

Bosses seek 'Off' switch

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PETALING JAYA: Following the implementation of the amendments to the Occupational Safety and Health Act (OSHA), employers suggest establishing a Stop Work Policy to ensure only competent personnel perform tasks as stipulated in relevant schedules.

The policy, proposed by Malaysian Employers Federation (MEF) president Datuk Dr Syed Hussain Syed Husman, aims to empower employees to cease work in the face of imminent danger, while also incorporating specific procedural steps to verify the legitimacy of their claims.

“Employees must report any imminent danger to their immediate supervisor, and both parties should assess the risks involved.

“If validated, necessary action should be taken to mitigate the risks to an acceptable level before resuming work,” he said.

Recently, Human Resources Minister Steven Sim Chee Keong said the enforcement of the OSHA (amendment) 2022 on June 1 will provide workers with the right to remove themselves from an unsafe environment at work.

Syed Hussain said there are concerns that the provision could be exploited by employees who might falsely claim imminent danger to avoid work.

“By enforcing the proposed policy, it will be fairly and equitably implemented,” he said.

To comply with the amended Act, Syed Hussain said there was a need for internal audits to identify and rectify any discrepancies between current practices and the revised OSHA guidelines.

“Employers should formulate an Occupational Safety and Health (OSH) policy and disseminate it to all stakeholders,” he said, adding the establishment of safety and health committees is important for a company with 40 or more employees.

According to him, registering workplaces through the MyKKP system and appointing a registered OSH coordinator for companies with five or more employees are critical steps for compliance.

Syed Hussain emphasised the importance of establishing standard operating procedure for emergencies and registering all machinery that requires a fitness certificate via designated platforms such as MyKKP or MySKUD.

Meanwhile, the Small and Medium Enterprises Association of Malaysia advocated for a transition to a “educate and correct” approach, rather than a strict enforcement strategy, in relation to OSHA.

“Many SMEs are struggling to comply with the new requirements of OSHA, which mandate the appointment of safety and health officers,” said its president Datuk William Ng.

“There’s a shortage of trainers accredited by the Department of Occupational Safety and Health to provide the necessary courses and certified officers, hindering SMEs’ efforts to meet these standards.

“The ministry should adopt a method that guides companies to rectify their actions instead of resorting to immediate punitive measures,” Ng said.

He said with the amendment comes the pursuit of flexible work hours, which poses new challenges.

“Safety and health incidents in employees’ homes during remote work arrangements could hold employers accountable.

“For instance, if an employee has an accident at home while working, the employer might be sentenced to jail under the revised Act.

“It’s no longer just about keeping the physical workplace safe,” Ng added.

Echoing a similar sentiment, SME Association of Malaysia president Ding Hong Sing highlighted the necessity for government collaboration with businesses in providing training before enforcing new regulations.

He said SMEs are facing challenges in updating safety and health practices to align with higher standards.

“Some SMEs have yet to adopt the latest safety and health measures, so government support is critical.

“The provision of specialised training and explanations can significantly improve workplace safety standards among businesses,” he said.

Ding also said it is important to provide guidance, education and opportunities for rectification before imposing any penalty.

He is concerned about the high penalties, ranging from RM50,000 to RM500,000, which could jeopardise the survival of SMEs and impede efforts to enhance workplace safety.

The latest OSHA amendment expanded the Act to cover all workplaces, with the exemption of the armed forces, workers on board ships, and domestic (household) employment.

The Act introduces higher penalties for employers who violate safety obligations.

Additionally, a key alteration mandates that employers appoint an occupational safety and health coordinator if the workplace employs five or more workers.