

マレーシア

労働安全衛生分野個別派遣専門家

要請背景調査団 報告書

平成6年9月


国際協力事業団

マレーシア 労働安全衛生分野個別派遣専門家 要請背景調査団 報告書

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I 調査団の概要

1 調査団の派遣目的

2020年に先進国入りすることを国家目標として掲げているマレーシアは、第一次産業依存型から工業立国としての転換を進めており、外国資本の投資も手伝って急速な経済発展を遂げている。80年代後半から90年代前半にかけての実質GDP成長率は8%にもなり、高い成長率を維持している。また、一人当たりGNPは92年の統計で2,790米ドルにも達し、これはASEAN諸国の中ではブルネイ・シンガポールに次ぐ高水準である。

労働者の所得の伸びが堅調である一方で、労働者・経営者双方の労働安全衛生に対する意識が希薄であるため、その労働環境については旧態依然の感がある。事実、労働災害の発生件数は増加傾向を示しており、93年度の労働災害発生件数は133,293件（労働者629万人中）、内死亡事故が300件（91年度）にも達する。労働者が先進国並みの生活を享受するためには、所得の伸びと共に上記のような状況の改善が不可欠である。

政府としてもこのような工業化に伴い発生した社会の歪み＝災害発生件数の増加を是正するには、労働安全衛生分野の諸制度を整備することが重要であることを近年認識し、94年には労働安全衛生法を改正するなどしている。

このような状況のなかで、マレーシアから日本に対し、5件の労働安全衛生分野短期専門家派遣要請があった。日本側としては専門家派遣の必要性は高いと推測されるものの、過去に当該分野における協力実績がないため、以下の項目を調査することを目的として事前調査団を派遣したものである。

- (1) マレーシアにおける労働安全衛生分野の現状（災害発生状況・諸制度）を把握し当該分野の協力をを行う必要性を確認すること
- (2) 5件の短期専門家派遣要請について、マレーシア側と協議を行い、その詳細を確認すること

以上2点が調査団の派遣目的である。

2 調査団員

池田 五男（総括）	労働省労働基準局安全衛生部化学物質調査課長
縄田 英樹（安全衛生）	労働省労働基準局安全衛生部労働衛生課中央労働衛生専門官
糟谷 良久（協力計画）	国際協力事業団派遣事業部派遣第一課

3 派遣期間

平成6年8月21日から平成6年8月28日まで 8日間

4 調査日程

調査日程

- 8月21日（日） 東京発――クアラルンプール着
- 22日（月） 午前 JICA事務所にて打ち合わせ
EPU表敬訪問
午後 人的資源省労働安全衛生局との打ち合わせ
マレーシア産業安全衛生協会表敬訪問
- 23日（火） 午前 セランゴール州公立精米工場視察
マ側主催昼食会
午後 労働安全衛生研究所との意見交換
- 24日（水） 午前 人的資源省労働安全衛生局との打ち合わせ
午後 団内打ち合わせ
JICA事務所長主催夕食会
- 25日（木） 午前 保健省労働者・環境衛生課との意見交換
午後 社会保障局との意見交換
調査団主催夕食会
- 26日（金） 午前 人的資源省労働安全衛生局との最終打ち合わせ
JICA事務所長への報告
午後 資料整理
- 27日（土） 午後 クアラルンプール発
- 28日（日） 午前 東京着

Ⅱ 総括

1 「マ」国における労働災害の発生状況は、急速な工業化の進展を反映して、漸次増大の傾向にあり、これに対応して安全衛生行政も1994年労働安全衛生法の制定をはじめとする関係法令の整備や1992年の安全衛生研究所の設置など長足の進歩を見せている。

しかしながら、我が国の経験に照らして「マ」国の安全衛生を取り巻く状況を見た場合に、なお改善すべき点が多くある。そのひとつは、法の履行確保ということである。すなわち「マ」国では、労働安全衛生法令が整備されつつあるが、一般に事業者及び労働者の遵法意識が低いために、各種規制の多くが形骸化しているということである。いまひとつは、行政体制の脆弱さがあげられる。労働安全衛生局には、機械工学や化学などの分野で修士号を取得した専門家も何人かはいるが、労働衛生を担当すべき医師がいないほか、専門家の絶対数においても定員さえ充足できない状況におかれている。また、労働安全衛生研究所の建物が現在建設中で、近く立派な施設に生まれかわる予定であるが、研究者の採用の目途がまだ立っていないという状況にある。さらには、災害防止と補償といった関係行政機関相互の連携も十分でない。

こうした状況から、「マ」国における安全衛生は、今なお発展途上にあるといわざるを得ないが、マハディール首相自らが安全キャンペーンの期間中に安全衛生の重要性を発言し、新聞報道等にも大きく取り上げられるなど、関係者の安全衛生に対する取組みは懸命であり、評価されるべきである。このように、制度、設備とも充実されつつあり、安全衛生に対する意識の高まりが見られる「マ」国に対し、今この時期に我が国が有する安全衛生のノウハウを提供することは、大変意義があることと考えられ、またその効果も大きいと考えられる。

2 「マ」国から協力要請があった5つの協力分野の背景と要請の詳細については、Vに記載のとおりであるが、「マ」国の安全衛生事情や我が国の専門家の有無等を総合的に判断したうえで、調査団として労働省やJICA（国際協力事業団）等の関係機関に対し、以下の事項を提言することとしたい。

(1) 人間工学の分野では、研究機関に所属する頸肩腕症候群や腰痛等の防止対策の専門家を派遣することが望ましい。

(2) プロセス安全及び火災・爆発安全の分野では、「マ」国からはそれぞれ1名の専門家の派遣要請が出されているが、石油化学工業における安全管理について実務経験を有する専門家であれば両分野をカバーすることが可能であるので、当該分野における専門家1名を派遣すれば十分である。

- (3) 生物学的危険性の分野では、ライスミルや綿粉じん、茶粉じんに起因する職業性疾病の防止対策の確立に協力することになるが、こうした疾病は我が国でも症例が少ないため、添付資料 8 の論文「ライスミル症候群」を更に検討した上で専門家の派遣を決定すべきである。
- (4) 職業医学の分野では、労働衛生行政に精通した医師の派遣が望まれる。しかしながら、「マ」国労働安全衛生局にはカウンターパートになるべき医師が配置されていないので、場合によっては、医師以外の労働衛生の専門家でも差し支えない。
- なお、「マ」国労働安全衛生局に対しては、日本から医師を派遣する場合には、カウンターパートになるべき医師が配置が望まれる旨伝えてある。
- (5) 日本国政府としては、上記分野の中から、1994年度中に少なくとも 1 名の専門家を派遣すべきである。それ以後の専門家の派遣については、最初の専門家派遣の成果等を踏まえて、1995年度以降順次派遣すべきである。

3 なお、「マ」国側に対しては、別添資料 2 の人的資源省労働安全衛生局長宛て団長書簡にあるとおり、上記(1)~(5)の内容について、調査団が日本の関係機関に提言することを伝えてある。

おって、「マ」国側に対しては言及していないが、調査団としては、「マ」国の安全衛生行政全体についてアドバイスを行う長期専門家（行政官またはそのOBが望ましい）を派遣し、当該長期専門家のコーディネイトのもとに個別分野の短期専門家の派遣が行われれば、協力の効果は倍増するものと考えている。したがって、当該長期専門家の派遣の可能性についても、関係機関において検討されることを併せて提言することとしたい。

Ⅲ 労働安全衛生行政の概要

1 労働災害の動向

労働災害統計については、労働者災害補償保険の実施機関である社会保障機構（SOCSO）のものが信頼性が高い。ただし、SOCSO の統計においても対象となる労働者数は、公務員、社会保障制度加入者の内、1,000ドル／月を越える収入のある者等は除外されており、総人口1,860万人中629万人と、全労働力人口の約60%にとどまっている。

1980年以降、報告されている労働災害（死亡及び休業4日以上：以下同じ）の総発生件数は増加の一途をたどっている（添付資料：表4-1、表4-2）。1980年の発生件数が51,340件であるのに対し、1993年では133,293件と、単純比較で2.6倍にも達する。ただし対象となる労働者総数も1980年が約170万人であるのに対し、1993年では約629万人となっている。

労働者1,000人あたりの被災者数を比較すると、1980年が30人であるのに対し、1993年では21人である。この間、80年代前半までは減少傾向にあり、1985年には21人にまで減じたが、80年代後半に再び増加し、1990年に26人に達した。90年代は再び減少傾向にある。

死亡災害発生件数は1980年の143人に対し、1991年では300人となっている。1989年の348人をピークに、ここ2年は再び減少傾向に転じている。

労働災害における各産業部門の割合を見てみると（添付資料：表4-3）、農林水産業が38.9%（1986年）から29.4%（1991年）と減少傾向にあるのに対し、製造・加工業では41.6%から52.2%へと増加している。そのほか、減少傾向にあるのが、鉱業・採石業、建設業であり、電気・ガス・水道・保健サービス業、商業、運輸、倉庫業、通信では増加傾向にある。報告された発生件数自体は各部門において増加している。

これを1,000人あたりの災害率で見ると各産業のおおよその危険度がわかる（添付資料：表4-5）。農林水産業、製造・加工業、鉱業・採石業、商業の順に危険度が高く、その他の産業では比較的危険度が低い。

災害の発生を原因別に見てみると（添付資料：表4-6）、物による打撲・踏みつけが一番多く（45%、1991年）、次いで墜落（16.6%）、落下物による打撃（11.9%）が上位を占める。

2 労働安全衛生行政機構及びその活動

(1) 労働安全衛生行政機構

マレーシアにおける労働行政は人的資源省（Ministry of Human Resources）が所管している。同省は1904年に設立され、労働基準、労働安全衛生、社会保障及び労使関係に関する

る各種の法律を施行することにより労働者の利益を守る責任を負う。更に、1986年からは各省及び民間企業にわたる人材開発政策の策定、及びそれに基づく職業訓練の実施を新たに所掌することとなった。

人的資源省は人的資源相 (Minister of Human Resources) を長とし、1名の副相がこれを補佐する。事務次官 (Secretary General) は2名の事務次官補に補佐される。その他の人的資源省組織については別紙Ⅲ-1参照。

労働安全衛生については、人的資源省労働安全衛生局が所掌する。同局は1994年に工場・機械局 (Department of Factories and Machinery) から改組された。従来同局は工場・機械法、石油安全措置法の一部の2つの法に規定された規則等を所掌していた。両法のもとでは労働者の一部が対象となるのみであった。しかし本年、労働安全衛生法が施行され、すべての労働者が同法の規制の対象とされることとなり、それにともない同局も改組されたものである。

労働安全衛生局は総局長によって統率され、クアラルンプールの本局の他11の地方事務所 (ペルリス、マラッカ以外の各州都に所在) を持つ。組織図については別紙Ⅲ-2参照。

(2) 労働安全衛生行政機構の活動

労働安全衛生局の業務は、労働安全衛生に関する法律を施行し、マレーシアにおける労働安全衛生を促進することである。具体的な活動として以下の6項目が挙げられるが、労働安全衛生法の施行により今後、活動の追加、変更が考えられる。

① 産業安全

労働災害発生を防止するため、以下に挙げる活動を行う。

- ボイラー、圧力容器、エレベーター、起重機の設計の再点検及び認可
- ボイラー、圧力容器、LPガスタンクの建設中の検査
- 工場、設備、証明書交付される機械の定期的検査
- 建設作業及び土木作業の検査

