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*OCCUPATIONAL SAFETY AND HEALTH
(CONSTRUCTION WORK) (DESIGN AND MANAGEMENT)
REGULATIONS 2024*

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OCCUPATIONAL SAFETY AND HEALTH ACT 1994
OCCUPATIONAL SAFETY AND HEALTH (CONSTRUCTION WORK)
(DESIGN AND MANAGEMENT) REGULATIONS 2024

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OCCUPATIONAL SAFETY AND HEALTH ACT 1994

OCCUPATIONAL SAFETY AND HEALTH (CONSTRUCTION WORK)
(DESIGN AND MANAGEMENT) REGULATIONS 2024

In exercise of the powers conferred by section 66 of the Occupational Safety and Health Act 1994 [Act 514], the Minister makes the following regulations:

PART I

PRELIMINARY

Citation and commencement

1. (1) These Regulations may be cited as the **Occupational Safety and Health (Construction Work) (Design and Management) Regulations 2024**.

(2) These Regulations come into operation on 1 June 2024.

Application

2. These Regulations shall apply to all places of work in which a project is carried out.

Interpretation

3. (1) In these Regulations—

“safety and health file” means a file containing any information relating to a project as specified under regulation 14;

“construction phase” means the period of time when a construction work of a project starts until the construction work in the project completes;

“pre-construction phase” means any period of time during which any design or preparatory work of a project is carried out, including during construction phase;

“caisson” means a structure that is sunk through ground or water for the purpose of excavating and placing work at the specified depth and which subsequently becomes an integral part of the permanent work;

“vehicle” includes any mobile plant made available by the construction work contractor at a place of work;

“construction work” means the construction of any building, civil engineering or engineering construction work and includes—

- (a) the construction, alteration, conversion, fitting out, commissioning, renovation, repair, upkeep, redecoration or maintenance including cleaning which involves the use of water or an abrasive at high pressure, or the use of corrosive or toxic substances, de-commissioning, demolition or dismantling, of a structure;
- (b) the preparation for an intended structure, including site clearance, exploration, investigation and excavation, and the clearance or preparation of the site or structure, for use or occupation at its conclusion;
- (c) the assembly on site of prefabricated elements to form a structure or the disassembly on site of the prefabricated elements which immediately before such disassembly, formed a structure;
- (d) the removal of a structure, or of any product or waste resulting from any demolition or dismantling of a structure, or from disassembly of prefabricated elements which immediately before such disassembly, formed such a structure;
- (e) the installation, commissioning, maintenance, repair or removal of mechanical, electrical, gas, compressed air, hydraulic, telecommunications, computer or similar services which are normally fixed within or to a structure,

but does not include the exploration for, or extraction of, mineral resources, or preparatory activities carried out at a place where the exploration or extraction is carried out;

“client” means any principal or any person for whom a project is carried out;

“domestic client” means a client for whom a project is being constructed or carried out, which the project is not in the course or furtherance of a business of that client;

“construction work contractor” means any person who, in the course or furtherance of a business, constructs, carries out, manages or controls construction work, but does not include a domestic client;

“principal construction work contractor” means any construction work contractor appointed by the client under paragraph 7(1)(b);

“traffic route” means any route for pedestrian traffic or for vehicles and includes any doorway, gateway, loading bay or ramp;

“pre-construction information” means any information in the client’s possession or which is reasonably obtainable by or on behalf of the client, which is relevant to the construction work and is of an appropriate level of detail and proportionate to the risks involved, including—

(a) any information about the project, the planning and management of the project and the safety and health dangers, including any design and construction dangers and how the dangers will be addressed; and

(b) any information available in any existing safety and health file;

“designated person” means any person or employee who has completed the occupational safety and health training course and has sufficient training and experience or knowledge related to that work as required under section 31A of the Act;

“construction phase plan” means a safety and health plan as set out in accordance with regulation 13 or 17;

“excavation” includes any earthwork, trench, well, shaft, tunnel or underground working;

“construction work designer” means any person who in the course or furtherance of a business—

(a) prepares or modifies a design; or

(b) arranges for, or instructs, any person under his control to prepare or modify a design,

relating to a building, structure, product or mechanical or electrical system intended for a particular structure;

“principal construction work designer” means any construction work designer appointed by the client under paragraph 7(1)(a);

“the general principles of prevention” means the principles of prevention as specified in the First Schedule;

“project” means any project which includes or is intended to include a construction work and includes all planning, design, management or other work involved in a project until the end of the construction phase;

“design” means any drawings and its details and includes any specification and bills of quantity, including specification of any plant or substance, relating to a structure, and any calculation prepared for the purpose of the design;

“structure “ means—

- (a) any building, timber, masonry, metal or reinforced concrete structure, railway line or siding, tramway line, dock, harbour, inland navigation, tunnel, shaft, bridge, viaduct, waterworks, reservoir, pipe or pipeline, cable, aqueduct, sewer, sewage works, gasometer, road, airfield, sea defence works, river works, drainage works, earthworks, lagoon, dam, wall, caisson, mast, tower, pylon, underground tank, earth retaining structure or structure designed to preserve or alter any natural feature and fixed plant, or any similar or identical structure;
- (b) any formwork, falsework, scaffold or other structure designed or used to provide support or means of access during construction work, and any reference to a structure includes part of a structure;

“construction site” means any place where construction work of a project is being carried out or the area which the workers have access, but does not include any place of work within the site which is designated for the purposes other than construction work;

“place of construction work” means any place which is used by any person at work for the purposes of construction work or any activity arising out of or in connection with construction work.

