

CADANGAN PERATURAN BAHARU:

PERATURAN KESELAMATAN DAN KESIHATAN
PEKERJAAN (PENGURUSAN RISIKO KKP)

*OCCUPATIONAL SAFETY AND HEALTH (OSH
RISK MANAGEMENT) REGULATIONS*



Bahagian Dasar Antarabangsa
dan Pembangunan Penyelidikan,
Jabatan Keselamatan dan Kesihatan
Pekerjaan, Malaysia

**SERANTA AWAM
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***ONLINE PUBLIC
ENGAGEMENT***

INTRODUCTION

Purpose of Regulations:

- 1) to outline the duty of employer and self employed person to carry out risk assessment in the workplace
- 2) to establish a uniform manner for conducting risk assessment

Scope of Regulations:

- All workplaces covered under OSH Act 1994

Enablers of Regulations:

- Section 66 (2) (u), OSH Act 1994



RINGKASAN PERATURAN

Part 1

Interpretation

1. **competence** - ability to apply knowledge, skills and experience to achieve intended results.
2. **hazard** - source with a potential to cause injury and ill health.
3. **incident** - occurrence arising out of, or in course of, work that could or does result in injury and ill health.
4. **residual risk** - the remaining risks after implementation of risk control.
5. **risk assessment** - the process of evaluating the risks to safety and health arising from hazards at work and determining the appropriate measures for risk control.
6. **risk assessor** - a person who is competence to carry out risk assessment.
7. **safe work procedure** - any procedure for carrying out work safely, and includes any procedure which is to be taken to protect the safety and health of persons in the event of an emergency.

Part 2. Application

1. These regulations will apply to all workplaces in relation to occupational safety and health risk.
2. Any risk assessment done before the commencement of these Regulations will be reviewed in accordance with the manner in these Regulations within one (1) year from the date of the commencement of these Regulations.
3. Any requirement imposed by or under this Act relating to the need to carry out a risk assessment will be deemed to have complied with the requirements imposed under these Regulations.

Part 3. Risk Assessment

Duty of an employer or self-employed person:

- (i) to conduct a risk assessment for any activities in relation to the safety and health risk in the workplace.

Risk assessment conducted, should also take into account during design stage of the plant or place of work.

- (ii) to ensure that a risk assessment is conducted by a risk assessor, and
- (iii) to ensure a risk assessor conduct risk assessment in accordance with the manner specified in the Industry Codes of Practice (ICOP), or any other manner which fulfil the intention of the ICOP in managing the risk.

Part 4. Risk Control

1. Duty of an employer or self-employed person:
 - (i) to apply the general principles of prevention as specified in **Appendix 1** when implementing risk control, and
 - (ii) Where it is not practicable to avoid the risk as specified in general principle of prevention, to implement:
 - a) such practicable measures to minimise the risk as specified in general principles of prevention; and
 - b) such safe work procedures for every activity at the place of work to control the risk.
2. Duty of an employer to specify the roles and responsibilities of persons involved in the implementation of any-risk control or safe work procedure.
3. For self-employed person, he himself is responsible in the implementation of any risk control or safe work procedure.
4. Duty of an employer or self-employed person, where any risk control is being determined, to re-evaluate the risk until the residual risks of the hazard so far as is practicable:
 - (i) are medium risk level or low risk level, and
 - (ii) not higher than the initial evaluation.
5. Duty of an employer or self-employed person to ensure all risk control are maintained at all time.

Part 5. Review of Risk Assessment

Duty of an employer or self-employed person to review the risk assessment when:

- (i) any incident occurred to any person as a result of exposure to a hazard in the workplace;
- (ii) there is a significant change in work process, practices or procedures,
- (iii) new information on hazard is made known, or
- (iv) directed by the Director General within the time limit so specified.

Part 6. Provision of Communication

Duty of an employer or self-employed person:

- (i) to ensure that any person in the workplace who may be exposed to a risk to his safety and health is being communicated on:
 - (a) the nature of the risk involved, and
 - (b) any risk control or safe work procedure implemented
- (ii) to comply with **paragraph (i)**, whenever any risk assessment is reviewed, or where any risk control or safe work procedure implemented is changed.

Part 7. Record of Risk Assessment, etc.

Duty of an employer or self-employed person:

- (i) to maintain a record of any risk assessment conducted and any risk control or safe work procedure, and
- (ii) to make available a record of any risk assessment for examination upon request by the Director General.

Part 8. Compoundable offence

Offences against part 3,4,5,6 and 7 are compoundable by the Director General under section 62 (1) of the Act.

Part 9. Penalty

Part	Penalty
Part 3(i) or 4	<ul style="list-style-type: none">• Max fine RM 40,000, <i>and/or</i>• Imprisonment not exceeding 2 years
Part 3(ii), 3(iii), 5, 6 or 7	<ul style="list-style-type: none">• Max fine RM 20,000, <i>and/or</i>• Imprisonment not exceeding 1 year

Appendix 1

Principles of Prevention

1. avoiding risks
2. evaluating the risks which cannot be avoided
3. controlling the risks at source
4. adapting the work to the individual, especially as regards the design of place of construction work, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their effect on health
5. adapting to technical progress
6. replacing the dangerous by the non-dangerous or the less dangerous
7. developing a coherent overall prevention policy which covers technology, organisation of work, working conditions, social relationships and the influence of factors relating to the working environment
8. giving collective protective measures priority over individual protective measures, and
9. giving appropriate instructions to employees

TERIMA KASIH