資格免許試験

溶接試験

労働災害、証明書交付機械の重大な故障の検査

② 労働衛生

職業上の疾病を防ぐため、以下の活動を行う。

- 事業所内の労働衛生の監督
- 労働者が被る各種の空気汚染因子、ストレス等への産業衛生上の監視
- 危険度の高い労働者の生物学的監視
- 労働災害、苦情の調査

- 労働衛生に関する規則の施行

③ 啓発活動

労働者、事業者双方に対し労働安全衛生に関する基本知識を提供し、労働安全衛生への認識を高める。

- 検査者、労働者及び労働担当者に対する訓練コースの実施
- 安全に関するビデオ等の事業者への貸与
- 安全に関するニュース、パンフレットの作成・配布

④ 石油の安全

石油及び石油製品の輸送、貯蔵及び利用中の安全確保のため、以下の活動を行う。

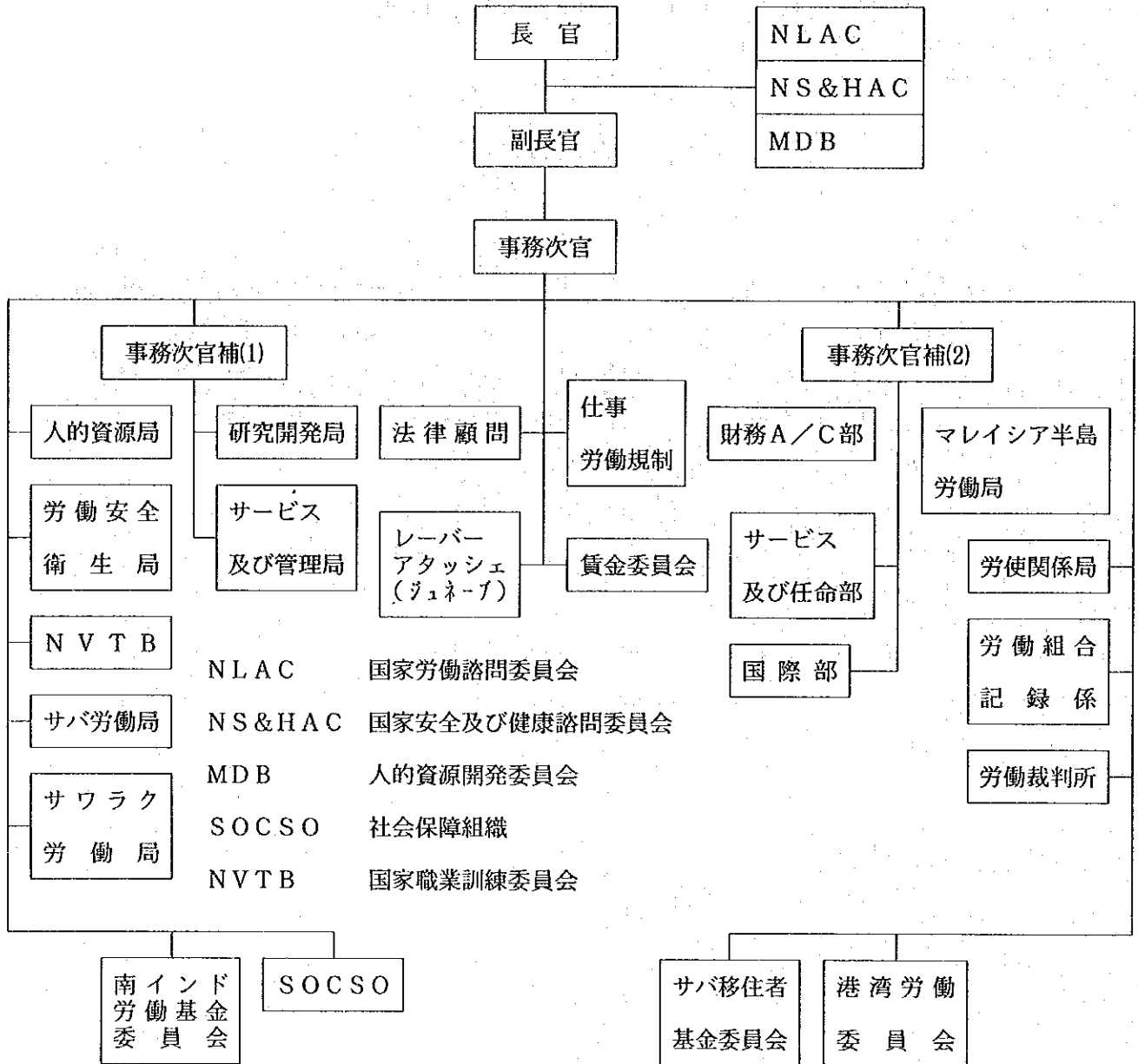
- 石油及び石油製品を輸送するパイプラインの設計承認、検査及びテスト
- 石油製品の家庭及び工場への配給システムの設計、再点検、検査及びテスト
- LPガス貯蔵タンク及びそれに関連する配給システムの認可、検査及びテスト
- 石油設備に関連して使われるすべての設備の認可

⑤ 重大な労働災害事故にかかる危険の防止

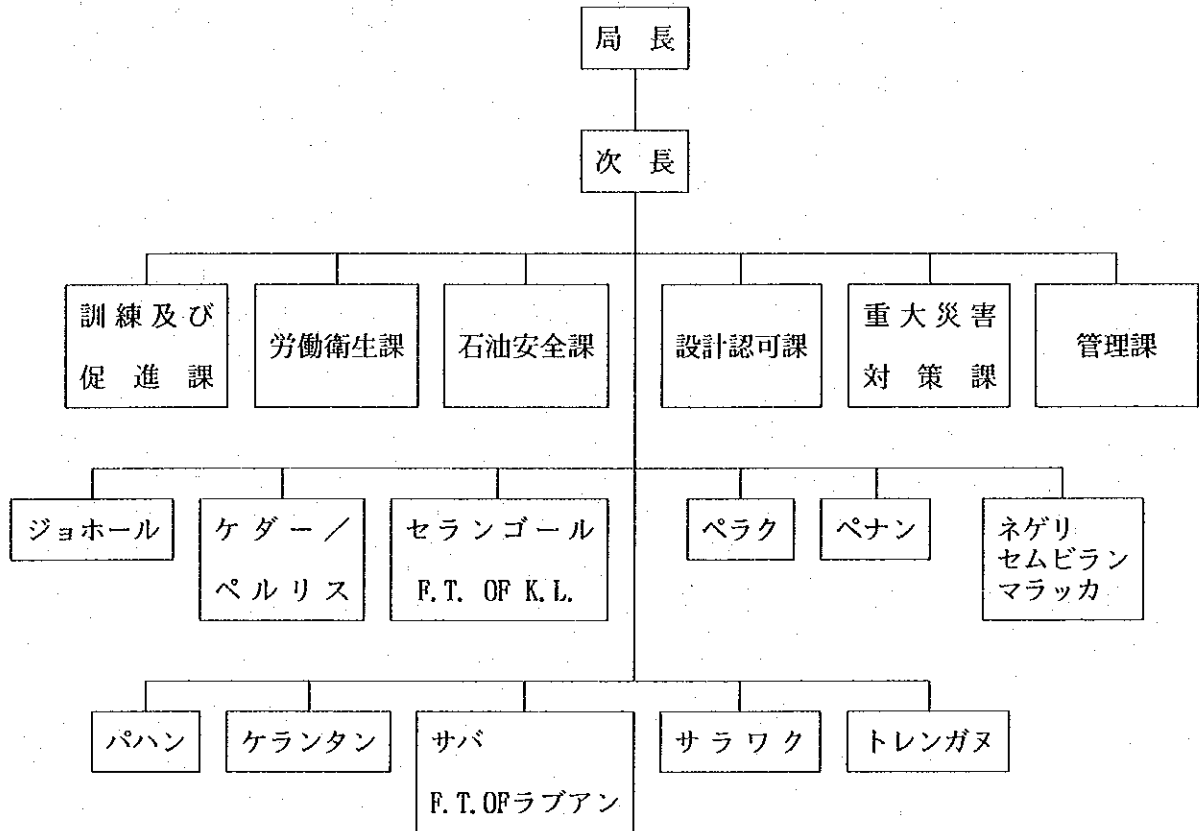
有害物質の偶発的放出、火災、爆発等の重大な災害を防止するために以下の活動を行う。

- 重大な災害を及ぼす危険性のある設備の確認
- 安全性に関する報告再検討及び検査の実施
- 災害時に被害を減少する手段の準備

図Ⅲ-1 人材省組織図



図Ⅲ－２ 労働安全衛生局組織図



3 労働安全衛生法令の概要

1994年、マレーシアでは労働安全衛生法 (Act 514, Occupational Safety and Health) が施行された。従来、労働安全衛生局 (旧工場・機械局) の所掌業務は工場・機械法及び石油安全措置法の一部に限られていた。このため、対象となる労働者は製造業、鉱業、採石業、建設業、農産物加工業の従事者であり、全労働者の2割強を占めるのみにとどまっていたが、同法の施行により原則としてすべての労働者が対象となると共に、労働者以外の公衆 (通行人、住民等) 及び作業環境などについても対象に含まれることとなった。

同法は以下の各章により構成される (英訳を巻末に添付)。

- 第 一章 序文
- 第 二章 行政官の配置
- 第 三章 労働安全衛生国家評議会
- 第 四章 雇用者及び自営業者の責務
- 第 五章 設計者、製造業者及び販売者の責務
- 第 六章 被雇用者の義務
- 第 七章 安全衛生組織
- 第 八章 事故、危険発生、職業中毒及び職業病とその調査
- 第 九章 施設及び物質の使用規制
- 第 十章 行動指針
- 第 十一章 規制と調査
- 第 十二章 違反時の罰則
- 第 十三章 審理
- 第 十四章 規則
- 第 十五章 雑則

また、同法の運用に際しては別途規則が制定されることとなっている。現時点では以下の規則が準備されているが、草案の段階である。

- 労働安全衛生 (空気中の化学物質濃度の限度表示) 規則
- 労働安全衛生 (健康を害する化学製品の管理) 規則
- 労働安全衛生 (有害な化学物質の分類、梱包及び表示) 規則
- 労働安全衛生 (指定労働衛生医) 規則 *
- 労働安全衛生 (産業大規模災害コントロール) 規則 *

(*については英訳を巻末に添付)

従来より同局が所掌していた工場・機械法のもとには、以下の規則が設けられている。

- 工場及び機械 (安全、健康及び福祉) 規則
- 工場及び機械 (機械の囲い及び安全) 規則

- 工場及び機械（蒸気ボイラー、火無し圧力容器）規則
- 工場及び機械（届け出、適性証明書及び検査）規則
- 工場及び機械（人間及び物品運搬用電動エレベーター）規則
- 工場及び機械（資格試験の免許証）規則
- 工場及び機械（行政）規則
- 工場及び機械（示談可能な違反）規則
- 工場及び機械（鉛）規則
- 工場及び機械（石綿加工）規則
- 工場及び機械（建設作業及び土木作業、安全）規則
- 工場及び機械（鉛物粉塵）規則
- 工場及び機械（騒音ばく露）

IV 労働安全衛生関係団体の概要

1 労働安全衛生研究所 (NIOSH)

(1) 経緯

労働安全衛生研究所 (NISOH) は、政府及び民間等からの出資金等をもとに、1992年12月、マレーシア企業法 (Malaysian Companies Act、1965) に基づく有限責任会社 (Company Limited by Guarantee) として設立された。出資金等の内訳は、政府からの出資 100万リンギット (日本円で約4億円) 並びに政府及び社会保障機構 (SOCSSO) からの基金 5,000万リンギット (同約20億円) である。後者の基金は、その運用利子を研究所の運営経費として充当する。

研究所は、1994年現在、労働安全衛生局の近隣にあるビルの2階の一画を間借りしているが、クアラルンプールから車で約30分の郊外に、政府予算による総工費約150万リンギット (同約6億円) の研究所本館が工事中であり、1995年9月の竣工後に移転することとなっている。