(2) For the purposes of these Regulations—

- (a) any reference to a worker shall include an employee and a self-employed person; and
- (b) any reference to a plan, rule, document, report or copy shall include a copy or electronic version which is—
 - (i) capable of being retrieved or reproduced when required; and
 - (ii) secured from loss or unauthorised interference.

PART II
CLIENT DUTIES

Client duties in relation to project management

4. (1) A client shall provide the following arrangements for managing a project:
- (a) allocation of sufficient time, fund and other resources;
 - (b) the construction work can be carried out, so far as is practicable, without any risk to the safety and health of any person affected by the project; and
 - (c) the facilities as specified in the Second Schedule are provided in respect of any person carrying out the construction work.
- (2) A client shall ensure that the arrangements specified under subregulation (1) are maintained and reviewed throughout the project.
- (3) Any client who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Pre-construction information and construction phase plan

5. (1) A client shall provide pre-construction information as soon as practicable to every construction work designer and construction work contractor, appointed or being considered for appointment, of the project.
- (2) A client shall ensure that—
- (a) before the construction phase begins, a construction phase plan as specified under regulation 13 is drawn up by the construction work contractor, if there is only one construction work contractor, or by the principal construction work contractor; and

- (b) the principal construction work designer prepares a safety and health file for the project, which—

 - (i) complies with the requirements as specified under paragraph 14(1)(a);
 - (ii) is revised as appropriate to incorporate any relevant new information; and
 - (iii) is kept available for inspection by any person who may need the file in order to comply with any relevant legal requirements.

(3) Any client who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Compliance with safety and health

6. (1) A client shall take reasonable steps to ensure that—

- (a) the principal construction work designer complies with any other duties as specified under regulation 12 to 14; and
- (b) the principal construction work contractor complies with any other duties as specified under regulation 13 to 16.

(2) If a client disposes of the client's interest in the structure, the client is deemed to have comply with the duty in subparagraph 5(2)(b)(iii) by providing the safety and health file to the person who acquires the client's interest in the structure and ensuring that the person is aware of the nature and purpose of the file.

(3) Any client who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Appointment of principal construction work designer and principal construction work contractor

7. (1) Where there is more than one construction work contractor, or if it is reasonably foreseeable that more than one construction work contractor will be working on a project at any time, the client shall appoint in writing—

(a) a construction work designer with control over the pre-construction phase as a principal construction work designer; and

(b) a construction work contractor as a principal construction work contractor.

(2) The appointment under subregulation (1) shall be made as soon as practicable before the construction phase begins.

(3) Where the client fails to appoint—

(a) a principal construction work designer under paragraph (1)(a), the client is deemed to be the principal construction work designer and shall fulfil the duties of a principal construction work designer as specified under regulations 12 and 13; and

(b) a principal construction work contractor under paragraph (1)(b), the client shall fulfil the duties of a principal construction work contractor as specified under regulation 13 to 16.

(4) Any client who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Notification

8. (1) Where a construction work on a construction site is scheduled to last longer than thirty working days or exceed five hundred person days, the client shall notify the Director General in writing as soon as practicable before the construction phase begins.

(2) The notification under subregulation (1) shall contain the particulars as specified under the Third Schedule, and the particulars shall be clearly displayed at the construction site in a comprehensible manner where it can be read by the workers engaged in the construction work, if necessary, and shall be updated periodically.

(3) Any client who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(4) For the purposes of this regulation—

(a) “person days” means any day or part of a day when someone is expected to carry out construction work, whether he carries out any physical work at construction site or not;

(b) “working day” means any day on which construction work takes place.

Application to domestic client

9. (1) Where a client is a domestic client, the duties under regulations 4, 5, 6 and 8 shall be carried out by—

- (a)* the construction work contractor for a project where there is only one construction work contractor;
- (b)* the principal construction work contractor for a project where there is more than one construction work contractor; or
- (c)* the principal construction work designer where there is a written agreement that the principal construction work designer will fulfil those duties.

(2) If a domestic client fails to make the appointments as required under regulation 7—

- (a)* the construction work designer in control of the pre-construction phase of the project is the principal construction work designer; and
- (b)* the construction work contractor in control of the construction phase of the project is the principal construction work contractor.

(3) Subregulations 7(3) does not apply to a domestic client.

PART III

DUTIES AND ROLES IN RELATION TO SAFETY AND HEALTH

General duties

10. (1) Any construction work designer or construction work contractor, appointed to work on a project shall have the skills, knowledge and experience, and if they are an organisation, the organisational capability necessary to fulfil the role that they are appointed to undertake, in a manner that secures the safety and health of any person involved or affected by the project.

(2) A construction work designer or construction work contractor shall not accept any appointment to a project unless they fulfil the conditions as specified under subregulation (1).

(3) Any person who is responsible for appointing a construction work designer or construction work contractor to carry out work on a project shall take reasonable steps to satisfy themselves that the construction work designer or construction work contractor fulfils the conditions as specified under subregulation (1).

(4) Any person with any duty or function under these Regulations shall cooperate with any other person working on or in relation to a project, at the same or an adjoining construction site, to the extent necessary to enable any person with any duty or function to fulfil that duty or function.

(5) Any person working on a project under the control of another person shall report to that person anything they are aware of in relation to the project which is likely to endanger their own safety or health or the others.

(6) Any person who is required by these Regulations to provide any information or instruction shall ensure the information or instruction is comprehensive and able to be provided as soon as practicable.

