jumlah pemberitahuan yang diterima oleh pihak JKPP dan SOCSO. Ini kerana pemberitahuan ini dibuat dengan tujuan yang berlainan.

Buat masa sekarang tiada peruntukan yang mewajibkan majikan mengepilkan bersama laporan JKPP 6/7 atau laporan siasatan semasa memohon pampasan dari SOCSO.

JKPP mengucapkan terima kasih atas cadangan ini dan ianya memang dalam pelan tindakan JKPP.

Maklumbalas dari JKPP

6. Do you have any idea how to improve enforcement of the said law or regulations.

Knowing Malaysians we are risk takers; As mentioned at the Seminar just wait outside TOTO and Magnum outlets you can witness it. Even when we are driving our car we see many of the drivers using hand phones, All this is happening because of some enforcement officers. We are not telling DOSH are involved its because the punishment is not severe enough to deter violators.

Since the implementation of OSH Act in 1994 look at the number of Regulations that are available.

Just one answer find a way to make a Malaysians realise that we that includes me too. We have to respect the law and not to fear them. (not tengok kiri tengok kanan tiada polis jalan lah) It's the attitude and attitude is difficult but can be done. Look at my presentation on the Singapore experience we can learn from our neighbours. TQ

Jawapan disediakan oleh En. K. Somasindam (MTUC)

7. Some government affiliated companies or agencies such as business companies under state SEDC do not allow workers union. What say you. For instance trengganu TDC and johore KPJ in their hospitals. Any MTUC role?

JKKP tidak memberi apa-apa ulasan kerana ianya diluar bidang kuasa. Soalan ini tiada kaitan dengan isu Keselamatan dan Kesihatan Pekerjaan KKP tetapi bagi menghormati peserta dan penceramah, soalan dan maklumbalas/ulasan disertakan bagi makluman/pengetahuan semua pihak. Makluman dan ulasan oleh penceramah tidak mencerminkan samasekali pendirian atau dasar pihak JKKP.

Maklumbalas dari JKKP

We at MTUC are not aware of this>all government and related agencies are usually under CEUPACS But it is under S/B we don't mind providing assistance. Kindly understand that MTUC's main function is to provide to our affiliated and any one who seek assistanc. We have not received any assistance from TDC and KPJ for the moment.

Jawapan disediakan oleh En. K. Somasindam (MTUC)

8. Kenapa kebanyakan officer JKKP yang datang lebih memilihi teori dalam buku Akta untuk mengeluarkan NOI/NOP tanpa mengambil kira logik akal sedangkan dalam sesetengah isu logik akal perlu digunakan berbanding buku...?

Pegawai JKKP menguatkuasa mengikut peruntukan undang-undang dan 'Standard Operating Procedure -SOP' sedia ada. SOP yang dipanggil "Enforcemet Uniformity Model' atau EUM digunapakai oleh setiap pegawai JKKP dalam membuat keputusan dan tindakan. EUM menggariskan kriteria tindakan kepada setiap ketidakpatuhan bermula dari mengeluarkan (i) surat arahan, (ii) NOI/NOP (iii) Kompaun ; dan terakhir (iv) tindakan mahkamah.

Maklumbalas dari JKKP

9. MTUC playing very good role by working closely with DOSH to improve safety in Malaysia. However so far we don't see MTUC role working with DOE. How MTUC can play role with DOE same as as DOSH. Question

JKKP tidak memberi apa-apa ulasan kerana ianya diluar bidang kuasa. Soalan ini tiada kaitan dengan isu Keselamatan dan Kesihatan Pekerjaan KKP tetapi bagi menghormati peserta dan penceramah, soalan dan maklumbalas/ulasan disertakan bagi makluman/pengetahuan semua pihak. Makluman dan ulasan oleh penceramah tidak mencerminkan samasekali pendirian atau dasar pihak JKKP.

Maklumbalas dari JKKP

We agree that we are not working closely with DOE the reason is may be we have far too many issues concerning OSH and occupational diseases are out major concern. Please be informed that we are having discussion on green working environment too. Thank you for reminding us. We can initiate discussion with DOE in the near future due to global warning, pollution of rivers and other OSHE issues.