(2) 目的

研究所の主要な設立目的は、以下のとおりである。

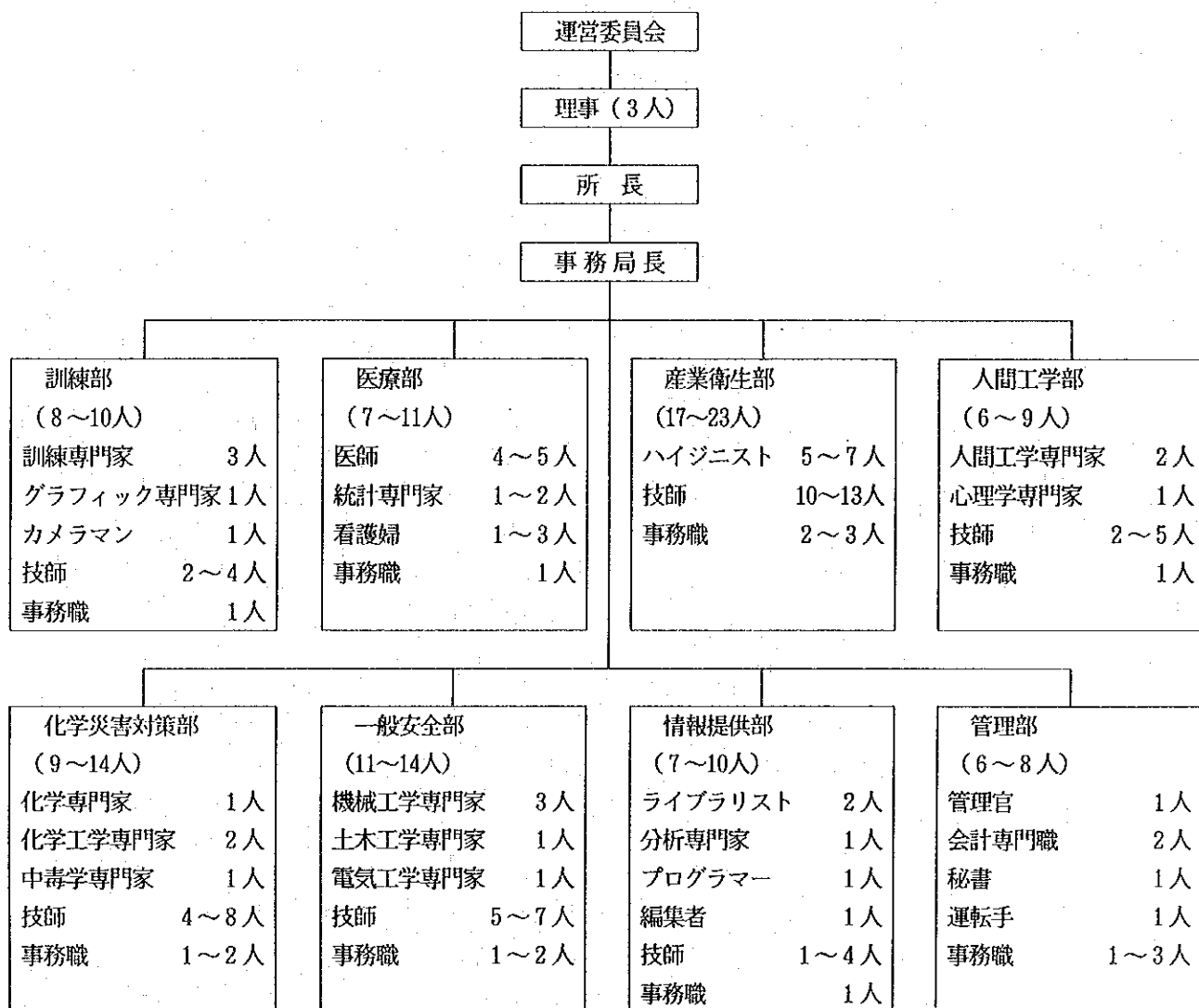
- イ 使用者、安全衛生管理者、労働者等に対する安全衛生教育プログラムの開発及び教育の実施
- ロ 労働安全衛生問題の解決に対する支援
- ハ 労働安全衛生問題に関する調査研究の実施
- ニ 労働安全衛生に関する情報の提供

(3) 組織

研究所の現在の組織は、事務局長の Mr. Amiruddin Hussain を含め、わずか8～9人の小世帯である。Mr. Amiruddin Hussain は、経済学修士号を有する経済企画庁のOBであり、他のスタッフもいずれも事務職員であり、労働安全衛生の研究者、専門家は一人もいない。

研究所の将来計画としては、数年前にILOの専門家が提案した図IV-1に示すような総勢150人規模が想定されているが、予算の制約等で専門家のリクルートはおろか、研究所本館に整備すべき機器の購入予定も立っていない状況にある。

図IV-1 研究所組織の将来計画



(4) 活動

研究所の現在の活動は、安全衛生教育の実施がそのほとんどを占める。1994年に実施済みまたは実施予定の教育コースは、以下の7コースである。

- 1994年労働安全衛生法の概要 (1日コース、年5回)
- 建築安全対策 (4日コース、年3回)
- 鉱物粉じん対策 (3日コース、年1回)
- 安全衛生管理 (4日コース、年2回)
- 騒音対策 (3日コース、年1回)
- 化学物質安全 (4日コース、年1回)

－ 安全衛生指導員養成（4日コース、年1回）

ちなみに、1日コースの受講料は200リンギット（日本円で約8,000円）、3日コースで600リンギット（同約24,000円）、4日コースで800リンギット（同約32,000円）となっている。

なお、マレーシア産業安全衛生協会が実施している訓練コースとの違いは、研究所で実施する教育の対象者が主として管理者クラスであるのに対し、協会の訓練コースの対象者は主として労働者であるとのことであった。また、研究所の講師は、ほぼ全員が労働安全衛生局の職員であるのに対し、協会の講師は管理委員会の（民間）委員になっているという点も異なっている。

教育の実施以外に研究所の特筆すべき活動はなく、事務所の一画にある図書室もILOの刊行物が目立つ程度であり、器だけが先行しているとの感じが否めないところである。

2 社会保障機構（SOCSSO）

(1) 組織及び機能

社会保障機構（SOCSSO）は、1969年雇用者社会保障法に基づき設立された、クアラルンプール市内にある本部のほか、全土に約45の地方事務所を有している。

機構は、人的資源省の管轄下にあるが、職員は公務員ではない。したがって、我が国の事業団や公団に該当するものと考えられる。

機構は、以下のような2つのタイプの補償を扱っている。

イ 雇用労働者災害補償

雇用労働者が労働災害により怪我をし、または職業性疾病に罹患した場合に、その医療費やリハビリに必要な費用が支給される。また、休業期間中の賃金も補填される。最近では、通勤途上や出張旅行先での災害にも適用されるようになっている。

ロ 傷病年金

雇用労働者が労働災害か否かを問わず、労働不能になりまたは死亡した場合に、本人またはその遺族に年金が支給される。

なお、本保険は強制加入であり、その保険料は、使用者が法令で定められた料率にしたがって納入する。雇用労働者は、傷病年金の掛金のみを負担し、その料率は例えば月額1,900リンギット（日本円で約76,000円）以上の賃金を得ている者で、当該賃金の0.5%を拠出することとされている。

(2) 補償統計

機構は、災害補償に伴う各種統計を比較的良く整備しており、労働災害統計としても十分に利用に耐えうるものである（添付資料4）。

なお、機構に登録される使用者及び雇用労働者数は、第二次及び第三次産業の進展に伴い、急速に増大しつつあり、1992年では、使用者数が約18万人、雇用労働者数が約591万人となっている。さらに、保険収支については、1992年では、保険料収入及び投資収益がそれぞれ約36,700万リンギット(日本円で約146億8千万円)及び約18,200万リンギット(同約72億8千万円)であるのに対し、給付額及び事務諸経費はそれぞれ13,900万リンギット(同約55億6千万円)及び2,700万リンギット(同約10億8千万円)となっている。

(3) その他

災害補償の対象となる職業性疾病は、1967年工場・機械法の第2スケジュールに規定されている職業性疾病と同一のものとされており、形式上職業性疾病の予防と補償が表裏一体の関係にある。

また、職業性疾病の認定基準に当たるものは特に設定されていないが、疾病の発生状況等を記載した申請書に基づき、担当者が職業性疾病に該当するかどうか審査することになっており、審査が困難な場合には、医師をメンバーとする審査委員会で審議されることとされている。

3 マレーシア産業安全衛生協会

(1) 経緯

1970年、ロータリークラブの会長のDr. Chanにより産業安全を推進するための組織の設置が提唱され、産業界、機械・工場局、ロータリークラブを代表する人からなる臨時の委員会が設けられた。同年8月の第1回委員会においてマレーシア産業安全協会を設置することが決定され、1971年4月に同協会が発足した。その後、1991年の年次総会の議決を経て、同年6月からマレーシア産業安全衛生協会(以下「協会」という)と改称された。

(2) 目的

協会の主要な設立目的は、以下のとおりである。

- イ 労働災害防止対策を促進すること。
- ロ 労働災害防止対策の観点からの労使協力を促進すること。
- ハ 労働災害防止対策に関する調査研究を実施し、及び各種会合を開催すること。
- ニ 労働災害防止対策に関するパンフレットや出版物を刊行すること。
- ホ 労働者に対する安全衛生教育を実施し、及び情報提供を行うこと。
- ヘ 労働安全衛生局、社会保障機構(SOCSO)及び労働安全衛生研究所(NIOSH)と緊密な連携を図ること。

(3) 組織

協会の会員は、1994年5月現在、終身会員16人、法人会員378社（グループ）、個人会員545人となっている。法人会員としては、製造業及び鉱業を中心としたマレーシアを代表するような大企業が多い。

協会にはまた、管理委員会と呼ばれる意志決定機関が設置されている。同委員会は、会長にペトロナス社の Mr. Ir Hj Ahmad Nordeen Dato Sallehが、副会長にエッソ石油マレーシアの産業医である Dr. B Jagdev Singh がそれぞれ任命されており、労働安全衛生局及び社会保障機構(SOCSO) からそれぞれ1人のオブザーバーを含む総勢16人から構成される。

事務局の専従職員としては、管理委員会の委員でもある Mr. Bn Mohad Isa bin Buyong のほか数名といったところであり、協会の活動に応じて、管理委員会の委員等が適宜協力をしているといったところである。

また、ジョホール・バルとミルの2か所に協会の支部事務所が置かれている。

(4) 活動

協会の主たる活動としては、第一に労働者等を主たる対象とした企業内教育訓練の実施があげられる（有料）。これまでに、以下のようなテーマをはじめ、合計27のコースが設けられており、協会の事務局職員及び管理委員会の委員等約7～8名が交代で講師として活動している。年間の受講者数は、統計として取っていないが、全体で2,000人を超えるのではないかと発言があった。

現在、最も人気のあるコースとしては、1994年に新しく施行された労働安全衛生法を紹介する法令コースであり、また、同法の施行により、法規制の範囲が大幅に広がった建設業の安全衛生に対する関心が高まっていることから、建設業を対象とする訓練コースも人気が高いとのことであった。

- 安全委員会
- 災害調査及び分析
- 保護具
- 健康及び労働環境
- 化学災害及び安全
- 火災安全
- 機械災害及び保護原理
- フォークリフト訓練及び試験
- ストレス管理
- 作業安全及び分析

一 建設安全

活動の第二は、安全競争 (Safety Competition) と呼ばれるものであり、具体的には、安全衛生の推進に貢献のあった個人及び安全成績の優良な事業場に対する表彰制度がある。1994年の事業場部門で、日本の電機メーカーのマレイシア法人が表彰された。

協会はまた、訓練コースの教材のほか、何点かの出版物を刊行しているほか、救急セットなどの安全用品の配布も実施している。

さらには、協会はアジア太平洋地域安全衛生機構(APOSHO)の加盟団体として、同地域における安全衛生団体との協力・交流も行っている。特に1994年9月には、第10回のAPOSHO年次会合がクアラルンプールで開催されることとなり、協会がその幹事団体として会合の準備を行ってきた。

(5) その他

協会の位置付けや活動は、我が国の中央労働災害防止協会に近いが、専従職員の絶対数が少なく、またその活動内容も企業内訓練の実施に偏っているなど、災害防止団体として未だ発展途上の段階にあるやに感じられた。

企業内訓練の実施に関しては、政府、特に社会保障機構(SOCSO)からの財政的支援もあるとの説明もあったが、詳細は把握できなかった。

協会の将来像は、決して悲観的なものではなく、新しい労働安全衛生法の施行に伴う行政の充実に呼応する形で、その役割が更に充実、拡大していくのではないかとの印象を受けた。

V 要請内容の背景とその詳細

1 人間工学

(1) 背景

現在「マ」国では、オーバーユースシンドローム（直訳すれば「使い過ぎ症候群」となる）が社会的な関心事となっている。具体的には、肉の包装作業やコンピュータ作業等に長時間従事することにより、手指が痺れたり、腰痛が発生しているほか、眼性疲労と考えられる眼疾患が報告されているとのことである。