(7) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Duties of construction work designer

11. (1) A construction work designer shall not commence any work in relation to a project unless he is satisfied that the client is aware of the duties owed by him under these Regulations.

(2) When preparing or modifying a design, a construction work designer shall take into account the general principles of prevention and any pre-construction information to eliminate, so far as is practicable, any foreseeable risk to the safety or health of any person—

- (a) carrying out or liable to be affected by any construction work;
- (b) maintaining or cleaning a structure; or
- (c) using a structure designed as a place of work other than construction site.

(3) Where it is not possible to eliminate the risks mentioned under subregulation (2), the construction work designer shall, so far as is practicable—

- (a) take steps to reduce or, if that is not possible, control the risks through the subsequent design process;
- (b) to provide information about the risks to the principal construction work designer; and
- (c) to ensure appropriate information is included in the safety and health file.

(4) A construction work designer shall take all reasonable steps—

- (a) to provide, with the design, sufficient information about the design, construction or maintenance of the structure; and
- (b) to sufficiently assist the client, other construction work designers and construction work contractors to comply with the duties provided under these Regulations.

(5) Any construction work designer who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Duties of principal construction work designer at pre-construction phase

12. (1) The principal construction work designer shall plan, manage and monitor the pre-construction phase and coordinate matters relating to safety and health during the pre-construction phase to ensure that, so far as is practicable, the project is carried out without any risk to safety or health.

(2) For the purposes of subregulation (1), a principal construction work designer—

(a) shall take into account the general principles of prevention and, where relevant, the content of any construction phase plan and any safety and health file, and in particular when—

(i) deciding on the design, technical and organisational aspects in order to plan the various items or stages of work which are to take place simultaneously or in succession;

(ii) deciding on the estimation of period of time required to complete the work or work stages; and

(b) shall identify and eliminate or control, so far as is practicable, any foreseeable risk to the safety or health of any person—

(i) carrying out or liable to be affected by any construction work;

(ii) maintaining or cleaning a structure; or

(iii) using a structure designed as a place of work other than construction site;

- (c) shall ensure that all the construction work designers comply with their duties as specified under regulation 11;
- (d) shall ensure that all persons working during the pre-construction phase cooperate with the client, the principal construction work designer and each other;
- (e) shall assist the client in providing the pre-construction information as required under subregulation 5(1);
- (f) so far as it is within the principal construction work designer's control, shall provide pre-construction information, promptly and in a convenient form, to every construction work designer and construction work contractor appointed, or being considered for appointment, to the project; and
- (g) shall liaise with the principal construction work contractor for the duration of the principal construction work designer's appointment and share with the principal construction work contractor any information relevant to the planning, management and monitoring of the construction phase and the coordination of safety and health matters during the construction phase.

(3) Any principal construction work designer who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding two hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Construction phase plan

13. (1) During the pre-construction phase, and before the set up of a construction site, the principal construction work contractor shall draw up a construction phase plan or make arrangements for the construction phase plan to be drawn up.

(2) The construction phase plan referred to in subregulation (1), shall specify the safety and health arrangements and site rules taking into account, where necessary, of the industrial activities taking place on the construction site and, where applicable, shall include specific measures concerning work which falls within one or more of the categories as specified in the Fourth Schedule.

(3) The principal construction work designer shall assist the principal construction work contractor in preparing the construction phase plan by providing to the principal construction work contractor all information which is in the control or knowledge of the principal construction work designer that is relevant to the construction phase plan including—

(a) any pre-construction information obtained by the principal construction work designer from the client; and

(b) any information obtained by the principal construction work designer from any construction work designer under paragraph 11(3)(b).

(4) The principal construction work contractor shall ensure that, throughout the project, the construction phase plan referred to in subregulation (1) is appropriately reviewed, updated and revised so that it continues to be sufficient to ensure that the construction work is carried out, so far as is practicable, without any risk to safety or health.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(6) For the purposes of this regulation, “site rules” means any rules which are prepared for a particular construction site and are necessary for safety or health purposes.

Safety and health file

14. (1) During the pre-construction phase, the principal construction work designer—

(a) shall prepare a safety and health file appropriate to the characteristics of the project which shall contain any information relating to the project which is likely to be needed during any subsequent project to ensure the safety and health of any person; and

(b) shall ensure that the safety and health file is appropriately reviewed, updated and revised to take into account of the work and any changes that have occurred.

(2) During the project, the principal construction work contractor shall provide to the principal construction work designer any information in his possession which is relevant to the safety and health file and the information shall be included in the safety and health file.

(3) If the appointment of a principal construction work designer concludes before the end of the project, the principal construction work designer shall present the safety and health file to the principal construction work contractor.

(4) The principal construction work contractor shall continue to review, update and revise the safety and health file received in subregulation (3).

(5) Upon completion of the project, the principal construction work designer or where there is no principal construction work designer, the principal construction work contractor, shall present the safety and health file to the client.

(6) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Duties of principal construction work contractor at construction phase

15. (1) A principal construction work contractor shall plan, manage and monitor the construction phase and coordinate matters relating to safety and health during the construction phase to ensure that, so far as is practicable, the construction work is carried out without any risk to safety and health.

