OSH PERFORMANCE AND MONITORING vs OSHA 1994

By HAZLINA YON
SECTION HEAD STATUTORY INSPECTION
DOSH SELANGOR

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BRISDALE HOTEL, KUALA LUMPUR
SCOPE

1. Introduction to DOSH
2. Accidents Statistic
3. Legislations
4. OSH Management System
5. DOSH’s Issues, challenges and strategies
6. Conclusion
RESPONSIBLE FOR:

- Administering, managing and enforcing OSH issues in Malaysia

- Ensuring safety, health and welfare of those at work and others from hazards arising from work activities in all economic sectors 1st Schedule OSHA 1994 (Jadual 1 – AKKP 1994)
Strategy 1: Fostering and Enhancing Government Leadership and Practices
Strategy 2: Preventive Workplace Safety Cultures
Strategy 3: Industry Leadership and Community Engagement
Strategy 4: Develop strong partnerships locally and internationally

Ensure Safety, Health & Welfare of Workers
Vision
Mission
Strategic Goals

Firm, Fair & Friendly
Values

Implementation of OSH Master Plan 2011-2015 towards Self-Regulation

JABATAN KESELAMAATAN DAN KESIHATAN PEKERJAAN (DOSH) MALAYSIA (KEMENTERIAN SUMBER MANUSIA)
PERSON AT WORK

CHEMICAL HAZARDS
- Gas/vapour
- dust/mist/fumes
- etc.

PSYCHOSOCIAL HAZARDS
- sexual harassment
- peer pressure
- neighbour/family
- drug abuse
- etc.

PHYSICAL HAZARDS
- mechanical
- electrical
- ergonomic
- noise/vibration
- height
- heat
- pressure
- etc.

BIOLOGICAL HAZARDS
- bacteria/virus/spore
- vegetable dust
eg. Pollen
Implementation of Strategic Plan & Continuous OSH Development thru. Standard Setting, Enforcement & Promotion

Source: SOCSO
ACCIDENT RATE CURRENT YEAR

- Accident rate for 2013 is **3.28** for 1000 workers while for 2012 the rate is **3.31** for 1000 workers.
- Reduction of **0.9** percent.
- About **210,413** statutory inspections conducted by DOSH in 2013
- Based on those inspections about **18,186** notices issued, **415** compounds and about **350** cases of prosecutions on OSH related issues.

Reported Occupational Disease

Source: SOCSO
To ensure safety, health and welfare of all workers at work
OSHA : Sectors Coverage

- Act 139, 1967
- Act 302, 1984
- Act 514, 1994

Sustaining OSH Business Cluster : Focusing on key engines of growth
OSH Strategic Drivers

**DOSH 2005 - 2010**
- Enhance competencies of officers & OSH practitioners
- Strategic alliance
- Increase enforcement activities
- Focus on critical sectors (SME, BC, Agriculture, Transportation & School)
- Conduct R&D
- Enhancing leadership (gov.)
- Regulate Osh MS

**DOSH 2011-2015**
- National policy framework on OSH
- Enhance tripartite co-operation
- Promote preventive culture
- New skill & competencies are acquired & developed
- Strategic alliance at regional level
- Increase enforcement activities
- Focus on soft issue, ergonomic, stress & etc.
- R&D – structured & defined
- Enhancing leadership (employers/Union)
- **Business Focus – Enhance SMEs**
- OSH MS in place

**Outcome: Self Regulation**
- Regulate OSH MS
- Enhance tripartite co-operation
- Promote preventive culture
- New skill & competencies are acquired & developed
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- **Business Focus – Enhance SMEs**
- OSH MS in place

**DOSH 2016-2020**
- 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

**Outcomes**
- Preventive Culture

**Standard Setting**

**Enforcement**

**Promotion**
DOSH Core Business

- Policy analysis
  - Formulate new industry regulations, guidelines and ICOPs
  - OSH statistic
  - ILO ratification
  - Conducting R&D
  - OSH focal point

- Design Approval
  - Registration (Factories, machinery, work construction sites, etc.)
  - Accreditation
  - Competent person
  - Competent Institutions/Firms
  - Inspection
  - Audit of OSH System
  - Investigation of industrial accidents/occupational diseases or poisoning
  - Industrial hygiene monitoring
  - Legal proceedings

- Seminar, campaigns, exhibitions, talks, dialogue, etc.
  - OSH Consultation
  - OSH promotion/publication in printed & electronic media
  - Secretariat for NCOSH
  - Promote OSH national agenda
OSH Landscape in Malaysia