また、これらの疾病については、作業との因果関係が明らかでないことから、労災補償の対象にもされていない状況にある。

我が国においても、頸肩腕症候群が社会的な問題になったこともあり、また現在では否定されているもののVDT作業と眼性疾患との因果関係が大きく取り上げられたこともある。頸肩腕症候群については、現在も年間数十件が認定されており、また腰痛に至っては、年間7千人にも及ぶ労災補償がなされているところであるが、「マ」国においても密度の高い労働を長時間にわたって行う労働者が増えたことが背景にあると考えられる。

(2) 要請内容の詳細

人間工学の分野では、特に作業管理や作業方法の改善に精通した専門家の派遣が要請された。専門家の具体的な名前として、労働科学研究所の川上研究員や名古屋大学医学部の井谷教授の名前も出された。

本分野のカウンターパートとしては、労働衛生課の政策・法規ユニット長であり、人間工学の修士号を持つ Mr. Mohtar Musri が予定されており、必要に応じて、労働衛生課の職員もその対象となる。

専門家に要求される具体的な指導内容は、以下のとおりである。

- イ 「マ」国における人間工学的な諸問題（頸肩腕症候群、腰痛、VDT作業に伴う眼性疲労など）を的確に把握し、評価するためのチェックリストを開発すること。
- ロ 開発されてチェックリストの使用方法に関する訓練コースを企画し、労働安全衛生局の職員を対象とする研修を実施すること。
- ハ 労働安全衛生局の職員が事業者及び労働者を指導するために必要な人間工学理論に基づく簡便な資料を開発すること。
- ニ 労働衛生課が実施することを予定している健康状況調査（anthropometric survey on workers）の企画及び立案に助言するとともに、その結果の分析・評価のための手法を提案すること。

ホ 労働衛生課が実施することを予定している人間工学に関する労働者の意識調査 (correspondence survey to find out the level of awareness about ergonomics among workers) の企画及び立案に助言するとともに、その結果の分析・評価のための手法を提案すること。

2 生物学的危険性

(1) 背景

「マ」国では、米の精製作業の際に発生する粉じんを吸入する労働者において、ライスミルシンドローム (直訳すれば「米精製症候群」となる) が看過できない問題として指摘されている。シンドロームの症状としては、トレジュミルアイ (眼のかゆみ) やアレルギー、皮膚病のほか、農民肺 (farmers lung) と呼ばれる肺疾患が報告されている。

また、米の精製時のみならず、綿粉じん (cotton dust) や茶粉じん (tea dust) によっても同様の問題があるとのことであった。

我が国においては、上記のような粉じんによる疾病が問題となった経験はなく、むしろ鉱物性粉じんの吸入によるじん肺が大きな社会的問題として現在も存在していることを説明したところ、「マ」国においても、じん肺については1986年石綿プロセス規則及び1989年鉱物性粉じん規則に基づき一応の対策が取られており、ライスミルシンドロームはこれらと全く別のものである旨発言があった。

なお、調査2日目に視察したセランゴール州水田・米局の米精製工場では、換気設備の設置や機械設備の密閉化といった対策が一切講じられておらず、精米の各過程でかなりの粉じんが発生している作業環境の中で、労働者がハンカチで顔半分を覆って作業していた。工場の床はコンクリートになっているが、粉に付着した土埃の吸入の可能性も否定できない状況にあった。

おって、ライスミルシンドロームの具体的内容については、学者の報告論文を入手したので、添付資料に付け加えることとし、別途我が国の専門家による検討を期待することとしたい。

(2) 要請内容の詳細

生物学的危険性の分野では、植物や穀物に起因する孢子などについてある程度の知識を有する労働衛生専門家の派遣が要請された。

本分野のカウンターパートとしては、労働衛生課の産業分析ユニット長であり、産業衛生 (industrial hygiene) の修士号を有する Mr. Anuar Bin Mohad Mokhtarが予定されており、必要に応じて、労働衛生課の職員もその対象となる。

専門家に要求される具体的な指導内容は、以下のとおりである。

- イ 「マ」国における生物学的危険性に関連する諸問題（当面はライスミルシンドローム）を的確に把握し、評価するためのチェックリストを開発するとともに、評価に必要な機材を特定すること。
- ロ 開発されたチェックリストの使用方法及び機材の操作方法に関する訓練コースを企画し、労働安全衛生局の職員を対象とする研修を実施すること。
- ハ 労働安全衛生局の職員が事業者及び労働者を指導するために必要な産業衛生理論に基づく簡便な資料を開発すること。
- ニ 米精製における生物学的因子による疾病調査(study on hazards posed by biological agents found in padi mills) の企画及び立案に助言するとともに、調査担当者に必要な教育等を実施すること及び調査の分析・評価のための手法を提案すること。

3 職業医学

(1) 背景

「マ」国においては、行政当局への職業性疾病の届出数は表V-1に示すように必ずしも多くはないが、実際には工業化への進展に伴って届出以上に多くの職業性疾病が発生しているものと考えられている。

表V-1 職業性疾病の届出数（1986年-1993年）

職業性疾病	総数	産業別分類	法規則
1 珪肺	15	採石業 14 電機 1	鉱物性粉じん規則
2 騒音性難聴	431	椰子油精製 162 繊維 119 食料品製造 53 製材 27 石油精製 6 その他 64	騒音規則
3 皮膚炎	2	電池製造 2	鉛規則

労働安全衛生局においては、現在、医師である行政官は一人もおらず、安全に比べて対策も遅れていたが、職業性疾病の増加に対応して対策を強化するべく、人事当局に対し、医師である行政官の配置を本局に4名、州事務所に11名の合計15名を要求している。配置の見通しについては、給与水準等の問題もあり、ここ1~2年は難しいとのことであった。

労働衛生対策に係る医師の関与については、これまでの法令においても、鉱物性粉じん規則、騒音規則等に基づき、いくつかの作業については、行政当局へ登録された医師による医学的サーベイランス（騒音の例では、聴力検査の実施が登録医の監視のもとに実施されなければならない旨規定されている）が義務付けられており、また新しい労働安全衛生法においてもこうした医師の関与を拡充していく方向にあるが、その実効性は未だ不十分

であり、この実効性を確保していくことが今後の課題である旨説明があった。

(2) 要請内容の詳細

職業医学の分野では、じん肺や有機溶剤中毒といった個別的な対策をたてるためというよりも、むしろ企業における労働衛生管理に医師をどのように関与せしめ、かつその実効性を確保するために如何なる政策手段を講じれば良いかといった観点からのアドバイスができる専門家が必要である旨双方で共通の認識が得られた。

本分野のカウンターパートとしては、現在、医師である行政官が配置されていないため、当該医師が配置されるまでは、労働衛生課の機器ユニット長であり、化学工学士の Mr. Jamil Bin Sayati が予定されており、必要に応じて、労働衛生課の職員もその対象となる。

なお、調査団からは、日本の医師を専門家として派遣する場合には、カウンターパートも医師であることが望ましい旨説明を行った。

専門家に要求される具体的な指導内容は、

- イ 「マ」国における労働衛生上のリスク評価を行うために、チェックリストを含む広範な手法を開発すること。
- ロ 開発されたチェックリストの使用方法及び評価を行うために必要な機材の操作方法に関する訓練コースを企画し、労働安全衛生局の職員を対象とする研修を実施すること。
- ハ 職業性疾病の届出のシステムを開発すること（新しい労働安全衛生法では、職業性疾病を発生せしめた事業者及び当該疾病を診察または治療した登録医の双方に当局への報告義務が課せられている）。また、職業性疾病の分類基準及び届出様式を開発すること。
- ニ 登録医を対象として、職業性疾病の診断に関するワークショップを開催すること。
- ホ 労働安全衛生局の職員を対象として、中毒や労働生理、疫学、労働衛生サービスといった労働衛生の様々なテーマについて研修を実施すること。

4 火災・爆発安全

(1) 背景

「マ」国では、これまでに花火工場や船荷の積込作業における大規模な爆発火災により、尊い人命と多大の施設を喪失してきた（労働安全衛生局が把握している爆発火災としてはこの2件のみ）。このため、数年前に当時の工場・機械局に大規模災害課が設置され、「マ」国の基幹産業のひとつである石油化学工業等に対する火災・爆発防止対策の推進体制の整備が図られてきた。また、法制面においても、イギリスのCIMAH 規則を手本とした大規模災害管理規則（The Control of Industrial Major Accident Hazards Regulations）

が起草されており、1994年中の施行が予定されている。

しかしながら、大規模災害課の職員には、化学工学の専門家が何人も配置されているにもかかわらず、爆発火災の災害調査といったようなプラクティカルな面での経験に乏しい。また、新しく起草された規則においても、規則の措置事項を遂行するための有資格者の行政当局への登録や、適切な避難訓練計画の維持管理などいくつかの規制が設けられているが、例えば、有資格者の具体的な資格要件については特段の規定が置かれていないなどの不備も散見される。

このように、「マ」国においては、本分野における行政的な対応は経験が浅いために十分でないことも多く、このことが今回の我が国への協力要請の背景にあると考えられる。

(2) 要請内容の詳細

火災・爆発安全の分野では、特に石油化学プラントにおける爆発安全の専門家の派遣が要請された。

本分野のカウンターパートとしては、化学工学を専攻し、現在は大規模災害課の上級専門家である Mr. Omar Mar Piahのほか、大規模災害課の職員数名が予定されている。

専門家に要求される具体的な指導内容は、以下のとおりである。

- イ 火災・爆発安全に関する訓練教材を開発すること。
- ロ 大規模災害課の上級専門家を対象として、火災・爆発安全に関する理論的及び実践的な集中訓練を実施すること。また、その他の職員に対して講義を行うこと。
- ハ 火災・爆発防止対策の推進について助言を行うこと。

5 プロセス安全

(1) 背景

「マ」国では、塩素やアンモニアを製造しまたは使用する化学工業における中毒の防止対策も、火災・爆発防止対策と並んで、新しい行政課題として位置付けており、これをプロセス安全と称して我が国に協力を要請してきたものである。

中毒による死亡及び永久障害の発生件数は、1990年でそれぞれ1人及び10人、1991年でそれぞれ2人及び6名となっている。1991年に発生した死亡及び永久障害は、全体でそれぞれ363人及び5,185人となっていることから、中毒による災害発生件数が必ずしも大きな割合を占めているとは言えないが、化学工業における中毒の発生は、一度に多数の被災者を発生させる可能性があることから、労働安全衛生局においては、新たに1994年中の施行を予定している大規模災害管理規則に基づきその防止対策を推進することとしているものである。

(2) 要請内容の詳細

プロセス安全の分野では、特に化学工業におけるプロセス管理に精通した専門家の派遣が要請された。

本分野のカウンターパートとしては、化学工業を専攻し、現在は大規模災害課に所属する Mr. Izaniのほか、大規模災害課の職員数名が予定されている。

火災・爆発とプロセス安全は、対策として重複する部分も多く、化学安全に精通した専門家であれば、双方の分野をカバーすることが可能であるので、調査団としては、一人の専門家による対応が望ましい旨発言したところ、同意を得た。

なお、「マ」国においては、出光興産徳山製油所の研修施設に関心を持っている旨発言があった。

専門家に要求される具体的な指導内容は、以下のとおりである。

- イ プロセス安全に関する訓練教材を開発すること。
- ロ 大規模災害課の上級専門家を対象として、プロセス安全に関する理論的及び実践的な集中訓練を実施すること。また、その他の職員に対して講義を行うこと。
- ハ プロセス安全対策の推進について助言を行うこと。

添 付 資 料

調査分野	労働環境整備		分類	中分類	小分類
	和文	英文	労働	社会福祉	労働
実施機関	人的資源 産 工場・機械 局				
	Factories and Machinery Department				
実施人数	名	ヶ月			
	1名	6ヶ月(週) 以上			
実施期間	年度	第1・2・3・4四半期 (1994年中旬)			
	半年度	(要請書)			
実施趣向	目的				
	産 工場・機械局は、労働者の安全・健康・福祉の向上を図ること、工場環境				
実施趣向	目的				
	産 工場・機械局は、労働者の安全・健康・福祉の向上を図ること、工場環境				
実施趣向	目的				
	産 工場・機械局は、労働者の安全・健康・福祉の向上を図ること、工場環境				

