



Industrial And Employment Legislation Relevant For Engineers on 13 Feb 2016

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The industrial legislation in Malaysia began approximately in 1878 with the establishment of the mining department and the inspection of engines and boilers legislation in 1890. These legislations eventually became the factories and machinery act. Back then, the electricity enactment had a limited role to play.

A snippet of the sequential progress of the initial establishment of legislations in Malaysia is as shown in Figure 1.

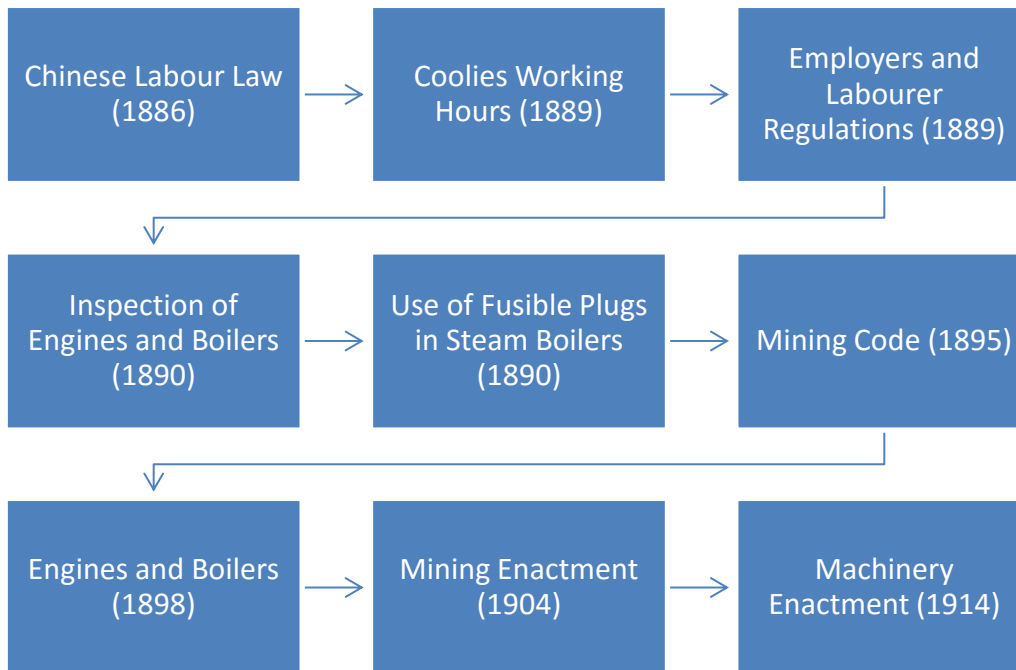


Figure 1: Legislations established in earliest phase

The industrial and employment legislation in Malaysia have undergone rapid development since 1948 or after the second world war. The Electricity Ordinance (1949) gained significant importance after 1951 alongside with the Machinery Enactment (1914), Mining Enactment (1904) and Labour Legislation (1886). Figure 2 illustrates the principal legislations which were developed since 1948:

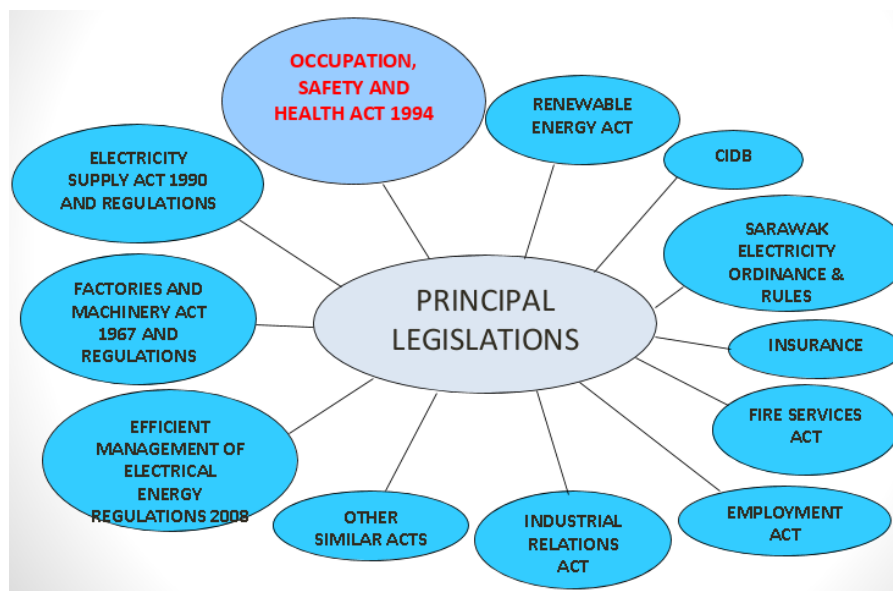


Figure 2: Principal legislations since 1948

In order for engineers as well as the public to read and understand the gazetted laws better, the Interpretation Act is a good reference document as it defines the specific words, terms and clauses which are applicable to other relevant laws in Malaysia. Terms such as “advocate”, “citizen” and computation of years of age are all comprehensively defined under this act.

The Occupational Safety and Health Act 1994 (OSHA) as highlighted in red font in Figure 2 is the supreme law pertaining to safety in Malaysia. Any other written laws which conflict with OSHA would be deemed void. It was developed based on the Health and Safety at Work Act 1974 of the UK. This act is very relevant to engineers as engineers are the ones whose responsibility has close relationship with the safety of the public. OSHA is applicable in various industries which includes manufacturing, mining and quarrying, construction, agriculture, forestry and fishing, utilities (electricity, gas, water, sanitary services) transport, wholesale and retail trades, hotels and restaurants, finance, insurance, real estate and business services, public services and statutory authorities throughout Malaysia except for the work on board ships which are governed by the Merchant Shipping Ordinance of Sabah or Sarawak or the Armed Forces.

Of the several parts of law under OSHA, Part IV which entails the general duties of employers and self-employed persons is the most relevant to engineers. Under the provision of Part IV, it is clearly gazette that the employers and self-employed person must ensure, by all practicable means, the safety, health and welfare at work of all his employees. The “employee” for this purpose includes independent contractor and his employees over whom the employer has control or would have had control subject to any contractor between the employer and the independent contractor.

In short, practicing engineers need to be familiarized with at least OSHA to uphold the integrity of the profession by ensuring that the safety and welfare of the public be safeguarded by all practicable means. Although the laws are well defined in Malaysia, enforcement must tag along to make the laws meaningful in the first place.