Jawapan disediakan oleh En. K. Somasindam (MTUC)

10. Most of the cost organise by DOE are very expensive. Nobody questining them or checking them on their activities. Are MTUC able to screen them. Thanks

JKKP tidak memberi apa-apa ulasan kerana ianya diluar bidang kuasa. Soalan ini tiada kaitan dengan isu Keselamatan dan Kesihatan Pekerjaan KKP tetapi bagi menghormati peserta dan penceramah, soalan dan maklumbalas/ulasan disertakan bagi makluman/pengetahuan semua pihak. Makluman dan ulasan oleh penceramah tidak mencerminkan samasekali pendirian atau dasar pihak JKKP.

Maklumbalas dari JKKP

MTUC usually works with tripartite partners which is under the MOHR and other department if necessary based on issues. We are already extended our safety and Health Committee functions to look in environmental issues too. We fully agree that fees has to be affordable to all to ensure more organization benefit and raise environmental issues such as CFC issues, Pollution of our rivers etc.

Jawapan disediakan oleh En. K. Somasindam (MTUC)

Questions on Paper 3 : En Ravinder Singh ((Consumer Association Pulau Pinang - CAP) (ravinder_comp@yahoo.com, tel : 013-488 8680)

Tajuk : The Psychology behind compliance and non-compliance with Laws

1. CAP did a great job to the consumers however in addressing issues to the public sometimes CAP step beyond limits by not considering the education level of the public addressed. This causes misunderstanding leading to deterioration in health issues related to control of illness n diseases.

JKKP tidak dapat memberi apa-apa ulasan kerana ianya diluar bidang kuasa. Soalan ini tiada kaitan dengan isu Keselamatan dan Kesihatan Pekerjaan KKP tetapi bagi menghormati peserta dan penceramah, soalan dan maklumbalas/ulasan disertakan bagi makluman semua pihak. Makluman dan ulasan oleh penceramah tidak mencerminkan samasekali pendirian atau dasar pihak JKPP.

Maklumbalas dari JKPP

The question is rather vague. A specific example of “misunderstanding leading to deterioration in health issues related to control of illness n diseases” would have been very useful in addressing your concern.

CAP’s educational activities are multi-pronged. We have a bi-monthly paper the “Utusan Konsumer” which carries articles on health issues. We have also produced a series of small, pocket sized books on various health matters. Our education team goes out to residential areas, rural areas and also schools to give talks and put up exhibitions on health and other consumer matters such as financial matters. Our health exhibitions have been put up at hospital lobbies and well received, particularly the anti-sugar campaigns so much so that bottled and canned drink makers have reduced the sugar content.

Good nutritional habits and environmental cleanliness must be taught to children from a very young age. A lot of parents and schools are not doing this. There are a lot of children nowadays who do not like to eat vegetables, and eating a wide variety of vegetables is very important for good health. Fast foods and other unhealthy eating habits are responsible for the high rate of obesity and diseases like diabetes. Children were not born with dislike for vegetables and love for fast and junk food. How did they acquire such habits? Who should have not allowed them to develop such dislikes and likes?

Three years ago it was reported that Malaysia is ranked sixth in the Asia-Pacific region for obesity and tops the list in South-East Asia for both obesity and diabetes.

— AFP

“Deputy Health Minister Datuk Seri Dr Hilmi Yahaya recently said (Sunday Star, 17 November 2013) that there were about three million obese Malaysians and the number was increasing while there were about five million individuals who suffer from varying degrees of diabetes.”

This is a result of the failure of the education system to educate and inculcate good eating habits through the schools, e.g. school canteens should be providing wholesome and not fast foods. In matters like this, CAP can only voice its concern and state what ought to be done by the authorities.

Nutrition Society of Malaysia (NSM) president Dr Tee E Siong said that the main point was for all stakeholders to give adequate attention towards preventing obesity with the highest political commitment. “It should be beyond merely establishing strategic plans and action plans. There should be a systematic approach towards combating the problem,” he said.

Political will and a systematic approach must be provided by the government.

Jawapan disediakan oleh En. Ravinder Singh (CAP)

2. CAP need to expand its network in getting cooperation from various non political-aligned NGO in educating the people in various safety, health and environmental.