（後任の場合）要望内容の概要（専門系業務の範囲・内容）		（1.5字以内）	
和文	英文	要望内容	要望内容
Biological Hazards		Biological Hazards	
工場等における生物学的危険性の研究、評価、回避の方法に関し、以下を 行う。 1. アセスメント手法の開発 2. アセスメントと分析（結果の読み取り方）の手法についての研修 3. 上記目的のための関連資料の収集 4. 必要書類の取りまとめ			
指導者	担当	指導者	担当
カクナガハートの役職名	工場・機械局長		
要望される技術レベル (資格・経験年数)			
要求される経験レベル			
年齢制限	55才以上・以下	理由	
リクルート先の希望	有() 無()		
必要とされる資格			
その他参考となる資料			
業務の主たる形態	助 営 計画決定 研究開発	セミナー研修	講習研修
	S-1 政策調査(計画)	S-6	別項業務
	S-2 関係機関等との立案	S-7	医 療
	S-3 試験分析・調査研究	S-8	パラメディカル
	S-4 運営管理	S-9	研修技術
	S-5 情報	S-10	教育文化(教育)

指導分野	労働環境整備	分類	工場・機械 局	中分類	労働	小分類	労働
要請機関	和文 英文	Factories and Machinery Department					
要請内容	長期	名					
派遣期間	短期	1名					
派遣希望時期	平成 6 年度 第 1・2・3・4 四半期 (1994 年中旬)						
実施目的 (要請内容及び実施目的)	(要請内容) 人的資源部工場・機械局は、労働者の安全・健康・福祉の向上を図ること、工場建設にかかわる事故の危険性をなくすること、ガスシリングやスクリューコンクリート等の建設に利用される機械設備が常に安全に使用されるようにすること、労働災害や職業病の発生を防止することを目的として、種々の業務を行っている。同局では、こうした業務を専門的観点を持って援助する専門家を必要としている。						
	(派遣目的) 労働局が実施する、工場における各種危険性の所在の検証、評価、回避の方法に関するプロジェクトについて、職業衛生の観点から、助言を行う。						
候補者候補計画	計画期間		危険 6か月				
派遣事業 (4年7割)	過去の同案件の実施の有無	有 (初年度 年)・無					
	内情	無 償	開発調査	プロ技術	単独器材	研究協力	ミニプロ
案件名							
入国後の状況	人的資源部の他局は JICA と連携の経験があり、関係は良好。						
大抵の意見	2004年に先遣団の派遣入りをするという旨の下、工業化を急進に進めているものもまだ労働安全衛生に関する認識は低い。これまで工場のほか安全衛生に関する法制であったが、本年これを拡大した職業安全衛生法が国会に上程された。このような状況の中で先遣団の派遣が望ましいものであり、極めて重要案件であると判断する。 (A) 高い (○) B 普通 (△) C 低い (×)						
JICA 海外 事務局の意見	国では急速に工業化が進んでいるが、工場建設や労働者に對する安全対策は他の国に比べて遅く、日本のない状況を支える専門家の協力が必要である。同局からは他に4名の要員があり、計画的な派遣を進めるためには、当初に同局のニーズを認識するための英語専門家派遣が必要。						
正式要請書	種別	A 高い (○) B 普通 (△) C 低い (×)	号)・無				

本邦記入欄

指導科目	和文	(後任の場合) 要請内容の概要 (専門系業務の範囲・内容)					
	英文	(15字以内)					
指導内容 (具体的に)	職業医学	Occupational Medicine					
	職業医学的視点を用いて、工場における各種危険性の所在の検証、評価、回避の方法に関するプロジェクトを実施すること、労働災害や職業病の発生を防止することを目的として、種々の業務を行っている。同局では、こうした業務を専門的観点を持って援助する専門家を必要としている。	工場・機械局長					無
求められる技術レベル (資格、経験年数)	職業医学分野における経験をもち、当分野での職務が最低5年以上。						
求められる語学レベル	指導を英語で行えること						
年齢制限	有 (55才 以上・以下 理由						
リクルート先の希望	有 () ・無 ()						
必要とされる機材	有 () 無 ()						
その他参考となる資料	職業医学 (資料) S-6 職業工学術 労働安全衛生法の立案 S-7 監 原 職業分析・調査研究 S-8 パラメディカル 職業医学 S-9 職業文化 (教員) 職業医学 S-10						
業務の主たる形態	助 産	計画研究	研究開発	研究開発	管理指導	技術指導	
業務の内容	教育訓練	運営管理	セミナー開催	その他			
	S-1 政策提言 (資料)	S-6 職業工学術	S-2 労働安全衛生法の立案	S-7 監 原	S-3 職業分析・調査研究	S-8 パラメディカル	
業務の内容	S-4 運営管理	S-9 職業文化 (教員)	S-5 研 究	S-10			
	公開日付	公開No.	邦語記入欄	案件番号	54		

調査分野	労働環境整備	中分類	労働	小分類	労働
要請機関	和文	人的資源	工場・機械局	社会福祉	
	英文	Factories and Machinery Department, Ministry of Human Resources			
要請人数及び派遣期間	名	名	ヶ月	ヶ月	
派遣希望時期	平成 5 年度 第 1 2 3 4 四半期 (1994年 3月)	1 名	6 ヶ月 (週)		
要請内容 (詳細に) 派遣目的	<p>(要請内容) 近頃マレーシアにおいては、工業化の急速な進展にもかかわらず、職業訓練として火災や爆発が毎年多く発生している。このような火災の発生を防ぐため、マレーシア政府は、危険物取扱者を訓練し、人的資源の向上を図ることが必要であると判断し、危険物取扱者のための訓練プログラムを立案している。</p> <p>(派遣目的) 専門家(技術アドバイザー)は、火災及び爆発に関する安全管理について理論的、体系的な知識を有する工場(化学)のアドバイザーとして、火災及び爆発の防止に関する知識を授け、安全管理の向上を図る。</p>				
	要請内容	<p>火災及び爆発の防止に関する安全管理の向上を図るための体系的、体系的知識から5人の技術者を派遣する。</p> <p>マレーシアにおける火災及び爆発に対する安全管理を行うための政府・民間に</p>			
技術移転計画	計画期間	年			
派遣事業(40-77)	過去の同案件の実施の有無	有	(初年度)	年	無
	円償	無償	開発調査	単独機材	研究協力
派遣事業の状況	要請内容	有	無	無	無
	派遣事業の状況	2020年に先遣団の派遣入りをするとこの目標の下、工業化を急速に進めているものだが、先遣団の派遣入りに関する情報は低い。これまで工場側が安全管理に力を入れてきたが、本年これを拡大した職業安全衛生協会に上程された。このような状況の中で、先遣団の派遣入りを促すための調査を実施する。			
JICA海外派遣所の意見	派遣内容	<p>A 悪い (○) B 普通 (△) C 低い (×)</p>			
	派遣費用	有	円	円	円

本邦記入欄 公開回数 公開No. 案件番号 55

提出項目	和文	(後任の場合) 要請内容の概要 (専門系業務の範囲・内容)		(15字以内)
	英文	火災・爆発に関する安全管理		
指導内容 (具体的に)	和文	Fire and Explosion Safety		
	英文	1. 火災及び爆発に対する安全管理のための訓練計画モデルの準備。 2. 火災及び爆発に対する安全管理のための理論的、体系的知識から5人の技術者を派遣する。 3. マレーシアにおける火災及び爆発に対する安全管理を行うための政府・民間に		
カクコンハートの役職名	工場・機械局長			
要求される語学レベル	工学士もしくは化学士	石油化学、石油化学、石油化学、石油化学に10年以上の経験があること、(特に石油、石油化学、石油化学の経験が望ましい。)		
年齢制限	有	(45才前後)		
リクルート先の希望	有	()	無	氏
必要とされる資格	有	()	無	氏
その他希望となる資料	有	()	無	氏
業務の主たる形態	助産	計画立案	研究開発	新技術
	教育訓練	運営管理	セミナー開催	その他
業務の内容	S-1	政策提議 (顧問)	S-6	建設技術
	S-2	開業前研修等の立案	S-7	既 業
	S-3	状況分析・調査研究	S-8	パラメディカル
	S-4	運営管理	S-9	建設技術
	S-5	情報	S-10	教育文化 (建設)

指導分野	労働環境整備	分類	中分類	小分類
要望期間	和文 英文 長期 短期	労働	社会福祉	
要望人数及び派遣期間	名 1名			労働
派遣希望時期	平成 5 年度 第 1・2・3・4 四半期 (1994年 3月)			
要望背景(経歴及び派遣目的)	<p>(要望背景) 近年度マレイシアにおいては、工業化の急速な進展にもない、職業災害として火事や爆発が頻発しており、多くの人命、財物が失われている。このような事故の発生を防ぐため、マレイシア政府は、危険物取扱法を制定し、人的危険物の工場、操縦場などに新たな規制を設けた。しかしながら、同時に十分な訓練・ノウハウがないため、スタッフの人的育成を急務としており、優秀な技術者及び技術アドバイザー(要望目的)を派遣することを希望している。</p> <p>(派遣目的) クラフトとして、専門知識(技術アドバイザー)は、製造工程での安全確保において、理論的、実践的な訓練計画・手法を作成し、指導及び石油、石油化学、化学工業のサイト調査を指導する訓練を行う。</p>			
技術移転計画	計画期間	年		
派遣事業(イロ-77)	過去の同条件の受雇の有無	有 (初年度)	有	無
	円信	無	無	無
	案件名	開発調査	研究協力	ミニプロ
記入欄目の状況	法	無	無	無
	法	無	無	無
大使館の意見	20204年に派遣の件に入り、これを急務に認めている。工業化を急務に進めているもの、また労働安全衛生に関する認識は低い。これまで工場のみが安全衛生に関する法律であったが、本年これを拡大した地産安全衛生法が国会に上程された。このような状況の中で、本館は派遣の賛成を出したものであり、極めて重要であると考えている。			
JICA在外事務所の見解	マレーシアでは急務に工業化が進んでいるが、工場建設や労働者に対する安全対策はその進捗に遅いつつあり、足らない状態を改善する必要がある。このため、同国からほかにも4件の要望があり、技術的な協力が必要である。当初に同国のニーズを調査するための要望調査調査団が短期出張の派遣が必要。			
正式要請書	優先度	A 高い (○)	B 普通 (△)	C 低い (X)
	種	無	無	無

本邦記入欄

公費日付

公費No.

案件番号

56

指導科目	和文 英文	(後任の場合) 要望内容の概要 (専門業務の範囲・内容) (15字以内)
指導内容 (具体的に)	Process Safety	製造工程における安全性
		1. 製造工程における安全性に関する訓練計画モデルの構築。 2. 理論的、経験的観点から製造工程における安全性について工場・操縦場の5人の候補者を指名する。 3. 製造工場における安全性に関し、形成・実施にかかるアドバイスをを行う。
キャリアポートの役職名	工場・操縦高長	
要求される技術レベル (資格・経験年数)	工学士、製造工程の安全管理業務に10年以上の経験を持つこと (特に石油・石油化学、石油化学)	
要求される語学レベル	指示を英語で行えること	
年齢制限	種 (45才前後)	無
リクルート先の希望	有 ()	無
必要とされる機材	有 ()	無
その他参考となる資料	無	無
業務の主たる形態	助 産 計画促進 研究開発	密接評価 技術指導
	教育訓練 運営管理 セミナー開発	その他
	S-1 政策提議 (顧問)	S-6 理説工技術
	S-2 開発政策等の立案	S-7 医 原
	S-3 既成分析・調査研究	S-8 パラメディカル
	S-4 運営管理	S-9 技術技術
	S-5 情報 報	S-10 教育文化 (教育)
本邦記入欄	公費日付	公費No.
		案件番号
		56



UNIT PERANCANG EKONOMI
Economic Planning Unit
JABATAN PERDANA MENTERI
Prime Minister's Department
JALAN DATO' ONN
50502 KUALA LUMPUR
MALAYSIA

Telefon: 2300133/2933333
Cable: ECONOMICS
Telex: EPUPM MA 30098
Fax: 2914268

Ruj. Tuan:
Your Ref:

Ruj. Kami: (1/2)dlm.UPE 40/240/180
Our Ref:

Tarikh:
Date:

// October 1993

URGENT/BY HAND

Mr. H. Sawayama
Second Secretary
Embassy of Japan
No. 11 Persiaran Stonor
Off Jalan Tun Razak
50450 KUALA LUMPUR



Dear Sir,

Request for JICA Individual Experts
for Japanese Fiscal Year 1994

With reference to your letter, dated 20 August 1993 regarding the above mentioned matter, I am directed to inform you that the thirteen (13) requests for individual experts in FY 1993 can be carried forward to FY 1994.

