

Osha 1994 in malaysia's construction industry



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The construction industry is the builder of our modern world. Nowadays, rapid economic development has not only led to the significant improvement in incomes and the quality of life, but also resulting in great increases in the number of people killed and injured at work. The statistics of accidents at construction sites give us a picture that Malaysian construction industry is one of the critical sectors that need a huge and fast overhaul from the current site practices. Accidents are caused by the unsafe acts, unsafe condition or both. In order to improve the safety and health and minimize the rate of accidents, our government had implemented the OSHA 1994 in Malaysian construction industry. This study was started out by reviewing the literature from journals, articles, magazines, newspaper, web pages and relevant books. This study is carried out has the purpose of investigate the implementation of OSHA 1994 in Malaysian construction industry. In order to achieve the five objectives of this study, qualitative research method was employed to achieve the objectives. Hence the data obtained from primary source that is interview with the safety officer at few of the selected construction site. For the secondary sources found in the regulation of OSHA 1994, journals, articles, magazines, newspapers, thesis, web pages and case study. The finding of this research reveals the general duties of employers, employers and safety officer at construction site, the types of construction accidents and its causes and some of the effective ways in order to minimize the accident of construction. Furthermore, this study also proposes some recommendations to reduce the accidents in Malaysian construction industry based on the result of this research.

Introduction

Background

Construction can be a very difficult and extremely dangerous work.

According to the Charles and James (2006), people in the construction industry not only face the dangers of being the first on jobsite, but face potential risks and exposure throughout the building process. However, construction industry performs poorly in occupational safety and health. So, our government has implemented the Occupational Safety and Health Act (OSHA) 1994 into our construction industry. OSHA was enacted on 25th February 1994 with the intent to ensure safety, health and welfare of all persons at all places of work. However, our construction industry has not taken into mind especially for those workers and developer. The purpose of OSHA 1994 is to promote and encourage occupational safety and health awareness among workers and to create organization along with the effective safety and health measures. While the aims of OSHA 1994 are, to secure the safety, health and welfare of a persons at work and other than work against risks to safety or health arising out of the activities of persons at work , to promote an occupational environment for persons at work which is adapted to their physiological and psychological needs and to provide the means whereby the associated occupational safety and health legislation may be progressively replaced by a system of regulations and approved industry codes of practice operating in combination with the provisions of this Act designed to maintain or improve the standards of safety and health.

Construction industry are expected to comply with the provision of the act such as general duty of employer and employee, the requirement of safety

officer regulation, the requirement of safety and health committee and responsibilities of reporting of accidents and dangerous occurrences.

Precaution need to be taken to limit exposures which have the potential to cause detrimental health effects to construction workers.

Problem Statement

The construction industry is considered as one of the most dangerous industrial sector wherein the construction workers are more prone to accidents. Recently, the construction accidents in our country increase accordingly. Safety and health in the Malaysian construction industry has lagged behind most other industries as evidenced by its proportion high rate of accidents. It is due to the unawareness of the workers and employers in the construction site. One of the most important problems is the attitude of the workers and the developer. Therefore, they prefer working at the construction site without using the safety and health equipment and did not obey the regulation in the Occupational Safety and Health Act (OSHA) 1994. As a result, OSHA plays an important role in construction industry.

Key Questions

- Why constructions accidents still keep on increasing although OSHA 1994 had implemented in our construction industry?
- Do all the employers and employees comply with the rules and regulations of OSHA 1994 in construction industry?

Aim

To investigate the implementation of the Occupational Safety and Health Act 1994 in Malaysian construction industry and to recommend effective ways to reduce the accidents at construction site.

Objectives

- To study the regulations and laws of OSHA 1994 that had implemented in Malaysian construction industry.
- To identify the role of workers at construction site.
- To identify the important roles of safety officer at construction site.
- To analyze the common types of accidents and occurred in construction site and its causes.
- To investigate the ways to reduce the rate of accidents in construction site.

Scope of Study

The research will look into the implementation of OSHA 1994 in the Malaysian construction industry. This research will look for the safety and health at selected construction site. Areas of study are limited to the following:

- Study the regulations on employers, employees and safety officers.
- Identify the regulation of OSHA 1994 at construction site whether all the employers and employees have complied or not.
- Identifying the real situation of safety and health at the construction site.