(2) For the purposes of subregulation (1), a principal construction work contractor—

(a) shall take into account the general principles of prevention, and in particular when—

(i) deciding on the design, technical and organisational aspects in order to plan the various items or stages of work which are to take place simultaneously or in succession; and

(ii) deciding on the estimation of period of time required to complete the work or work stages;

(b) shall organise the cooperation between any construction work contractors, including successive construction work contractors on the same construction site;

(c) shall coordinate the compliance of the construction work contractors with the legal requirements for safety and health;

(d) shall ensure that employers, and for the protection of any worker and self-employed person—

(i) adhere to and comply with, the general principles of prevention and the provisions under Part IV; and

(ii) where requires, comply with the construction phase plan;

- (e) shall ensure that—
- (i) a suitable site induction is provided;
 - (ii) the necessary steps are taken to prevent any access by unauthorised persons to the construction site; and
 - (iii) throughout the construction phase, the facilities provided comply with the requirements as specified under the Second Schedule; and
- (f) shall cooperate with the principal construction work designer and share with the principal construction work designer any information relevant to the planning, management and monitoring of the construction phase and the coordination of safety and health matters during the construction phase.

(3) Any principal construction work contractor who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Duties of principal construction work contractor to engage with worker

16. (1) The principal construction work contractor shall—
- (a) make and maintain any arrangements enabling the principal construction work contractor and the workers engaged in a construction work to cooperate in developing, promoting and checking the effectiveness of measures to ensure the safety, health and welfare of the workers;
 - (b) consult the workers or their representatives in matters connected with the project which may affect the safety, health or welfare of the

workers, in so far as they or their representatives have not been similarly consulted by their employer; and

- (c) ensure that the workers or their representatives can inspect and take copies of any information in relation to the project which in the possession or knowledge of the principal construction work contractor, or which requires to be provided by these Regulations by the principal construction work contractor, which relates to the safety, health or welfare of the workers at the construction site, but does not include any information—
- (i) the disclosure of which would be against the interests of national security; and
 - (ii) relating specifically to an individual, unless that individual has consented to the information being disclosed.

(2) Any principal construction work contractor who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Duties of construction work contractor

17. (1) A construction work contractor—
- (a) shall not carry out any construction work in relation to a project unless he satisfied that the client is aware of his duties as client as specified under these Regulations;
 - (b) shall plan, manage and monitor construction work carried out either by the construction work contractor or by any worker under the control of the construction work contractor, to ensure that, so

far as practicable, it is carried out without any risk to safety or health;

(c) where there is more than one construction work contractor working on a project, shall comply with—

(i) any directions given by the principal construction work designer or the principal construction work contractor; and

(ii) the parts of the construction phase plan that are relevant to the construction work contractor's work on the project;

(d) where there is only one construction work contractor working on the project—

(i) shall take into account of the general principles of prevention when—

(A) deciding on the design, technical and organisational aspects in order to plan the various items or stages of work which are to take place simultaneously or in succession; and

(B) deciding on the estimation of period of time required to complete the work or work stages; and

(ii) shall draw up a construction phase plan in accordance with regulation 13, or make any arrangement for a construction phase plan to be drawn up, as soon as practicable, prior to the set up of a construction site;

(e) shall not hire, employ or appoint any person to work on a construction site unless that person has, or is in the process of

obtaining the necessary skills, knowledge, training and experience to carry out the tasks allocated to that person in a manner that secures the safety or health of any person working on the construction site;

- (f)* shall provide to each worker under their control with appropriate supervision, instructions and information so that the construction work can be carried out, so far as is practicable, without any risk to safety and health;
- (g)* shall not begin any work on a construction site unless reasonable steps have been taken to prevent any access by unauthorised persons into that site; and
- (h)* shall ensure, so far as is practicable, that the requirements specified under the Second Schedule are complied with so far as they affect the construction work contractor or any worker under the control of the construction work contractor.

(2) The information provided under paragraph (1)*(f)* shall include—

- (a)* a suitable site induction, where not already provided by the principal construction work contractor;
- (b)* the procedures to be followed in the event of immediate danger or imminent danger to safety and health; and
- (c)* any information on risks to safety and health—
 - (i)* as identified by the risk assessment required under the Act;
 - (ii)* arising out of the conduct of another construction work contractor's undertaking and of which the construction

work contractor in control of the worker ought reasonably to be aware; or

- (iii) any other information necessary to enable the worker to comply with the relevant statutory provisions.

(3) Any construction work contractor who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

PART IV

GENERAL REQUIREMENTS FOR ALL CONSTRUCTION SITES

Application of Part IV

18. (1) This Part shall apply to a construction site.

(2) A construction work contractor carrying out construction work shall comply with the requirements of this Part so far as they affect the construction work contractor or any worker under their control or relate to any matter within the control of the construction work contractor.

(3) A domestic client who controls the way in which any construction work is carried out by a person at work shall comply with the requirements of this Part so far as they relate to matters within the client's control.

Safe construction workplace

19. (1) A construction work contractor carrying out any construction work shall provide, so far as is practicable, suitable and sufficient safe access to and egress from—

(a) every construction site to every other place provided for the use of any person at work; and

(b) every place of where construction work is being carried out to every

other place within construction site to which workers have access.

(2) A construction site shall be, so far as is practicable, made and kept safe for, and without any risk to the health, of any person working there.

(3) All floor openings which may expose any person to the risk of falling shall be suitably and sufficiently guarded to prevent any person falling from any height.

(4) Action shall be taken to ensure, so far as is practicable, that no person uses any access to or egress from or gains any access to any construction site which does not comply with the requirements as specified under subregulations (1), (2) or (3).

(5) A construction site shall, so far as is practicable, have sufficient working space and be arranged so that it is suitable for any person who is working or who is likely to work, at the construction site, taking into account of any necessary plant likely to be used there.

