Occupational Safety and Health

The role of occupational safety and health has been in existence for more than 120 years. The purpose of an occupational safety and health regulation is to promote and encourage safety and health awareness among workers. In Malaysia, the Occupational Safety and Health Act 1994 was approved by the Parliament in 1993 and was gazetted on February 1994.

However, what role does the Act play in helping to ensure the safety and health of workers in the country? To answer these questions, Jurutera seeks the opinion of Prof. Dr Wong Shaw Voon, Director of Vehicle Safety and Biomechanics Research Centre at the Malaysian Institute of Road Safety Research (MIROS).

What is the standard of safety and health regulations for workers in Malaysia compared to developed countries?

In the United States, the passage of the Occupational Safety and Health Act of 1970 led to the creation of the Occupational Safety and Health Administration (OSHA). In Malaysia, the legislation on occupational safety and health was made in 1994. The general and main body of the Malaysian version of the OSHA has many similarities to the OSHA in the US and other developed countries.

OSHA is an Act with further provisions for securing the safety, health and welfare of persons at work, protecting others against risks to safety or health in connection with the activities of persons at work, to establish the National Council for Occupational Safety and Health, and for matters connected therewith.

The Malaysian OSHA covers all general and major aspects of the original Act. However, referring to each and every regulation and order under the OSHA, it may vary from one country to another depending on the country's respective needs and concerns. The following regulations and orders are under the Malaysian OSHA 1994:

- **OSHA Regulations 1995 –** Employer's Safety and Health General Policy Statements
- **OSHA Regulations 1996 –** Control of Industrial Major Accident Hazards
- **OSHA Regulations 1996 –** Safety and Health Committee
- **OSHA Regulations 1997 –** Classification, Packaging and Labelling of Hazardous Chemicals Regulations 1997
- **Safety and Health Officer Order 1997**
- **Safety and Health Officer Order 1999**
- **Prohibition of Use of Substance Regulations 2000**
- **Use and Standards of Exposure of Chemicals Hazards to Health Regulation 2004**
- **Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease Regulations 2004**

In addition to the aforementioned, the Factories and Machinery Act 1967 is also playing a role in providing safe and healthy work environment to all related parties.

What are some of the challenges that are surrounding these regulations and how can these challenges be overcome?

Technologies and conditions are changing very rapidly nowadays. New threats to safety and health are one of the key challenges that we have to deal with. The regulations and codes of practise under the bigger umbrella of OSHA have to be dynamic enough to remain relevant, both in terms of developing new and revising existing regulations respectively.

In your opinion, are there enough regulations to protect the safety and health of workers in the country? If not, what are some of the weaknesses in these regulations and how can these be rectified?

In my opinion, the existing regulations are adequate to protect the safety and health of these workers although the code of practise is still lacking for certain sectors. In my opinion, however, of more important concern is the question of how dynamic we are. I believe we are lacking experts in certain industries and areas to have effective enforcement, as well as the control of safety and health issues. On many occasions, an expert is needed to identify a threat scientifically and to help get rid of or control it in a proper and effective manner.

Are the compensations provided adequate to meet the needs of injured/incapacitated workers?

It is the right of a victim to demand appropriate compensation accordingly. In developed countries, many victims have successfully brought their cases to court, which then decides on an appropriate compensation. Adequate is a relative quantity, and for many people, no amount is ever adequate. Thus, these victims should be given an appropriate rather than an adequate compensation.

After an accident occurs, victims have the right to bring their case to a civil court, or other proper channel, if an appropriate compensation has been denied. Now the challenge that remains is – how much is an appropriate amount? This has to be proven with support evidences and proper estimations.

Workers who were injured/incapacitated have claimed that compensation from the proper authorities have been delayed due to bureaucracy. Is this true and what can be done about it?

From my personal knowledge, a delayed claim may be due to insufficient evidence or potential frauds, such as false information, fake evidence, etc. An examiner would usually have to spend many extra hours, maybe even weeks, to verify, analyse and provide fair judgement to a claimant. An examiner with a high level of competency and efficiency would significantly reduce such delays.

In the past, foreign workers have point out that there is a double standard when it comes to treatment and compensation. Should this be the case and what is your opinion of this issue?

In principle, there should be no difference between the two. However, we have to be reminded that the appropriate compensation amount does vary. Treatment wise, in my opinion, may differ due to inter-human exposure and experience. ■