Literature Review

OSHA 1994 is enforced in Malaysia in 25 February 1994 by the Department of Occupational Safety and Health (DOSH). The act defined the self-regulation and duties of employer, employee, designer/manufacturer and suppliers. The duty of every employer is to ensure safety, health and welfare at work of all his employees. For the employees, they shall be take

reasonable care for the safety and health of himself and other persons at work who might be affected. Under the OSHA 1994, National Council for Occupational Safety and Health (NCOSH) was established. The purpose of NCOSH is to improve level of awareness of occupational safety and health and to ensure the safety of all workplaces in Malaysia. The functions of NCOSH are as following:

- Changes deemed appropriate for occupational safety and health legislation;
- Administration and enforcement of occupational safety and health legislation;
- Open communication between management and employees regarding workers safety, health and welfare;
- Adequate control methods for industrial chemicals in the workplace;
- Work related death and accident statistical analysis;
- Issues dealing with the safety, health and welfare of woman, the handicapped and other groups in the community.
- Encouraging the development and acceptance of an industrial codes of practices related to workers safety, health and welfare;
- Development of rehabilitation plans and facilities to help those injured in the workplace.

The legislation also contains provision for formulating regulations and Code of Practices (COPs), which indicate “ what should be done” and thus assist the employer to comply with the Act.

According to Rozanah (1994), it is very important for the employers to manage occupational safety and health at their workplace because lack of

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management control often leads to the existence of causes of accidents and allows for the unsafe practices among the workers.

In the construction industry, accidents can be categorized into several types. According to Master Journal (2004), they have categorized all types of the construction accidents into ten ranges. There are struck against, struck by falling, flying, shattering, sliding and moving objects, caught in, on or between in- running nip, pinching, shearing, rotating, reciprocating, punching, pulling and jerking, carrying actions, fall on same levels, fall on different level, slip or overexertion strain and hernia, gradual onset and ergonomic cumulative trauma disorders, repetitive stress injuries, exposure to extreme temperatures, inhalation of poisonous gas and noise distraction.

Allan (2006) claimed that there are a lot of causes that cause the accidents happened in the construction workplace. Accidents are the direct result of unsafe activities and unsafe condition. Unsafe condition and unsafe act are often referred to as primary causes of accidents, because they are the most obvious causes and they are usually directly involved or present at the moment the accidents happens. Secondary causes are also important. They are normally due to the failures of the management system to anticipate, and include lack of training, maintenance, adequate job planning and instruction, and not having safe system of work in place. Examples of unsafe act are working without authority, leaving equipment in a dangerous condition, using equipment at the wrong speed, horseplay, drinking alcohol or taking drugs. Examples for the unsafe conditions are inadequate or missing guards to moving machine parts, missing platforms guardrails, defective tools and equipment, fire hazards and ineffective housekeeping.

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Allan (2006) acknowledged that, there are seven principles in order to minimize the occurrence of accidents at construction industry. There are avoid a risk altogether by eliminating the hazard, tackle risk at source, adapt work to the individual when designing work areas and selecting methods of work, use technology to improve conditions, give priority to protection for the whole workplace rather than to individuals, ensure everyone understand what they have to do to be safe and healthy at work, and the last one is to make sure health and safety management is accepted by everyone.

Research Methodologies

A research methodology is the way in which the objectives can be questioned. There are two types of research methodologies, which are quantitative research and qualitative research. In my thesis dissertation, I would like to choose qualitative research as my method of research.

According to Naoum (2002; p. 40), qualitative research is 'subjective' in nature. It emphasizes meanings, experiences, description and so on.

For my dissertation, I will use a primary source that is interview with the safety officer is one of the methods to acquire the information. I will interview with at least five safety officer in order to collecting the information to achieve my objectives. Interview is one of the major technique for collecting factual information as well as opinion. It is face-to-face interpersonal role situation in which an interviewer asks respondents questions designed to elicit answers pertinent to the research hypothesis.

Besides, I also will choose case study for my dissertation. I will choose some of the construction site to study and to investigate about the safety and

health of the workers in the construction site. Case study is one of the best methods because it involved an in-depth, longitudinal examination of an event. It provides a systematic ways of looking at the events, collecting data, analyzing information and reporting the result. Throughout the case study, I can observe on whether the construction workers and safety officer have comply with the regulation as stated in the OSHA 1994 or not.

By the way, I also will use secondary materials in order to complete my dissertation. Secondary materials are data which already available or had been drawn conclusion by other researchers. For example, the government publications, earlier researches, personal records and company record are the secondary sources. In order to get an efficient result, I will search some relevant reference books, journal, web pages, magazines, articles, newspaper that are related to the implementation of OSHA 1994 in Malaysian construction industry. Among these sources, journal articles and previous studies are the most relevant sources as they provide detailed findings. The journal articles may come from different independent and formal group and different universities libraries. Literature study is an effective ways on order to do the dissertation.