There is a limit to how much all the NGO's can do in providing mass education. Education in these areas is very important for all, not just for selected groups. As such, schools are the right place to provide such education. Most children are in school for eleven (11) years. Education in these matters should be provided informally, little by little, and by the end of 11 years children should not only have good knowledge of these matters, but should also be practicing the same

Jawapan disediakan oleh En. Ravinder Singh (CAP)

3. In the safeguard of safety, health and environment, do DOSH allow or succumb to political pressure?

Dalam melindungi pentadbiran KKP di Malaysia, Akta sedia ada dikuatkuasa sama seperti perundangan lain di Malaysia. Tekanan politik sentiasa ada pada setiap peringkat. Sehingga keluarnya dasar dan peraturan baru, Penguatkuasaan KKP sentiasa mengikut dan berlandaskan undang-undang sedia ada dan saling dibantu oleh dasar-dasar lain dan semasa oleh agensi kerajaan yang berkaitan.

Maklumbalas dari JKKP

4. What are the collective effort by CAP to further enhance the basic osh understanding of consumer in terms of osh promotion

JKKP menegaskan bahawa penguatkuasaan hanya salah satu dari tool atau alat untuk meningkatkan tahap penerapan KKP ditempat kerja. Ini termasuk kesedaran majikan, pekerja dan juga Persatuan atau agensi yang berkepentingan. Setiap pihak perlu memainkan peranan. Penguatkuasaan dan penalti hanya sebagai pengajaran dan amaran dimana kerap kali tidak memberi apa-apa impak kepada orang ramai. Pengedaran dadah contohnya, hukuman adalah 'mati' jika didapati bersalah tetapi masih ramai yang mengambil risiko. Kesedaran KKP perlu diasuh pada semua peringkat dan diharap ianya akan dipraktik sebagai satu budaya. CAP contohnya, boleh memainkan lebih peranan untuk memberi kesedaran kepada pengguna bagaimana mementingkan keselamatan apabila menggunakan logi yang disediakan.

Maklumbalas dari JKKP

CAP has always maintained that strict enforcement is the best form of education about laws and regulations. For example, if workers at a construction site are not complying with the regulations about safety, it is not the workers that should be penalised but the owner of the project who has closed his eyes. If the owner is penalised, he will find ways and means of ensuring that all his workers will comply with the safety requirements at all times

Jawapan disediakan oleh En. Ravinder Singh (CAP)

5. Bagaimana hendak gunakan rotan di sekolah sekiranya pihak kerajaan sendiri yang mengharamkan penggunaan rotan?

JKKP tidak dapat memberi apa-apa ulasan kerana ianya diluar bidang kuasa. Soalan ini tiada kaitan dengan isu Keselamatan dan Kesihatan Pekerjaan KKP tetapi bagi menghormati peserta dan penceramah, soalan dan maklumbalas/ulasan disertakan bagi makluman semua pihak. Makluman dan ulasan oleh penceramah tidak mencerminkan samasekali pendirian atau dasar pihak JKKP.

Maklumbalas dari JKKP

Guru Besar, Penolong Kanan dan Guru Disiplin dibenarkan mengguna rotan. Hanya guru-guru biasa tidak dibenarkan mengguna rotan. Mengguna rotan, hanya jika cara-cara lain untuk mendisiplinkan murid-murid tidak berjaya, adalah sangat efektif di peringkat awal persekolahan, iaitu di tahap 1 di sekolah rendah. Jika murid-murid tidak berdisiplin di tahap ini, sukar untuk mendisiplinkannya di sekolah menengah, biarpun dengan rotan.

Disiplin perlu dibentuk dan disemai semasa budak-budak masih muda lagi (*jika hendak melentur buluh, biarlah dari rebungunya*). Rotan, jika perlu digunakan,

hendaklah digunakan seperti antibiotic, hanya apabila betul-betul perlu dan dengan dos yang terhad.

Perlu bagi guru-guru ada latihan dan kemahiran menggunakan rotan supaya tidak salahgunakannya sahingga murid cedera.