(6) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Good order and security of site

20. (1) A construction work contractor shall ensure that each part of a construction site, so far as is practicable, be kept in good order and those parts in which construction work is being carried out shall be kept in a reasonable state of cleanliness.

(2) Where it is necessary in the interests of safety and health, and in accordance with the level of risk posed, a construction work contractor shall ensure that, so far as is practicable, the perimeter of a construction site and its extent—

(a) can be identified by any suitable sign; and

(b) is fenced off.

(3) Where any nail or similar sharp object may be a source of danger to any person, such nail or similar sharp object, projected on any timber or other material shall not be used in any construction work or not be allowed to remain in any place within the construction site.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Stability of structure

21. (1) A construction work contractor shall take any practicable step, where necessary—

(a) to prevent any danger to any person; and

(b) to ensure that any new or existing structure at the construction site is stable, and the structure will not be affected or be in a temporary state of weakness or instability due to the conduct of any construction work.

(2) Any buttress, temporary support or temporary structure—

(a) shall be of such design and installed and maintained to withstand any foreseeable loads which may be imposed on it; and

(b) shall be used for the purposes for which it was designed and installed and maintained.

(3) A structure shall not be loaded as to render it unsafe to any person.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Demolition or dismantling

22. (1) A construction work contractor shall ensure that any demolition or dismantling of a structure is planned and carried out in a manner as to prevent danger or, where it is not practicable to prevent it, to reduce the danger to the lowest level practicable.

(2) The arrangements for carrying out the demolition or dismantling shall be kept in writing before the demolition or dismantling work begins.

(3) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Explosive

23. (1) A construction work contractor shall, so far as is practicable, store, transport and use any explosive in a safe and secured manner.

(2) An explosive detonator shall only be used or fired at the construction site if suitable and sufficient steps have been taken to ensure that no person is exposed to any risk of injury from the explosion or from projected or flying material caused by the explosion.

(3) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Excavation

24. (1) A construction work contractor shall take all practicable steps to ensure that, including for the provision of supports or battering—

(a) no excavation or any part of an excavation collapses;

(b) no material forming the walls or roof of, or adjacent to, any

excavation is dislodged or falls;

(c) no person is buried or trapped in an excavation by material which is dislodged or falls;

(d) no person, plant, or any accumulation of material falls into any excavation; and

(e) no part of an excavation or ground adjacent to it from being overloaded by any plant or material.

(2) Where any support or battering has been provided in accordance with subregulation (1), construction work shall not be carried out in the excavation unless—

(a) the excavation and any plant and materials which may affect its safety have been inspected by a designated person—

(i) at the start of the shift in which the work is to be carried out;

(ii) after any event likely to have affected the strength or stability of the excavation; and

(iii) after any material unintentionally falls or is dislodged; and

(b) the designated person who carried out the inspection is satisfied that construction work can be safely carried out there.

(3) Where the designated person carrying out an inspection under subregulation (2) informs the person on whose behalf the inspection is carried out of any dissatisfaction in relation to the matters specified under subregulation (1), the construction work shall not be carried out in the excavation until the matter has been satisfactorily remedied.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Cofferdam and caisson

25. (1) A cofferdam or caisson—

(a) shall be of suitable design and construction;

(b) shall be appropriately equipped so that workers can gain shelter or escape if water or materials enter it; and

(c) shall be properly maintained.

(2) A cofferdam or caisson shall not be used to carry out any construction work unless—

(a) the cofferdam or caisson and any plant and materials which may affect its safety have been inspected by a designated person—

(i) at the start of the shift in which the work is to be carried out; and

(ii) after any event likely to have affected the strength or stability of the cofferdam or caisson; and

(b) the designated person who carried out the inspection is satisfied that construction work can be safely carried out there.

(3) Where the designated person carrying out an inspection under subregulation (2) informs the person on whose behalf the inspection is carried out of any dissatisfaction in relation to the matters specified under subregulation (1),

the construction work shall not be carried out in the cofferdam or caisson until the matter has been satisfactorily remedied.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Report of inspection

26. (1) Where a designated person who carries out an inspection under regulations 24 and 25, is satisfied that no construction work can be carried out safely at the place inspected, the designated person shall—

- (a) inform the person on whose behalf the inspection was carried out, before the end of the shift within which the inspection is completed, of the matters that could give rise to a risk to the safety of any person;
- (b) prepare a report, which shall contain—
 - (i) the name and address of the person on whose behalf the inspection was carried out;
 - (ii) the location of the place of construction work inspected;
 - (iii) the description of the place of construction work or any part of that place inspected, including any plant and materials;
 - (iv) the date and time of the inspection;
 - (v) the details of any matter identified that could give rise to a risk to the safety of any person;

- (vi) the details of any action taken as a result of any matter identified in subparagraph (v);
 - (vii) the details of any further action considered necessary; and
 - (viii) the name and position of the designated person making the report; and
- (c) submit the report, or a copy of it, to the person on whose behalf the inspection was carried out within twenty-four hours after completing the inspection.

(2) Where the designated person who carries out an inspection works under the control of another, whether as an employee or otherwise, the person in control of the designated person shall ensure that the designated person who carries out the inspection complies with the requirements specified under subregulation (1).

- (3) The person on whose behalf the inspection was carried out shall—
- (a) keep the report or a copy of it available for inspection by an officer—
 - (i) at the construction site where the inspection was carried out until the construction work completes; and
 - (ii) for the period of three months after the construction work completes; and
 - (b) submit to the officer any extract from or copy of the report as the officer may require.