**Education, Research & Training**
- NIOSH
- Nuclear Malaysia
- CIDB
- Higher Education Institution
- NGO’s

**Policy Advisory & Promotion**
- NCOSH

**Administration & Enforcement**
- DOSH

**Social Protection & Compensation**
- Private Sector
  - SOCSO
  - EPF
  - Insurance
- Public Sector
  - Medical Scheme
  - Pension
  - Ex-gratia
- Foreign Workers
  - EPF

**Workplace**
- Employer
- Workers
- Visitor

**OSH Services**
- DOSH
- NIOSH
- MSOSH
- SOCSO
- Occupational Health Unit, MOH
- Institute of Medical Research, MOH
- Society of Occupational and Environment Health Medicine
- Malaysian Occupational Therapist Association
- UKM, UPM, UM
- Private Consultants

**Social Partners**

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**Occupational Emergency**
- Royal Malaysian Police
- Atomic Energy Licensing Board
- SMART Team
- Fire & Rescue Department
- Civil Defense
- Department of Environment
- Ministry Of Health
- National Security Council
- Red Crescent
# OSH Players’ Function

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Addressing on the importance of risk prevention & control (HIRARC)

OSH as a part of daily business thru. implementing OSH MS 1722 and it becomes a culture

Greater industry is taking responsibility of standards and outcomes

Legislative Framework

- Ensure minimum standards of protection (safety, health & welfare) of workers at the workplace
- Promotes self-regulation, consultation, & tripartite cooperation
- Stipulates requirement to conduct proper risk assessments & implement control measures to eliminate or reduce risks at the workplace
- Requirement to develop and implement good system of work

OSH Basic Principle

PREVENTION

Reducing risks at source

Self Regulation

Ownership of Outcomes

Continuous Improvement
FMA 1967 – SALIENT PROVISIONS…

PART 2 : SAFETY, HEALTH AND WELFARE

SAFE PREMISES
- Foundation and roof shall be of sufficient strength
- Floors, platforms, stairways, ladders shall be of safe construction

MACHINERY
- sound construction
- dangerous part shall be securely fenced/guarded

CERTIFICATE OF FITNESS
- no person shall operate any machinery of which a certificate of fitness unless a valid certificate of fitness is issued
PART 3: PERSONS IN CHARGE AND CERTIFICATES OF COMPETENCY

- Machinery operators must be adequately trained or under supervision

- Certain machinery operators are required to have certificate of competency
PART 5: NOTICE OF OCCUPATION OF FACTORY, AND REGISTRATION AND USE OF MACHINERY

Operation of factory
- Shall notify Inspector on the usage of any premises as a factory

Installation of machinery
- No person shall install machinery except with written approval of the Inspector
OCCUPATIONAL SAFETY AND HEALTH ACT 1994 (ACT 514)
OSHA IN MALAYSIA

The Need!

- Factories & Machinery Act 1967, Act 139
  - Limited scope of coverage, confined to
    - Manufacturing
    - Mining and Quarrying
    - Building Construction and Works of Engineering Construction
  - Descriptive and Prescriptive
    - Reliance on government
    - Too rigid
“Responsibility to ensure the safety and health at work lies with those who create the risk and those who work with the risk”

- Self regulation
- Consultation
- Workers Cooperation and Participation
OBJECTS OF THE ACT

- To ensure the safety, health and welfare of person at work

- To protect other person (other than person at work) who are at the place of work

- To promote the occupational environment adaptable to the person’s physiological and psychological needs

- To provide the means towards a legislative system based on regulations and industry codes of practice in combination with the provisions of the Act.
CONTENTS OF OSHA 1994

15 Parts
1. Preliminary;
2. Appointment of Officers;
3. National Council for OSH;
4. General Duties of Employers and Self-Employed Persons;
5. General Duties of Designers, Manufacturers and Suppliers;
CONTENTS OF OSHA 1994

6. General Duties of Employees
7. Safety and Health Organizations;
8. Notification of Accidents, Dangerous Occurrence, Occupational Poisoning and Occupational Diseases and Inquiry;
9. Prohibition Against Use of Plant or Substance;
10. Industry Codes of Practice;
CONTENTS OF OSHA 1994

11. Enforcement and Investigation;
12. Liability for Offences;
13. Appeals;
14. Regulations;
15. Miscellaneous.
Section 15: General Duties of Employers to their employees

Shall be the duty of every employer to ensure so far as is practicable, the safety, health and welfare at work of all his employees.