Sangat penting juga bagi guru-guru besar /penolong kanan/guru disiplin berdialog dengan ibu-bapa terlebih dahulu supaya mereka tahu dan faham mengapa anak mereka perlu didisiplinkan dengan menggunakan rotan. Sekiranya mereka tidak setuju untuk bekerjasama dengan sekolah, maka mereka harus diminta pindahkan anak mereka ke sekolah lain.

Sekolah-sekolah perlu tegas dalam hal-hal disiplin memandangkan keadaan disiplin sekolah begitu teruk pada masa ini.

Jawapan disediakan oleh En. Ravinder Singh (CAP)

6. STRINGENT ENFORCEMENTS. PENALTIES to the MAXIMUM. JAIL for the TOP Management.

JKKP telah melihat kekangan sedia ada dan telah mencadangkan penambahbaikan kepada undang-undang sedia. Tindakan yang dibuat ke atas ketidakpatuhan adalah mengikut risiko yang ada dan impak ke atas risiko tersebut. Ini digaris didalam EUM (*Enforcement Uniformity Model*) supaya semua tindakan yang dibuat konsisten di setiap negeri. Ianya bermula dari mengeluarkan (i) surat arahan, (ii) NOI/NOP (iii) Kompaun ; dan terakhir (iv) tindakan mahkamah. Jumlah dan jenis penalti yang dikenakan adalah di bawah bidang kuasa hakim yang mengendalikan kes berkenaan.

Maklumbalas dari JKKP

7. To my opinion token in getting the right answer or giving token to complete a difficult assignment and corruption is different in education. Some educators use punishment but this approach is not a constructive. If you want me to accept your answers to be correct or to accept you assignment, give me something. This is corruption, that is to gain or achieve something by not going to the normal norms according to values determined by The Creator.

JKKP tidak dapat memberi apa-apa ulasan kerana ianya diluar bidang kuasa. Soalan ini tiada kaitan dengan isu Keselamatan dan Kesihatan Pekerjaan KKP tetapi bagi menghormati peserta dan penceramah, soalan dan maklumbalas/ulasan disertakan bagi makluman/pengetahuan semua pihak. Makluman dan ulasan oleh penceramah tidak mencerminkan samasekali pendirian atau dasar pihak JKKP.

Maklumbalas dari JKKP

The teacher's act of giving a sweet for a right answer is not corruption per se. She does it in appreciation of the child's correct answer, believing it is a form of motivation. This idea of "motivation" comes from Ivan Pavlov's dog-salivating theory which was expended upon by B.F. Skinner for use in schools. In Pavlov's experiments, dogs began to salivate **in expectation of food**. This is called a conditioned reflex.

If the teacher makes it a regular practice of giving tokens for correct answers, she is unknowingly developing a conditioned reflex in the children.

The negative side of this practice is that children, being humans with the ability of thinking and being creative, could become so conditioned to expect something in return for doing something, that in working life later, (for example in certain government departments such as those approving licenses), they would expect some "reward" for doing their job quickly. This is corruption.

One has to be very careful about the values that children may indirectly learn from seemingly harmless activities of adults trying to show their "appreciation", "love" or in trying to "motivate" them with material rewards.

A child does not on its own have any expectation of a reward for giving a correct answer or for changing his negative behaviour. He is very happy if the teacher says "good", or gives him a pat on the back. So why create the expectation for a material reward, however small, and unknowingly teach him to expect "rewards" for doing what he should be doing even without such "rewards"?

Jawapan disediakan oleh En. Ravinder Singh (CAP)

8. Is there any approach taken to ensure the uniformity of data or OSH statistics between SOCSO & DOSH?

Memang benar terdapat perbezaan jumlah pemberitahuan yang diterima oleh pihak JKPP dan SOCSO. JKPP berusaha mengurangkan perbezaan tersebut dengan mengadakan kerjasama antara SOCSO dan JKPP. Antaranya ialah

- mengadakan perkongsian 'SOCSO Raw Data' yang lengkap setiap 3 bulan.
- Usaha untuk meyakinkan semua pihak yang berkepentingan keperluan 'one stop reporting center'

Maklumbalas dari JKPP

Questions on Paper 4 : En Azahan Arif Yusof (SHO)

(azahansafetyman@gmail.com)

Tajuk : SHO - Are we advice correctly ?