(4) Notwithstanding subregulation (1), if the inspection under subparagraph 24(2)(a)(i) or 25(2)(a)(i) is carried out for more than once within seven days, the designated person only needs to prepare and submit one report during that period.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Energy distribution installation

27. (1) Where it is necessary to prevent any danger, the installation of the energy distribution shall be made at a suitable place within the construction site and shall be periodically checked and clearly marked.

(2) Where there is a risk to the construction work from any overhead electric power cables, the construction work contractor shall—

- (a) direct the electric power cables away from the area of risk; or
- (b) isolate and earth the electric power cables from the construction work, where necessary.

(3) If it is not practicable to comply with paragraph (2)(a) or (b), the construction work contractor shall provide a suitable warning notice together with one or more of the following—

- (a) any barrier suitable for excluding plant which is not needed;
- (b) any suspended protection where vehicles need to pass by beneath the cables; or
- (c) any measure providing an equivalent level of safety.

(4) Any construction work, which is liable to create any risk to safety and health from an underground service, or from damage to or disturbance of the service, shall not be carried out unless suitable and sufficient steps, including any steps required by this regulation, have been taken to prevent the risk, so far as is practicable.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Prevention of drowning

28. (1) Where in the course of a construction work, a person is at risk of falling into water or other liquid with a risk of drowning, the construction work contractor shall ensure that suitable and sufficient steps have been taken to—

- (a) so far as is practicable, prevent the likelihood of a person falling;
- (b) minimise the risk of drowning in the event of a person falling; and
- (c) ensure that suitable rescue equipment is provided, maintained and, when necessary, used so that the person may be promptly rescued in the event of a fall.

(2) The construction work contractor shall take suitable and sufficient steps to ensure that the safe transport of any person conveyed by water to or from a place of construction work.

(3) Any vessel used to convey any person by water to or from a place of construction work shall not be overcrowded or overloaded.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Traffic route

29. (1) A construction work contractor shall ensure that a construction site is properly arranged and in organised manner, so far as is practicable, so that any person or vehicle can move without any risk to safety or health.

(2) A traffic route at the construction site—

(a) shall be suitable for being used by any person or vehicle;

(b) shall have sufficient number and size; and

(c) shall be in suitable positions.

(3) If the traffic route at the construction site does not comply with requirement specified under subregulation (2), the construction work contractor shall take suitable and sufficient steps to ensure that—

(a) any person or vehicle may use it without causing any danger to the safety or health of persons near it;

(b) any door or gate for any pedestrian which leads onto a traffic route is sufficiently separated from that traffic route to enable the pedestrian to see any approaching vehicle or plant from a place of safety;

(c) there is sufficient separation of the traffic route between the vehicle and pedestrian to ensure safety or, where this is not practicable—

(i) other means for the protection of pedestrian are provided;
and

(ii) effective arrangements are used to warn any person of the likelihood to be crushed or trapped by any vehicle;

(d) the loading bay shall have at least one exit for the use of the pedestrian; and

(e) where it is unsafe for pedestrian to use a gate intended for the vehicle, there shall be at least one door for pedestrian provided in the immediate vicinity of the gate, clearly marked and kept free from any obstruction.

(4) Each traffic route—

(a) shall be marked by suitable signs where necessary and the route shall be regularly checked and properly maintained; and

(b) shall not be used by any vehicle unless, so far as is practicable, the route is free from any obstruction and permits sufficient clearance.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

(6) For the purpose of this regulation, “loading bay” means any area or facility used for loading and unloading of any construction material or waste.

Vehicle

30. (1) The construction work contractor shall ensure that suitable and sufficient steps have been taken to prevent or control the unintended movement of any vehicle.

(2) The driver or operator of the vehicle, or any person assisting the driver or the operator shall give suitable and sufficient warning to any person at the construction site who is at risk from the movement of the vehicle.

(3) Any vehicle being used for the purposes of construction work shall be driven, operated, towed or loaded in a safe manner.

(4) Any person—

- (a) shall not ride, be required or be permitted to ride, on any vehicle being used for the purposes of construction work otherwise than in an area that is provided for that purpose; and
- (b) shall not be required or permitted to remain, on any vehicle during the loading or unloading of any loose material unless the loading to or unloading from the vehicle is conducted in area that is provided and maintained for that purpose.

(5) The construction work contractor shall take suitable and sufficient measures to prevent any vehicle from—

- (a) falling into any excavation or pit, or into water; or
- (b) overrunning the edge of any embankment or earthwork.

(6) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Prevention of risk from fire, flooding or asphyxiation

31. (1) The construction work contractor shall take suitable and sufficient steps to prevent, so far as is practicable, the risk of injury to any person during the carrying out of construction work arising from any—

- (a) fire or explosion;
- (b) flooding; or
- (c) substance liable to cause asphyxiation.

(2) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Emergency procedure

32. (1) Where necessary, in the interests of the safety or health of any person on a construction site, the construction work contractor shall provide, maintain and implement any suitable and sufficient arrangement to deal with any foreseeable emergency and those arrangements shall include procedures for any necessary evacuation of the site or any part of it.

(2) For the purpose of complying with subregulation (1), the following shall be considered—

- (a) the type of work for which the construction site is being used;
- (b) the characteristics and size of the construction site, and the number and location of places of construction work on that site;
- (c) the plant being used;
- (d) the number of persons likely to be present on the construction site at any one time; and
- (e) the physical and chemical properties of any substances or materials on or likely to be on, the construction site.