• provision and maintenance of a safe plant and systems of work.
• make arrangement for the safe use or operation of plant and substances.
• provision of information, instruction, training and supervision
Section 16: Formulation of safety and health policy
It shall be the duty of every employer to prepare a written statement of his general OSH policy of his employees.

Section 29: Safety and Health Officer
Apply to such class or description of industries specified by the Minister in SHO Regulations 1997.
Section 30: Establishment of safety and health committee at place of work
Every employer shall establish a safety and health committee at place of work if:-
there are 40 or more employees at the place of work;
or as directed by the Director General

Section 32: Notification of accidents, dangerous occurrence and occupational poisoning and diseases
• Employer shall notify the nearest DOSH office of any accident, dangerous occurrence and occupational poisoning and diseases.
PENALTY FOR OFFENCES

- **Under the Factories and Machinery Act 2006;**
  - Maximum fine of RM 250,000.00
  - Up to 5 years jail imprisonment.
  - Both fine and jail imprisonment.

- **Under the OSHA 1994;**
  - Maximum fine of RM 50,000.00,
  - Jail imprisonment of up to 2 years or
  - Both fine and jail imprisonment.
In 1996, the British Standards Institution (BSI) announced BS 8800, which later became the basis of OSH MS.

In April 1999, the major European certifying organizations led by BSI played the central role in the formulation of OHSAS 18001.

Integration of OSH MS into ISO management system standards were twice considered but voted down.

ILO announced its OSHMS guidelines in December 2001.

Malaysia has MS-OSHMS guidelines in 2003, MS 1722 in 2005.
OSHA 94 requirements include elements of OSH MS such as safety policy, organisation, and training, but as it is worded in legal terms, it does not provide for the step by step approach to form a complete Management System.

Thus, in order for the companies to comply with the law, there is a need for a structured format such as provided by OSH MS for implementation.

In general, the development of OSH programs and activities are very much driven by legal requirements (the Act, Regulations or Code of Practice) – Program Approach.
However, large companies already implement some form of OSH.

In other words, most of the industries are still dependant on government or regulators in managing their safety and health.

The OSH-MS assists industries to manage safety and health at the workplace based on the system approach (Plan-Do-Check-Act concept) with the OSH legal requirements forming the framework of the OSH-MS.
OSH MANAGEMENT SYSTEM

Policy
Organizing
Planning & Implementation
Evaluation
Action for Improvement
Why Bother With Performance Monitoring And Measurement?

- Performance monitoring and measurement is like driving at night
  - No headlights than you know you’re moving but do know what you will crash into
  - No map you might see your way but not know where you are going to
- Required by regulation:
  - Safety and Health Officer, USECHH, management systems.
What Performance Monitoring Can Do

- Developing strategies in preventing incidents
- Recorded details provide a broad picture of events
- The database can be analysed for info on:
  - The most common types of incidents and the factors that caused it
  - The trend in safety performance
  - Benchmarking performance against other workplaces
What You Need To Do

- Monitor:
  - If organisation’s objectives are met
  - Compliance with OSH programme and regulatory requirements eg OSHA 1994
  - Incidents, ill health, near-misses
  - Environment (noise, fumes, etc.)
  - Medical / Biological (Lead, etc.)

- Determine how to reliably measure these

- Responsibility and authority for monitoring
Ways Of Measuring Performance

- **Proactive (use measure for prevention)** -
  - Compliance (towards legal requirement -- Regulations, Codes of practice, Guidelines)
  - Activity (training, safety meeting, inspection)

- **Reactive (use measure for Correction)** -
  - Near misses, injury, plant damage, etc.
  - Qualitative & quantitative analysis e.g. fatality rates, incidence rates

  **PREVENTION IS BETTER THAN CURE!!**
Disadvantages Of Reactive Measures

- Traditional performance measures have been reactive measures.
- They measure failure to prevent incidents rather than “safeness”.
- Useful for measuring deficiencies and deviations.
- These measures are very dependent upon good reporting (e.g. near misses).
Reactive (Traditional) Performance Measures
Reactive measures I

Number of accidents

- Stated as Lost Time injury (LTI) for workers away from work for one day or more (used by SOCSO)

- A better measure is to include near misses:
  - No. of Accident + No. Of (incidents or near misses)
  - Difference between an accident and an incident is quite often “luck”
Reactive measures II

Incident Rate:

- Workplace with less LTI does not mean it is safer than the one with a higher number if it has less workers.
- The number of undesired events for each one thousand persons' working at that location eliminates this problem.