2. For the new requests, attached herewith is part of list of proposed experts and the AI Forms for FY 1994 which has been duly approved by the EPU for your perusal. The remainder of the list will be sent you as soon as possible.

3. Your cooperation to this matter is much appreciated.

Regards.

Yours faithfully,

K. Thillainadarajan

(K. THILLAINADARAJAN)
Director External Assistance Section
for Director General
Economic Planning Unit

2.

c.c.

Resident Representative
JICA Malaysia Office
Suite 18.1W, 18th Floor
Wisma Sime Darby
Jalan Raja Laut
50350 Kuala Lumpur

2931790

/ha/susm2

THE COLOMBO PLAN
COUNCIL FOR TECHNICAL CO-OPERATION IN ASIA AND THE PACIFIC

APPLICATION FOR EXPERT

By the Government of Malaysia to the Government of Japan
or an expert in Ergonomics

Notes.—(a) This form has been devised for the general guidance of co-operating countries in order to facilitate the supply of relevant information and data necessary to afford an adequate appreciation of the nature of the technical assistance required. Full and accurate completion of this application form will avoid much reference back and lead to speedier action.

(b) The requisite number of copies of the Form A I, including a copy for the Colombo Plan Bureau, duly endorsed by the appropriate Foreign Aid Department of the requesting government should be forwarded to the donor government concerned through the appropriate channels.

1. Background Information

This section should show as precisely as possible the general nature of the project for which the expert is required, stating whether it comes within the Government's development programme. It is important to indicate whether the project is a new enterprise or whether it was started previously. In the latter case, any assistance received under other technical co-operation programmes (e.g. under United Nations auspices) should be stated. With regard to industrial enterprises, some impression of the size is important and the output and number of workers to be employed are useful indications. The type of process, make and age of industrial or scientific equipment with which the expert will be concerned should be specified. In the case of academic establishments, it is an advantage to know the number of annual intake of students, their level of attainment, numbers and status of existing staff and details of any research facilities and the level of research being undertaken. (Copies of brochure, annual reports, financial statements, calendars, syllabus of instruction, etc. should be attached where applicable).

The expert in ergonomics is needed to assist the Factories and Machinery Department of Malaysia to undertake a project related to the identification, evaluation and control of hazards from ergonomics problems. The expert is required to:

- develop method of assessment.
- train locals on the method of assessment as well as analysis (including interpretation of results).
- identify relevant equipment for the above purpose.
- come up with necessary documentation.

2. Specification for the post:*

(a) post title

Ergonomist.

(b) duties for which the expert will be responsible. These should preferably be listed, and it is important to give as much detail as possible

-as in 1) above.

(c) authority to whom expert will be responsible

Director General of Factories and Machinery Department.

(d) qualification and experience required and approximate age limits

Having qualification and at least 5 years experience in ergonomics. Age should not be more than 55 years old.

(e) number of personnel required

One.

3. In the case of continuous projects, give name and particulars of understudy or counterpart who is to work with the expert

Director General of Factories and Machinery Department.

4. Terms and conditions of appointment:

(a) duration

At least 6 month.

(b) actual place of employment, nearest town and post office

Kuala Lumpur.

(c) if living accommodation to be provided, state whether furnished or unfurnished and whether suitable for married man with family:

As in the Gen. Cir. No. 1 of 1979

(i) daily allowance for food if accommodation only provided

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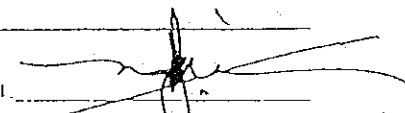
(ii) daily rate for accommodation and food if neither are provided in kind

-do-

* It is essential that full particulars should be given. If the space provided is inadequate, particulars should be given on a separate sheet.

<p>4. Terms and conditions of appointment (contd.)</p> <p>(d) daily and nightly rates of subsistence payable when away from base on duty</p> <p>(e) are costs of internal travel paid or car provided?</p> <p>(f) what leave arrangements are suggested?</p> <p>(g) extent to which free hospital and medical treatment is to be provided for the expert and his accompanying dependants, if any</p> <p>(h) is expert free from income tax?</p> <p>(i) will personal effects imported on first arrival be cleared free of custom duty?</p> <p>(j) does host government undertake to indemnify expert in respect of damages awarded against him for actions performed in the course of his official duties?</p> <p>(k) approximate date on which the expert is required to arrive in receiving country</p> <p>(l) any other information</p>	<p>As in the Gen. Cir. No. 1 of 1979</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>Yes, unless due to wilful misconduct or gross negligence</p> <p>mid-1994</p> <p>none.</p>
<p>5. Proposals for apportionment of costs of salary and allowance and passages</p>	<p>-</p>
<p>6. Previous steps, if any, to fill the post:</p> <p>If any previous attempt has been made to fill the post under the Colombo Plan (including ICA) or from any external source (UN, Specialised Agency or other) please indicate:</p> <p>(a) to whom application was addressed, with date</p> <p>(b) result or present stage of negotiations</p> <p>(c) are other experts working in this area in associated projects or have there been experts working in this field previously? If so, are any reports by these experts available?</p>	<p>none.</p> <p>-</p> <p>-</p> <p>-</p>
<p>7. Correspondence:</p> <p>Name postal and telegraphic address of official to whom correspondence regarding this application should be forwarded</p>	<p>Director General Economic Planning Unit Prime Minister's Department</p>

Date: 11/10/93

Signed: 

on behalf of the Government of Malaysia

For The Chief Secretary to the Government of Malaysia.

For use only by Donor Government

Application accepted/rejected/withdrawn

on behalf of the Department of _____

Date: _____

THE COLOMBO PLAN
COUNCIL FOR TECHNICAL CO-OPERATION IN ASIA AND THE PACIFIC

APPLICATION FOR EXPERT

By the Government of Malaysia to the Government of Japan
for an expert in Biological Hazards

Notes.—(a) This form has been devised for the general guidance of co-operating countries in order to facilitate the supply of relevant information and data necessary to afford an adequate appreciation of the nature of the technical assistance required. Full and accurate completion of this application form will avoid much reference back and lead to speedier action.

(b) The requisite number of copies of the Form A I, including a copy for the Colombo Plan Bureau, duly endorsed by the appropriate Foreign Aid Department of the requesting government should be forwarded to the donor government concerned through the appropriate channels.

1. Background Information

This section should show as precisely as possible the general nature of the project for which the expert is required, stating whether it comes within the Government's development programme. It is important to indicate whether the project is a new enterprise or whether it was started previously. In the latter case, any assistance received under other technical co-operation programmes (e.g. under United Nations auspices) should be stated. With regard to industrial enterprises, some impression of the size is important and the output and number of workers to be employed are useful indications. The type of process, make and age of industrial or scientific equipment with which the expert will be concerned should be specified. In the case of academic establishments, it is an advantage to know the number of annual intake of students, their level of attainment, numbers and status of existing staff and details of any research facilities and the level of research being undertaken. (Copies of brochures, annual reports, financial statements, calendars, syllabus of instruction, etc. should be attached where applicable.)

The expert in biological hazards (specifically for hazards from spores) is needed to assist the Factories and Machinery Department of Malaysia to undertake a project related to the identification, evaluation and control of hazards from spores. The expert is required to:

- develop method of assessment.
- train locals on the method of assessment as well as analysis (including interpretation of results).
- identify relevant equipment for the above purpose.
- come up with necessary documentation.

2. Specification for the post:

- (a) post title
- (b) duties for which the expert will be responsible. These should preferably be listed, and it is important to give as much detail as possible
- (c) authority to whom expert will be responsible
- (d) qualification and experience required and approximate age limits
- (e) number of personnel required

Biological Hazards Expert.

- as in 1) above.

Director General of Factories and Machinery Department.

Having qualification and at least 5 years experience in Occupational Hygiene work specific in the assesement of biological agents. Age should not be more than 55 years One.

3. In the case of continuous projects, give name and particulars of understudy or counterpart who is to work with the expert

Director General of Factories and Machinery Department.

4. Terms and conditions of appointment:

- (a) Duration
- (b) actual place of employment, nearest town and post office
- (c) if living accommodation to be provided, state whether furnished or unfurnished and whether suitable for married man with family:
 - (i) daily allowance for food if accommodation only provided
 - (ii) daily rate for accommodation and food if neither are provided in kind

At least 6 month.

Kuala Lumpur.

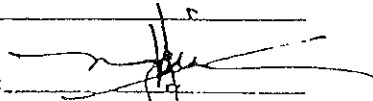
As in the Gen. Cir. No. 1 of 1979

-do-

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* It is essential that full particulars should be given, if the space provided is inadequate, particulars should be given on a separate sheet

<p>4. Terms and conditions of appointment (contd.)</p> <p>(d) daily and nightly rates of subsistence payable when away from base on duty</p> <p>(e) are costs of internal travel paid or car provided?</p> <p>(f) what leave arrangements are suggested?</p> <p>(g) extent to which free hospital and medical treatment is to be provided for the expert and his accompanying dependants, if any</p> <p>(h) is expert free from income tax?</p> <p>(i) will personal effects imported on first arrival be cleared free of custom duty?</p> <p>(j) does host government undertake to indemnify expert in respect of damages awarded against him for actions performed in the course of his official duties?</p> <p>(k) approximate date on which the expert is required to arrive in receiving country</p> <p>(l) any other information</p>	<p>As in the Gen. Cir. No. 1 of 1979</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>Yes, unless due to wilful misconduct or gross negligence</p> <p>mid-1994</p> <p>none.</p>
<p>5. Proposals for apportionment of costs of salary and allowance and passages</p>	<p>-</p>
<p>6. Previous steps, if any, to fill the post:</p> <p>If any previous attempt has been made to fill the post under the Colombo Plan (including ICA) or from any external source (UN, Specialised Agency or other) please indicate:</p> <p>(i) to whom application was addressed; with date</p> <p>(ii) result or present stage of negotiations</p> <p>(iii) are other experts working in this area in associated projects or have there been experts working in this field previously? If so, are any reports by these experts available?</p>	<p>none.</p> <p>-</p> <p>-</p> <p>-</p>
<p>Correspondence:</p> <p>Name postal and telegraphic address of official to whom correspondence regarding this application should be forwarded</p>	<p>Director General Economic Planning Unit Prime Minister's Department</p>

Signed: 

Date: 11/10/93 on behalf of the Government of Malaysia *The Chief Secretary to the Government of Malaysia.*

For use only by Donor Government

Application accepted/rejected/withdrawn

on behalf of the Department of _____

Date: _____

THE COLOMBO PLAN
COUNCIL FOR TECHNICAL CO-OPERATION IN ASIA AND THE PACIFIC

APPLICATION FOR EXPERT

By the Government of Malaysia to the Government of Japanor an expert in Occupational Medicine.

Notes.—(a) This form has been devised for the general guidance of co-operating countries in order to facilitate the supply of relevant information and data necessary to afford an adequate appreciation of the nature of the technical assistance required. Full and accurate completion of this application form will avoid much reference back and lead to swifter action.

(b) The requisite number of copies of the Form A.1, including a copy for the Colombo Plan Bureau, duly endorsed by the appropriate Foreign Aid Department of the requesting government should be forwarded to the donor government concerned through the appropriate channels.

1. Background Information

This section should show as precisely as possible the general nature of the project for which the expert is required, stating whether it comes within the Government's development programme. It is important to indicate whether the project is a new enterprise or whether it was started previously. In the latter case, any assistance received under other technical co-operation programmes (e.g. under United Nations auspices) should be stated. With regard to industrial enterprises, some impression of the size is important and the output and number of workers to be employed are useful indications. The type of process, make and age of industrial or scientific equipment with which the expert will be concerned should be specified. In the case of academic establishments, it is an advantage to know the number of annual intake of students, their level of attainment, numbers and status of existing staff and details of any research facilities and the level of research being undertaken. (Copies of brochures, annual reports, financial statements, calendars, syllabus of instruction, etc. should be attached where applicable).

The expert in occupational medicine is needed to assist the Factories and Machinery Department of Malaysia to undertake a project related to the identification, evaluation and control of occupational diseases. The expert is required to:

- develop method of assessment.
- train locals on the method of assessment as well as analysis (including interpretation of results).
- identify relevant equipment for the above purpose.
- Come up with necessary documentation.