(3) Where any arrangement under subregulation (1) is fulfilled, the construction work contractor shall take suitable and sufficient steps to ensure that—

- (a) each person to whom the arrangements extend is familiar with the arrangements; and

(b) the arrangements are tested by being put into effect at suitable intervals.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Emergency route and exit

33. (1) Where necessary, in the interests of safety or health of any person on a construction site, the construction work contractor shall provide sufficient number of suitable emergency routes and exits to enable any person to reach any place of safety in quick manner in the event of any danger.

(2) For the purpose of complying with the requirement under subregulation (1), the construction work contractor shall take into account the requirements provided under subregulation 32(2).

(3) Any emergency route or exit provided shall lead as directly as possible to a safe area that has been identified and shall be indicated by suitable signs.

(4) Any emergency route or exit and any traffic route giving access to it shall be kept clear and free from obstruction and, where necessary, equipped with emergency lighting which can be used at any time.

(5) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Fire detection and fire-fighting

34. (1) Where necessary in the interests of the safety or health of any person on a construction site, the construction work contractor shall provide a suitable and sufficient fire-fighting equipment and fire detection and alarm systems, and such equipment and systems shall be provided and located at suitable places and shall be indicated by suitable signs.

(2) For the purpose of complying with the requirement under subregulation (1), the construction work contractor shall take into account the requirements provided under subregulation 32(2).

(3) The fire-fighting equipment and fire detection and alarm systems shall be examined and tested at suitable intervals and properly maintained by the construction work contractor.

(4) Any fire-fighting equipment which is not designed to come into use automatically shall be easily accessible.

(5) Each person at work on a construction site shall, so far as is practicable, be provided and instructed with the correct use of the fire-fighting equipment.

(6) Where any work or activity may give rise to any particular risk of fire, a person shall not carry out the work or activity unless it is suitably instructed by the construction work contractor.

(7) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Fresh air

35. (1) The construction work contractor shall take suitable and sufficient steps so far as is practicable, to ensure that each construction site, or any immediate area to a construction site, has sufficient fresh and purified air to ensure that the site or immediate area is safe and without any risk to safety or health.

(2) Any plant used to provide for fresh or purified air as required under subregulation (1) shall, where necessary for reasons of safety or health, include an effective device to give visible or audible warning of any failure of the plant.

(3) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Temperature and weather protection

36. (1) The construction work contractor shall take suitable and sufficient steps, so far as is practicable, to ensure that the temperature of any indoor place of construction work in any part of the construction site is reasonable having regard to the purpose for which the place is used.

(2) Where it is necessary to ensure the safety or health of any persons working outdoor at any place of construction work in any part of the construction site, the construction work contractor shall, so far as is practicable, arrange the construction site so as to protect any person from adverse weather, having regard to—

(a) the purposes for which the site is used; and

(b) any protective clothing or plant provided for the use of any person at work.

(3) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Lighting

37. (1) The construction work contractor shall provide, so far as is practicable, suitable and sufficient lighting by natural light to each construction site, any immediate area around the construction site and the traffic route to the construction site.

(2) The colour of any artificial lighting provided shall not adversely affect or change the perception of any sign or signal provided for the purposes of safety or health.

(3) The construction work contractor shall provide suitable and sufficient secondary lighting at any place where there would be any risk to the safety or health of a person in the event of the failure of primary artificial lighting.

(4) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five hundred thousand ringgit or to imprisonment for a term not exceeding one year or to both.

PART V
MISCELLANEOUS

Safety and health assistance

38. (1) Any person who holds any duty under these Regulations may appoint another person to assist him in undertaking the measures needed to take to comply with the requirements imposed upon him by or under these Regulations.

(2) Any person seeking an appointment to assist any person who holds the duty under these Regulations shall not accept the appointment to a project unless he has the skills, knowledge, training and experience, and, if the person is an organisation, the organisational capability, necessary to fulfil the role or function that the organisation is appointed.

(3) A person who is responsible for appointing another person to carry out any duty on a project shall take reasonable steps to satisfy themselves that the person appointed fulfils the conditions specified in subregulation (2).

(4) Where the person who holds the duty under these Regulations appoints more than one person for the purposes of subregulation (1), he shall make necessary arrangements to ensure sufficient cooperation between the persons appointed, to the extent necessary to enable any person with such duty to fulfil that duty.

(5) The person who holds the duty shall ensure that the persons appointed under subregulation (1) have sufficient time and means at their disposal to fulfil their

duties having regard to the size of his undertaking, to understand the risks to which his employees are exposed and the distribution of those risks throughout the undertaking.

(6) Subregulations 10(5) and (6) shall apply to any person seeking appointment under subregulation (2).

Site safety supervisor

39. (1) The principal construction work contractor shall appoint a competent person who is a site safety supervisor to assist him in complying with the duties imposed upon him by or under these Regulations.

(2) Any person who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand ringgit or to imprisonment for a term not exceeding six months or to both.