Incidence Rate = \frac{\text{number of incidents}}{\text{annual average employment}} \times 1000
Reactive measures III

Frequency Rate:

- The incident rate measure is a good measure for comparisons between two locations.
- However this is less accurate if the number of hours worked by each person is different.
- The frequency rate is a better comparison especially between similar work locations.

\[
\text{Frequency Rate} = \frac{\text{Number of Incidents}}{\text{Total Hours Worked}} \times 1000000
\]
Reactive measures IV

Severity Rate:

• The Incident Rate and frequency rates do not indicate how severe the incidents are.
• If the number of days lost are taken into account as a measure of severity than the severity rate will show the seriousness of the incidents in the workplace.

Severity Rate = $\frac{\text{Total Workdays Lost} \times 1000000}{\text{Total Hours Worked}}$
Reactive measures V

- **Fatality Rate:**
  - The fatality rate will show how many deaths on the average are killed among the people employed in the workplace.

\[
\text{Fatality Rate} = \frac{\text{Number of Fatalities}}{\text{Annual Average Employment}} \times 1000000
\]
PROACTIVE MEASUREMENTS
What Is Proactive Measurement

- This measurement is concerned with the quantity and quality of activity in ensuring safety
- Performance measurement will provide feedback on how well occupational safety and health is being managed
Proactive Performance Measures

- Percent of compliance to legislation
- Percentage of training completed
- Frequency of "walk through" and "checklist" inspections carried out
- Number of corrective actions completed on time
- Availability of competent persons
- Frequency of emergency drills and exercise carried out
- Speed of emergency response
Presenting The Information

- The purpose of comparing and analysing performance measures are to show performance trend and to compare with benchmarks.

- Carry out analysis at plant level, department level and at company level.

- SOCSO does this at the national level.

- Present for easy understanding, use graphics.
KEY ISSUES

- In order to measure performance, DOSH encourage employers to establish and implement OSH MS;

- DOSH promote the MS1722:2003; 2005

  What about other management systems beside MS- OSHMS?

- DOSH give employers a free hand to choose any systems
CHALLENGES

- Still many unreported occupational accidents and diseases.

- Safety and health standard in SME is generally lower compared to large industries.

- Some large industries are still in ‘COMFORT” zones, lack of supervision, lack of follow up and follow through to ensure implementation.

- Self regulation approach is not widely practiced by industries especially in SME.
OSH STRATEGIES...

- To increase the number of DOSH Inspectors
- DOSH to carry out more workplace inspection
- To shift from prescriptive approach to self regulation approach
- DOSH to provide regulations, guidelines and code of practice to assist industries in compliance to occupational safety and health requirements: eg Regulations on Person In Charge 2014, CLASS Regulations 2013
OSH STRATEGIES...

- To make OSHMS MS1722 as a mandatory requirement

- To increase OSH awareness among the workers, employers and general public
  - Safety campaign
  - OSH award
  - OSH Conferences, seminars and exhibitions
OSH STRATEGIES...

- Patrolling and night enforcement for certain high risk industries
- Introducing Safety Patrol Units for building construction activities.
- Improve knowledge of DOSH inspectors
- Legal actions to non compliance of laws and regulations
  - Notice of improvement or Notice of Prohibition
  - Compound
  - Prosecution
Higher penalty for non-compliance

- Under the amended FMA 2006, maximum penalty is now increased from RM5,000 to RM250,000 or to imprisonment not exceeding 5 years or both.

- Compound has been increased from RM100 to half of the maximum penalty
CONCLUSIONS

- Accident trend shows that accident rate is going down toward zero accident
- There are rooms for improvement in reducing current accident rate

What need to be done?

- Associations and NGOs MUST play their part as OSH SOCIAL PARTNERS
- Employers must be fully committed to ensure OSH at their sites
  - Comply to the OSH laws & regulations,
  - Adopt & adapt to any OSH management system at sites.
What need to be done?.....

- **Employees** must give full cooperation to employers in complying to OSH requirements.
- **DOSH** to review enforcement strategies towards an effective enforcement.

- **EVERYONE** must play a part to inculcate safety culture at work.
THANK YOU FOR LISTENING