1. What SHO action in the event of our advice was ignored for various reasons

Actions are based on various situations and perspective too. If we look into legal context, violation of law is not acceptable. This is because our law sets the basic requirement based on "so far as practicable" principle. Therefore reporting to authorities is possible where it is required.

Bear in mind, SHO is responsible to advice and the Management is the one who's going to jail, depends on his choice. If we look from Risk Management System context, advising is part almost all elements. The key here is "if it is not recorded on paper, basically nothing has been done".

Ensure your advise is recorded whether in meeting minutes, email or even in Whatsapp. AND please record their response towards your advise too! Then get them to endorse the minutes.

As SHO, we are facing with reasons not to comply everyday. As a smart SHO, collect all the reasons and find ways to tackle them. Keep calm and be a proactive SHO.

Jawapan oleh En Azahan Arif Yusof (SHO)

2. Require support in terms of accident / incident details statistic

Sila lawat laman web JKPP di dosh.gov.my dan lihat tag *STATISTICS*

Maklumbalas dari JKPP

3. Require support from DOSH to circulate gaps questions from investigated accidents/incidents to relevant industries so that gap can be closed and monitored

JKPP tidak mengeluarkan jenis soalan yang digunakan untuk membuat apa-apa siasatan kemalangan/kejadian. Tiada Model dan konsep khas yang digunakan dalam siasatan. Prosedur atau teknik siasatan adalah sama seperti yang dibangunkan di dalam modul latihan SHO. Ini termasuk penggunaan 'Bow-Tie', Fall-tree dan lain-lain. Bagi maksud 'lesson-learned', hasil siasatan dan 'root cause' di upload dilaman web. Sila lawat laman di dosh.gov.my dan lihat tag '*OSH INFO*'

Maklumbalas dari JKPP

4. Regarding to be pro active and not reactive. We planned and proposed BUT what you had pointed out should go to the top management!!! World of companies which are not directly related to engineering or oil and gas or if top management do not possess or only has skin thick knowledge of safety, this usually doesn't work. What they know best is how much profit can be made with the minimum expenditure. As long as minimally abiding to the requirement is enough so long the business continuity is not effected. JKPP should meet and address the bosses and made it compulsory to attend. I dare you.

Dalam memperkasa KKP ditempat kerja, Setiap pihak perlu memainkan peranan. Top Management atau orang yang mempunyai kawalan ditempat kerja mempunyai tanggungjawab dari sudut undang-undang untuk memastikan tempat kerja adalah selamat. Dalam setiap lawatan dan pemeriksaan, JKPP sentiasa memastikan perjumpaan tersebut melibatkan top management atau orang yang mempunyai kawalan terhadap tempat kerja. Penekanan diberi ke atas peranan dan tanggungjawab majikan. Contoh terdekat adalah memanggil CEO dan Kontraktor sebelum memulakan projek tapak bina.

Maklumbalas dari JKPP

5. Regarding LTI, small and big bosses try their best not to be penalized. They will influence the investigation team and also the doctors also trying their best to divert the blame on others if possible. This the world of KPI and not truthfulness. The tail will follow where or what the head does.

As SHO, the message to get across to our management team is the benefit of reporting incidents and acknowledging it. World class management acknowledged that accidents still can happen regardless the amount of effort you put in. It helps the organisation to evolve, learn and upgrade their processes to be safer. The evidence are like 10 Lives Saving Rules, 8 Golden Rules of Safety, 10 Tenets of Safety just to name some of them.

Integrity issue costs a lot. A company could be fined for an amount similar to years of profits as an impact to integrity issue. A nation with low integrity lost opportunities to other country because of integrity issue.

Therefore, manipulating data and 'bangauing' is letting away the opportunities for improvement. And improvement means profits- by means of cost savings or winning opportunities. People including us does like organisations that is honest, professional and integrity.