FIRST SCHEDULE

[Regulations 3, 11, 12, 15 and 17]

THE GENERAL PRINCIPLES OF PREVENTION

1. Avoiding risks
2. Evaluating the risks which cannot be avoided
3. Controlling the risks at source
4. Adapting the work to the individual, especially as regards to the design of place of construction work, the choice of plant and the choice of working and production methods, for the purpose, in particular to reduce monotonous work and work at a predetermined work-rate and to reduce their effect on health
5. Adapting to the technical progress
6. Replacing the dangerous by the non-dangerous or the less dangerous
7. Developing a coherent overall prevention policy which covers technology, work organisation, working conditions, social relationships and the influence of factors relating to the working environment
8. Giving priority to collective protective measures over individual protective measures
9. Giving appropriate instructions to employees

SECOND SCHEDULE

[Regulations 4, 15 and 17]

MINIMUM WELFARE FACILITIES REQUIRED FOR CONSTRUCTION SITES

A. Sanitary conveniences

1. Suitable and sufficient sanitary conveniences shall be provided or made available at accessible and suitable places.
2. Rooms containing the sanitary conveniences shall be sufficiently ventilated and lit, so far as is practicable.
3. The sanitary conveniences and the rooms containing the conveniences shall be kept in a clean and orderly condition, so far as is practicable.
4. Separate rooms containing the sanitary conveniences shall be provided for men and women, except where and so far as each convenience is in a separate room, the door of which is capable of being secured from the inside.

B. Washing facilities

1. Suitable and sufficient washing facilities, including showers if required by the nature of the work or for health reasons, shall, so far as is practicable, be provided or made available at accessible and suitable places.
2. Washing facilities shall be provided—
 - (a) in the immediate vicinity of every sanitary convenience, whether or not also provided elsewhere; and
 - (b) in the vicinity of any changing rooms required by under paragraph D, whether or not provided elsewhere.
3. Washing facilities shall include—
 - (a) a supply of clean and running water, so far as is practicable;
 - (b) soap or other suitable means of cleaning; and
 - (c) towels or other suitable means of drying.
4. Rooms containing washing facilities shall be sufficiently ventilated and lit.

5. Washing facilities and the rooms containing the facilities shall be kept in a clean and orderly condition.
6. Separate washing facilities shall be provided for men and women, except where they are provided in a room the door of which is capable of being secured from inside and the facilities in each room are intended to be used by only one person at a time, except for facilities which are provided to wash hand, forearms and face only.

C. Drinking water

1. An sufficient supply of drinking water shall be provided or made available at accessible and suitable places with sufficient number of suitable cups or other drinking vessels, unless the supply is in a jet in which the persons can drink directly.
2. Where necessary for reasons of safety or health, every supply of drinking water shall be conspicuously marked by an appropriate sign.

D. Changing rooms and lockers

1. Suitable and sufficient changing rooms shall be provided or made available at accessible places if a worker has to wear special clothing for the purposes of construction work and for reasons of health or propriety, is not expected to change elsewhere.
2. Where necessary for reasons of propriety, there shall be separate changing rooms for, or separate use of rooms by, men and women.
3. Changing rooms shall—
 - (a) be provided with seating; and
 - (b) include, where necessary, facilities to enable a person to dry any special clothing and any personal clothing or effects.
4. Suitable and sufficient facilities shall, where necessary, be provided or made available at accessible places to enable any person to lock away—
 - (a) any special clothing which is not taken home;
 - (b) their own clothing which is not worn during working hours; and

(c) their personal effects.

E. Facilities for rest

1. Suitable and sufficient rest rooms or rest areas shall be provided or made available at accessible places.
2. Rest rooms and rest areas—
 - (a) shall be equipped with an sufficient number of tables and seating with backs for the number of persons at work likely to use them at any one time;
 - (b) where necessary, shall include suitable facilities for any woman at work who is pregnant or who is a nursing mother to rest lying down;
 - (c) shall include suitable arrangements to ensure that meals can be prepared and eaten;
 - (d) shall include the means for boiling water; and
 - (e) shall be maintained at an appropriate temperature.

F. Place of worship

Where necessary, suitable rooms or areas of worship shall be provided or made or available at accessible places.

THIRD SCHEDULE

[Regulation 8]

PARTICULARS TO BE NOTIFIED UNDER REGULATION 8

1. The date of forwarding the notice
2. The address of the construction site or precise description of its location
3. The name of the local authority where the construction site is located
4. A brief description of the project and the construction work that it entails
5. The name, address, telephone number and, if any, email address, of the client
6. The name, address, telephone number and if any, email address of the principal construction work designer
7. The name, address, telephone number and if any, email address of the principal construction work contractor
8. The date planned for the start of the construction phase
9. The time allocated by the client under paragraph 4(1)(a) for the construction work
10. The planned duration of the construction phase
11. The estimated maximum number of people at work on the construction site
12. The planned number of construction work contractors on the construction site
13. The name and address of any construction work contractor already appointed
14. The name and address of any construction work designer already appointed
15. A declaration signed by or on behalf of the client that the client is aware of the client duties under these Regulations

FOURTH SCHEDULE

[Regulation 13]

WORK INVOLVING PARTICULAR RISKS

1. Work which puts workers at risk of burial under earthfalls, engulfment in swampland or falling from a height, where the risk is particularly aggravated by the nature of the work or processes used or by the environment at the place of construction work or construction site
2. Work which puts workers at risk from chemical or biological substances constituting a particular danger to the health or safety of workers or involving a legal requirement for health monitoring
3. Work with ionizing radiation requiring the designation of controlled or supervised areas
4. Work near high voltage power lines
5. Work exposing workers to the risk of drowning
6. Work on wells, underground earthworks and tunnels
7. Work carried out by divers having a system of air supply
8. Work carried out by workers in the caisson with a compressed air atmosphere
9. Work involving the use of explosive
10. Work involving the assembly or dismantling of heavy prefabricated components

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SIM CHEE KEONG
*Minister of Human
Resources*