



Law for Engineers – Part 3

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A talk on “Law for Engineers- Part 3” was successfully organized by Electrical Engineering Technical Division at Wisma IEM on 10th September 2016. The speaker was Mr. Murugiah who is the President of the Institution of Certified Engineers Malaysia.

Mr. Murugiah started the talk by stressing on the importance of possession of knowledge of industrial laws. Section 55 of the Occupational Safety and Health Act stipulates that it is for the defense to satisfy the court that the offence was committed without his consent, connivance and he exercised all diligence to prevent the commissioning of the offence he ought to have exercised. Knowledge of industrial laws, code of practice and standards will be useful in such defense. Section 60 implies that all engineers must be familiar with all industrial legislation when undertaking any industrial works. Industrial codes of practice can be used in proceedings but subject to approval by minister and it must be published in gazette. If the codes of practice are not published in gazette, engineers may have to rely on Section 60 in respect to proving limits of what is practicable.



Mr. Murugiah delivering his talk

Mr. Murugiah then briefly recapped the previous 2 part of this series of talk on “Law for Engineers”. The first talk on 13th February 2016 covers on the historical development of industrial and employment legislation in Malaysia/Malaya since about 1878, the interpretation act, and OSHA act. The second talk on 4th June 2016’s covers on the Employers’ Safety and Health General Policy statement (exception) Regulations 1995 and Safety and Health Committee Regulations 1996.

The current talk will focus on OSHA- Safety and Health Officer Order 1997 and OSHA- Safety and Health Officer Regulations 1997. OSHA (Safety and Health Officer) Order 1997. Regulation 1 came into force on 22nd August 1997, 3 years after OSHA. Regulation 2 is on interpretation. “Building operations” means the construction, structural alteration, repair or maintenance of building including repainting, redecoration and external cleaning of the structure, the demolition of a building and the preparation for and the laying of foundation of an intended building. “Employee” includes and independent contractor engaged by an employer or self-employed person and any employee of the independent contractor. “Peak of work” is the time where the maximum possible number of workers are working at the site. “works of engineering construction” means the construction of any railway line or siding, and the construction, structural alteration or repair including repainting of the demolition of any dock, harbor, inland navigation, tunnel, bridge viaduct and waterworks.

Regulation 3 outlines the class or description of industries which are required to employ safety and health officer:

- a) Any building operation where the total contract price of the project exceeds twenty million ringgit
- b) Any work of engineering construction where the total contract price of the project exceeds twenty million ringgit
- c) Any ship building employing at peak of work more than hundred workers
- d) Any gas processing activity or petrochemical industries employing more than a hundred employees
- e) Any chemical and allied industry employing more than a hundred employees
- f) Any boiler and pressure vessel manufacturing activity employing more than a hundred employees
- g) Any metal industry where there is canning or stamping or blanking or shearing or bending operations and employing more than a hundred employees
- h) Any wood working industry where there is cutting or sawing or moulding or sanding or peeling or any combination of the above, and employing more than a hundred employees
- i) Any cement manufacturing activity employing more than a hundred employees
- j) Any other manufacturing activity employing more than a hundred employees

OSHA (Safety and Health Officer) Regulations 1997 outlines the details of the order aforementioned. This regulation came into force on 22nd August 1997 after the order was issued. In terms of interpretation, all acts and regulations will have words or phrases which have meaning applicable to only the regulations in question. Under this regulation, continuous education programme refers to course, seminar, conference or other education programme in OSHA or equivalent approved by the Director General. Director General of OSH is appointed under OSHA. Lost-time injury prevents a work from performing normal work leading to permanent or temporary incapacity. Near-miss accidents are accidents at workplace which has the potential of causing injury to person or damage to property. No lost time injury only requires medical attention but does not results in loss of time at work.

In conclusion, OSHA supersedes any other laws related to occupational safety and health. Hence, engineers should be familiar with the OSHA act to safeguard their personal and public safety and interest. Mr. Murugiah also hoped that the audience know what needs to be known and where to know if he or she is to manage a team or organization and the civil or criminal liability one may be subjected to.



EETD Main Committee, Mr. PJ Low delivering a token of appreciation to Mr. Murugiah