Be professional. Choose your employer wisely. Integrity starts with you

[Jawapan diterima dari En Azahan Arif Yusuf (SHO)]

Memang terdapat kes-kes dimana orang yang dipertanggungjawab cuba menafikan atau menyorok kejadian yang mengganggu rekod LTI. Ianya dianggap tidak beretika dan kejadian tersebut pada hakikatnya perlu dilaporkan ke JKKP. Kes seperti ini memang dibawah perhatian JKKP dan gagal melapor kejadian atau kemalangan adalah salah satu pertuduhan yang paling kerap dibawa oleh JKKP ke mahkamah. Setiap majikan perlu tahu bahawa kejadian yang dilapor akan disiasat dan 'lesson learnt' dari kejadian tersebut akan digunakan sebagai salah satu mekanisma untuk mengelak dari kejadian yang berulang ditempat lain.

Maklumbalas dari JKKP

Questions on Paper 5 : En Zariman (MSOSH)

Tajuk : Does DOSH compliance good enough to prevent accident?

1. Apakah tindakan JKKP di atas majikan yang tidak menghormati SHO dan yang melanggar undang undang..

Seksyen 29 KKP terpakai kepada penghuni dimana seksyen ini terpakai untuk menggaji SHO dimana SHO ini berperanan untuk menjamin pematuhan wajar dan penggalakan perjalanan selamat di tempat kerja. Tanggungjawab dan fungsi digariskan di Bahagian V Peraturan SHO 1997.

Dengan mengandaikan bahawa "tidak menghormati" memberi maksud tidak mengambil tindakan atau tidak membincangkan Laporan yang dikemukakan oleh SHO, majikan telah melanggar kehendak Peraturan 20(1) dan 20(2) Peraturan SHO, maka majikan boleh dikenakan denda seperti yang digaris dibawah Seksyen 51 AKKP.

Maklumbalas dari JKKP

2. Kenapa baru baru ini CIDB masuk campur audit di tapak pembinaan. Adakah CIDB kompeten utk membuat inspection pihak majikan

Jabatan Keselamatan dan Kesihatan Pekerjaan dan CIDB telah pun menjalinkan kerjasama dalam aspek keselamatan dan kesihatan melibatkan industri pembinaan negara. Penyelarasan secara komprehensif merangkumi penguatkuasaan undang-undang, pembangunan modal insan, pembangunan aspek piawai serta usaha promosi di dalam bidang industri pembinaan. Antara sasaran yang utama di dalam Program Transformasi Industri Pembinaan 2020 yang dibangunkan oleh pihak CIDB adalah mengurangkan kepada separuh atau 50 peratus kadar kematian pada tahun 2020 berbanding 10.94 bagi setiap 100,000 pekerja yang dicatatkan pada 2015.

Pematuhan kepada aspek undang-undang terutamanya dalam aspek Keselamatan dan Kesihatan boleh dijalankan oleh ke dua-dua agensi dan mengikut bidang kuasa

masing-masing tidak menjadi masalah. Aspek keselamatan dan kesihatan pekerjaan bukanlah terletak dibahu agensi penguatkuasa termasuk pihak berkuasa tempatan semata-mata malah ia menjadi tanggung jawab pemilik, pereka bentuk dan juga kontraktor dan semua pihak yang terlibat di dalam industri pembinaan dalam menangani aspek keselamatan dan kesihatan dan juga kebajikan pekerja.

Maklumbalas dari JKPP

3. For projects involving public safety can DOSH make it compulsory for a grounds engineer to work together with SHO in ensuring critical activities are being certified safe to carry out

Tanggungjawab untuk menangani **RISIKO** terletak di bawah tanggungjawab orang yang mewujudkan **RISIKO** dan mempunyai kawalan ke atas **RISIKO** tersebut. Ini adalah menjadi tanggung jawab pihak majikan untuk memastikan kerja-kerja kritikal dan berisiko tinggi perlu dilaksanakan oleh orang yang kompeten di dalam bidang masing-masing.

Maklumbalas dari JKPP

4. JKPP lambat proses dokumen thru mykkp

JKPP sedang menaiktarap system ICT dari SMBF ke MyKKP dan diperingkat ujian terakhir. Dalam proses ini, terdapat kelemahan yang perlu diperbaiki supaya mengikut spesifikasi. JKPP memahami kelambatan ini dan berusaha untuk memperbaikinya. Ini termasuk mengganti / menambah server baru, menaiktaraf system SKUD. Diharap MyKKP dan SKUD lebih stable di masa hadapan.

Maklumbalas dari JKPP