2. Specification for the post:

- (a) post title
- (b) duties for which the expert will be responsible. These should preferably be listed, and it is important to give as much detail as possible
- (c) authority to whom expert will be responsible
- (d) qualification and experience required and approximate age limits
- (e) number of personnel required

Occupational Medicine Expert.

- as in 1) above.

Director General of Factories and Machinery Department.

Having qualification and at least 5 years experience occupational medicine. Age should not be more than 55 years old.

One.

3. In the case of continuous projects, give name and particulars of understudy or counterpart who is to work with the expert

Director General of Factories and Machinery Department.

4. Terms and conditions of appointment:

- (a) duration
- (b) actual place of employment, nearest town and post office
- (c) if living accommodation to be provided, state whether furnished or unfurnished and whether suitable for married man with family:
- (i) daily allowance for food if accommodation only provided
- (ii) daily rate for accommodation and food if neither are provided in kind

At least 6 month.

Kuala Lumpur.

As in the Gen. Cir. No. 1 of 1979

-do-

-do-

<p>4. Terms and conditions of appointment (contd.)</p> <p>(d) daily and nightly rates of subsistence payable when away from base on duty</p> <p>(e) are costs of internal travel paid or car provided?</p> <p>(f) what leave arrangements are suggested?</p> <p>(g) extent to which free hospital and medical treatment is to be provided for the expert and his accompanying dependants, if any</p> <p>(h) is expert free from income tax?</p> <p>(i) will personal effects imported on first arrival be cleared free of custom duty?</p> <p>(j) does host government undertake to indemnify expert in respect of damages awarded against him for actions performed in the course of his official duties?</p> <p>(k) approximate date on which the expert is required to arrive in receiving country</p> <p>(l) any other information</p>	<p>As in the Gen. Cir. No. 1 of 1979</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>-do-</p> <p>A -do-</p> <p>Yes, unless due to wilful misconduct and gross negligence</p> <p>mid-1994</p> <p>none</p>
<p>5. Proposals for apportionment of costs of salary and allowance and passages</p>	<p>-</p>
<p>6. Previous steps, if any, to fill the post:</p> <p>If any previous attempt has been made to fill the post under the Colombo Plan (including ICA) or from any external source (UN, Specialised Agency or other) please indicate:</p> <p>(a) to whom application was addressed, with date</p> <p>(b) result or present stage of negotiations</p> <p>(c) are other experts working in this area in associated projects or have there been experts working in this field previously? If so, are any reports by these experts available?</p>	<p>none.</p> <p>-</p> <p>-</p> <p>-</p>
<p>7. Correspondence:</p> <p>Name postal and telegraphic address of official to whom correspondence regarding this application should be forwarded</p>	<p>Director General Economic Planning Unit Prime Minister's Department</p>

Signed: 

on behalf of the Government of Malaysia For The Chief Secretary to the Government of Malaysia.

Date: 11/10/93

For use only by Donor Government

Application accepted/rejected/withdrawn

on behalf of the Department of _____

Date: _____

THE COLOMBO PLAN
COUNCIL FOR TECHNICAL CO-OPERATION IN ASIA AND THE PACIFIC

APPLICATION FOR EXPERT

By the Government of MALAYSIA to the Government of JAPAN
for an expert in FIRE AND EXPLOSION SAFETY

- Notes.*—(a) This form has been devised for the general guidance of co-operating countries in order to facilitate the supply of relevant information and data necessary to afford an adequate appreciation of the nature of the technical assistance required. Full and accurate completion of this application form will avoid much reference back and lead to speedier action.
- (b) The requisite number of copies of the Form A I, including a copy for the Colombo Plan Bureau, duly endorsed by the appropriate Foreign Aid Department of the requesting government should be forwarded to the donor government concerned through the appropriate channels.

1. Background Information

This section should show as precisely as possible the general nature of the project for which the expert is required, stating whether it comes within the Government's development programme. It is important to indicate whether the project is a new enterprise or whether it was started previously. In the latter case, any assistance received under other technical co-operation programmes (e.g. under United Nations auspices) should be stated. With regard to industrial enterprises, some impression of the size is important and the output and number of workers to be employed are useful indications. The type of process, make and age of industrial or scientific equipment with which the expert will be concerned should be specified. In the case of academic establishments, it is an advantage to know the number of annual intake of students, their level of attainment, numbers and status of existing staff and details of any research facilities and the level of research being undertaken. (Copies of brochure, annual reports, financial statements, calendar, syllabus of instruction, etc. should be attached where applicable).

See Appendix A

2. Specification for the post:

- (a) post title
(b) duties for which the expert will be responsible. These should preferably be listed, and it is important to give as much detail as possible
(c) authority to whom expert will be responsible
(d) qualification and experience required and approximate age limits
(e) number of personnel required

Technical Adviser for Fire and Explosion Safety

See Appendix B

Factories and Machinery Department (FMD), Ministry of Human Resources

See Appendix B

3. In the case of continuous projects, give name and particulars of understudy or counterpart who is to work with the expert

See Appendix D

4. Terms and conditions of appointment:

- (a) duration
(b) actual place of employment, nearest town and post office
(c) if living accommodation to be provided, state whether furnished or unfurnished and whether suitable for married man with family:
(i) daily allowance for food if accommodation only provided
(ii) daily rate for accommodation and food if neither are provided in kind

6 months

FMD Headquarters, Kuala Lumpur Malaysia

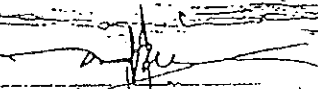
As in the Gen. Cir. No. 1 of 1979

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* It is essential that full particulars should be given, if the above provided is non-applicable, particulars should be given in a separate sheet

<p>4. Terms and conditions of appointment: (contd.)</p> <p>(d) daily and nightly rates of subsistence payable when away from base on duty</p> <p>(e) are costs of internal travel paid or car provided?</p> <p>(f) what leave arrangements are suggested?</p> <p>(g) extent to which free hospital and medical treatment is to be provided for the expert and his accompanying dependants, if any</p> <p>(h) is expert free from income tax?</p> <p>(i) will personal effects imported on first arrival be cleared free of custom duty?</p> <p>(j) does host government undertake to indemnify expert in respect of damages awarded against him for actions performed in the course of his official duties?</p> <p>(k) approximate date on which the expert is required to arrive in receiving country.</p> <p>(l) any other information</p>	<p>As in the Gen. Cir. No. 1 of 1979</p> <p>-No-</p> <p>-No-</p> <p>-No-</p> <p>-No-</p> <p>-No-</p> <p>Yes, unless due to wilful misconduct and gross negligence</p> <p>June 1994</p>
<p>5. Proposals for apportionment of costs of salary and allowance and passages</p>	<p></p>
<p>6. Previous steps, if any, to fill the post:</p> <p>If any previous attempt has been made to fill the post under the Colombo Plan (including ICA) or from any external source (UN, Specialised Agency or other) please indicate:</p> <p>(a) to whom application was addressed, with date</p> <p>(b) result or present stage of negotiations</p> <p>(c) are other experts working in this area in associated projects or have there been experts working in this field previously? If so, are any reports by these experts available?</p>	<p>No</p> <p>No</p> <p>No</p>
<p>7. Correspondence:</p> <p>Name postal and telegraphic address of official to whom correspondence regarding this application should be forwarded</p>	<p>Director General Economic Planning Unit Prime Minister's Department</p>

Signed: 
 on behalf of the Government of Malaysia
 For The Chief Secretary to the Government of Malaysia.

Date: 11/10/93

For use only by Donor Government

Application accepted/rejected/withdrawn

Date: _____

on behalf of the Department of _____

APPENDIX A

1. Background Information

A number of Industrial accidents due to Fire and Explosion has taken place in Malaysia which has killed large number of people and destroyed large amount of properties. To prevent the reoccurrence of such incidents the Malaysia Government has formed a special unit under the Factories and Machinery Department under the Ministry of Human Resources to enforce a specific legislation called the Major Hazard Control regulations. In order to equipped the unit with capable engineers the unit need a technical adviser with the relevant qualifications and experience to train senior engineer under the unit. Since it is going to be new project the technical adviser will be required to prepare the training module and provides training in the theoretical and practical aspects of fire and explosion safety through classroom and site visit to petroleum, petrochemical, chemical, fireworks and explosive factories within the country. The expert is expected to train 5 engineer in the unit for a period of 6 months.

APPENDIX B

2. Specification for the post

- b.i) To prepare training module for Fire and Explosion Safety.
 - ii) To train five senior engineers on theoretical and practical aspect of fire and explosion safety.
 - iii) To give advise on enforcement strategy for fire and explosion safety in Malaysia.
- d. An engineering or science graduate about 45 years old and having at least 10 years experienced in Fire and Explosion Safety preferably related to petroleum, petrochemical and chemical industry.

APPENDIX D

3.

Ir Johari Basri - Head of Major Hazard Division
Ir Omar Mat Piah - Senior Engineer, Major Hazard Division
Ir Ke Geok Chuan - Senior Engineer, Major Hazard Division
Ir Mohtar Musri - Senior Engineer, Major Hazard Division

THE COLOMBO PLAN
COUNCIL FOR TECHNICAL CO-OPERATION IN ASIA AND THE PACIFIC

APPLICATION FOR EXPERT

By the Government of Malaysia to the Government of Japan
as an expert in Process Safety.

Note:--(a) This form has been devised for the general guidance of co-operating countries in order to facilitate the supply of relevant information and data necessary to afford an adequate appreciation of the nature of the technical assistance required. Full and accurate completion of this application form will avoid much reference back and lead to speedier action.

(b) The requisite number of copies of the Form A 1, including a copy for the Colombo Plan Bureau, duly endorsed by the appropriate Foreign Aid Department of the requesting government should be forwarded to the donor government concerned through the appropriate channels.

1. Background information

This section should show as precisely as possible the general nature of the project for which the expert is required, stating whether it comes within the Government's development programme. It is important to indicate whether the project is a new enterprise or whether it was stated previously. In the latter case, any assistance received under other technical co-operation programmes (e.g. under United Nations auspices) should be stated. With regard to industrial enterprises, some impression of the size is important and the output and number of workers to be employed are useful indications. The type of process, make and age of industrial or scientific equipment with which the expert will be concerned should be specified. In the case of academic establishments, it is an advantage to know the number of annual intake of students, their level of attainment, numbers and status of existing staff and details of any research facilities and the level of research being undertaken. (Copies of brochure, annual reports, financial statements, calendars, syllabus of instruction, etc. should be attached where applicable).

Rapid industrialization in Malaysia has resulted a number of major accidents which resulted loss of lives and destruction of properties. To prevent the reoccurrence Malaysian Government has formed a special unit under the Factories and Machinery Department Ministry of Human Resources to enforce Major Hazards legislation to the industry. In order to effectively enforced the legislation the unit need a technical adviser with relevant experience to train senior engineers in the area of process safety. Since it will be a new project the technical advisor as the post will be designated will be required to prepare the training module and provides training, theoretical and practical aspect of process safety through class room and site visits to a number of petroleum, petrochemical and chemical plants. The expert is expected to train about 5 senior engineer in the unit for a about 6 months period in Malays

2. Specification for the post:

- (a) post title
- (b) duties for which the expert will be responsible. These should preferably be listed, and it is important to give as much detail as possible
- (c) authority to whom expert will be responsible
- (d) qualification and experience required and approximate age limits
- (e) number of personnel required

Technical Advisor for Process Safety.

- i. To prepare training module for process safety.
- ii. To train five senior engineer on the critical and practical aspect of process safety.
- iii. To give advise on enforcement strategy for process safety in Malaysia.

Factories and Machinery Department (FMD), Ministry of Human Resources Malaysia.

An Engineering Graduate about 45 years old and having at least 10 years experience in petrochemical or chemical industry preferably in the area of process safety.

3. In the case of continuous projects, give name and particulars of understudy or counterpart who is to work with the expert

Ir Johari Basri - Head of Major Hazards Division.
Ir Mohtar Musri - Senior Engineer Major Hazards Division.
Ir Esah Abd. Hamid - Senior Engineer Major Hazards Division.
Ir Omar Mat Piah - Senior Engineer Major Hazards Division.

4. Terms and conditions of appointment:

- (a) duration
- (b) actual place of employment, nearest town and post office
- (c) if living accommodation to be provided, state whether furnished or unfurnished and whether suitable for married man with family:
 - (i) daily allowance for food if accommodation only provided
 - (ii) daily rate for accommodation and food if neither are provided in kind

6 months.

FMD Headquarters, Kuala Lumpur Malaysia.

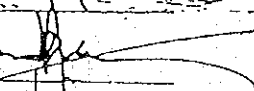
As in the Gen. Cir. No. 1 of 1979

-do-

-do-

* It is essential that full particulars should be given. If the space provided is inadequate, particulars should be given on a separate sheet.

Terms and conditions of appointment (contd.)	As in the Gen. Cir. No. 1 of 1979
(d) daily and nightly rates of subsistence payable when away from base on duty	-do-
(e) are costs of internal travel paid or car provided?	-do-
(f) what leave arrangements are suggested?	-do-
(g) extent to which free hospital and medical treatment is to be provided for the expert and his accompanying dependants, if any	-do-
(h) is expert free from income tax?	-do-
(i) will personal effects imported on first arrival be cleared free of custom duty?	-do-
(j) does host government undertake to indemnify expert in respect of damages awarded against him for actions performed in the course of his official duties?	Yes, unless due to wilful misconduct or gross negligence
(k) approximate date on which the expert is required to arrive in receiving country	March 1994
(l) other information	
Proposals for apportionment of costs of salary and allowance and passages	
Previous steps, if any, to fill the post:	
If any previous attempt has been made to fill the post under the Colombo Plan (including ICA) or from any external source (UN, Specialised Agency or other) please indicate:	No.
1) to whom application was addressed; with date	
2) result or present stage of negotiations	
3) are other experts working in this area in associated projects or have there been experts working in this field previously? If so, are any reports by these experts available?	No.
Correspondence:	
Specific postal and telegraphic address of official to whom correspondence regarding this application should be forwarded	Director General Economic Planning Unit Prime Minister's Department

Signed: 
 on behalf of the Government of Malaysia For The Chief Secretary to the Government of Malaysia.

11/10/93

see only by Donor Government

Application accepted/rejected/withdrawn

on behalf of the Department of



MALAYSIA OFFICE

JAPAN INTERNATIONAL COOPERATION AGENCY

Sulle 18.1W, 18th Floor, Wisma Sime Darby, Jalan Raja Laut,
50350 Kuala Lumpur, Malaysia.

Telephone: 293 5416

Facsimile : 293 1790

Telex : MA 021497

Our Ref : JICA/94/142

August 26, 1994

Mr. Zakaria Nanyan
Director General
Department of Occupational Safety and Health
Ministry of Human Resources
10th Floor, Wisma Perdana
Jalan Dungun
Kuala Lumpur

Dear Sir,

Experts' request on occupational safety and health.

From August 21 to 26, 1994, Japan International Cooperation Agency (hereinafter referred to as "JICA") sent a survey team to Malaysia to inquire into experts' request on occupational safety and health. As the head of the survey team, and Director of Chemical Substances Investigation Division, Department of Industrial Safety and Health, Labour Standards Bureau, Ministry of Labour in Japan, I would like to inform you of the result of our survey in this letter.

The purpose of our survey was to clarify the background and objectives of the request and also to study feasibility of our assistance through discussions with related Authorities and Organisations in Malaysia. The request, which the Ministry of Human Resources firstly made, was conveyed to the Japanese Government by the letter reference (42) dlm. UPE 40/240/180 of Economic Planning Unit dated October 11, 1993, as part of the request for experts' dispatch for Japanese Fiscal Year 1994, which started in April 1994. The request in the field of occupational safety and health consists of dispatch of five short-term experts on the following fields :-

- Ergonomics
- Occupational Medicine
- Biological Hazards
- Process Safety
- Fire and Explosion Safety

..2/-

Through the discussions held during our stay, I could understand how important it is to promote occupational safety and health in Malaysia, and I recognized that it is very significant for Japanese side to assist your efforts by technical cooperation. On the basis of the results of our survey, I will propose to the Japanese Authorities concerned the followings upon my return to Japan:-


1. An expert on Ergonomics should be chosen among the researchers on overuse syndrome.
2. An expert on Process Safety and an expert on Fire and Explosion Safety are expected to deal with safety in petrochemical industry. One expert with a wide knowledge of these two fields could be dispatched for these requests.
3. An expert on Biological hazards is required to assist the Department of Occupational Safety and Health in developing preventive measures against the diseases caused by rice mill, or fine dust of cotton or tea leaves. The analysis of the data provided during this survey is needed before the decision on whether JICA can assist or not, because Japan has few cases on these diseases.
4. An expert on Occupational Medicine is expected to be a medical doctor who has enough knowledge of occupational health administration. It is recommended that Malaysian side assign a Malaysian medical doctor as a counterpart personnel in the Department of Occupational Safety and Health.
5. Japanese Government should dispatch at least one expert among the above mentioned experts within the Japanese Fiscal Year 1994, which ends on March 31, 1995. Dispatch of the others could be considered again after the evaluation by Japanese side of the results of the expert(s) dispatch in F.Y. 1994.

Regarding the requests, which were made by the officials of the Department of Occupational Safety and Health during our stay here, for other types of technical cooperation for example, training in Japan and provision for equipment; since our team is not given the right to answer them, I will convey your requests and your eagerness verbally to the Authorities concerned in Japan.

I really hope that the team's visit to Malaysia will promote better understanding between Japanese and Malaysian Authorities concerned, and I also hope that the dispatch of the expert (s) will mark the first step of the lasting technical cooperation between the both countries. I take this opportunity to thank the Malaysian side for the kind cooperation and hospitality extended to our team members for this fruitful conclusion.

Thank you.

Sincerely yours,



.....
Mr. Itsuo IKEDA
Head of the Survey Team
on Experts Request on Occupational Safety & Health
Japan International Cooperation Agency

c.c.

Director General
Economic Planning Unit

Director
External Assistance Section
Economic Planning Unit

調査団長レター（意訳）

人的資源省労働安全衛生総局長

ザカリヤ ナンヤン 殿

労働安全衛生専門家要請について

国際協力事業団（JICA）は労働安全衛生分野専門家の要請背景調査のため1994年8月21日から8月28日までマレーシアに調査団を送った。調査団長として、また日本の労働省労働基準局安全衛生部化学物質調査課長として、私は我々の調査結果を本信にてお伝えする。

我々の調査目的はマレーシアの行政機関及び関係団体との協議を通じて要請の背景と専門家派遣の目的を明らかにし、また我々の援助の実現可能性を探ることであった。人的資源省が最初になした要請は、1994年4月から始まる日本の1994年度の専門家派遣の一部として、1993年10月11日に経済企画庁文書（42）dlm UPE 40/240/180により日本政府に伝えられた。労働衛生分野の要請は以下の分野の5名の短期専門家の派遣からなる。

- 人間工学
- 職業医学
- 生物学的危険性
- 製造工程における安全性
- 火事爆発物の安全性

我々の滞在中の議論によって、私はマレーシアにおいて労働安全衛生の促進がいかにか大切か理解することができ、日本側にとっては技術協力により貴職の努力を支援することが大変重要であると認識した。我々の調査結果に基づき、私は日本に帰国後日本の関係機関に以下のとおり提案する。

- 1 人間工学専門家についてはオーバーユースシンドローム（overuse syndrome）の研究者の中から人選するべきである。
- 2 製造工程における安全性、及び火事爆発物の安全性専門家はどちらも石油化学工場における安全性の問題を扱うことが期待されている。両要請に対しては、そうほうに対する広い知識を持った1名の専門家が派遣されることにより対処可能である。

- 3 生物学的専門家は、精米、綿や茶葉のほこりを原因とする病気に対し労働安全衛生局が予防措置を講じるのを援助することが要求される。日本においては同様の症例がほとんどないため、JICAが援助できるか否か決定する前に、今回の調査中に得た資料を分析することが必要である。
- 4 職業病専門家は労働衛生行政の知識を十分に持つ医師であることが望まれる。マレーシア側は労働安全衛生局内にカウンターパートとなるマレーシア人医師を確保することが望ましい。
- 5 日本政府は上記のうち少なくとも1名を1995年3月31日までの日本の1994年度中に派遣すべきである。他専門家の派遣は1994年度の専門家派遣の結果を日本側が評価した上で判断する。

我々の滞在中に労働安全衛生局の職員からなされた他の形態の技術協力要請、例えば日本での研修、機材の供与などについては、我々の調査団は解答する権限を持たないため、日本の関係機関に貴国の要請と熱意を口頭で伝える事とする。

我々の調査団の訪問が日本とマレーシア両国関係機関の相互理解を深め、また専門家の派遣が今後長期間にわたり続くであろう両国技術協力の第一歩を記すことを強く希望する。この機会を利用し、我々の調査団員に対する親切な協力と歓待が有意義な調査結果をもたらしたことについてマレーシア側に感謝の意を表する。

国際協力事業団
労働安全衛生分野個別
専門家要請背景調査団
団長 池田五男

写し配布先

経済企画庁次官
経済企画庁海外協力課長



FACTORIES AND MACHINERY DEPARTMENT (HEADQUARTERS)
(MINISTRY OF HUMAN RESOURCES)
1st & 10th FLOOR, WISMA PERDANA
JALAN DUNGUN, DAMANSARA HEIGHTS
50534 KUALA LUMPUR

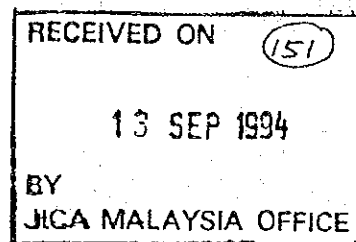
Telephone : 2542355
2542429

Your Ref:

Our Ref: JKJ BP 127/77/1
(19)

Date: 7 September 1994

Mr. Itsua Ikeda
(Head of Survey Team on Experts request
on Occupational Safety and Health)
Japan International Cooperation Agency
Suite 18.1W, 18th Floor
Wisma Sime Darby
Jalan Raja Laut
50350 Kuala Lumpur



Dear Sir,

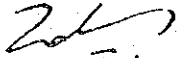
Re: Experts' Request on Occupational Safety and Health

It was indeed a pleasure and an honour for us to be your host from August 21 to 26, 1994 recently during your mission to Kuala Lumpur to seek further information and clarification on our request for experts in different field of occupational safety and health to assist us in strengthening our capabilities as an enforcement agency of the Government of Malaysia. Our brief acquaintance and deliberation was a starting point of another Japanese-Malaysian cooperation and this time in the field of occupational safety and health. I personally foresee that there is an immense potential for cooperation in this area judging from the fact that Malaysia is a growing economy and rapidly heading to be an industrialised nation. This industrial development will inevitably be accompanied by an increased in occupational safety and health problems in the various industrial sectors. Thus sharing your experience in this area through various mode of technical cooperation such as posting of short and long term experts will certainly benefits the Government and people of Malaysia.

2. I was delighted to know that your mission recently is a success and whatever conclusions and recommendations that you and your team have made in your letter dated August 26, 1994 with respect to the choice of experts and the time of posting the experts are acceptable to us. We look forward for your cooperation in this area of occupational safety and health and on behalf of the Government of Malaysia, I would like to express our sincere gratitude to the Government of Japan for the cooperation.

Thank you

Your Sincerely



(Ir ZAKARIA NANYAN)
Director General
Department of Occupational Safety and Health
Ministry of Human Resources
Malaysia

表4-1 年次別労働災害発生件数・1000人率

年	総災害発生件数	対象労働者数	1000人率
1980	51,340	1,706,070	30
1981	60,730	1,975,872	31
1982	56,698	2,181,433	26
1983	56,114	2,408,460	23
1984	61,084	2,620,677	23
1985	61,724	2,904,782	21
1986	68,890	3,149,561	22
1987	76,482	3,390,544	23
1988	88,127	3,731,525	24
1989	107,479	4,157,430	26
1990	121,104	4,578,943	26
1991	124,898	5,077,794	25
1992	130,019	5,911,351	22
1993	133,293	6,285,194	21

Source : Social Security Organisation (SOCISO)

表4-2 死亡災害・傷病災害統計(1980-1991)

年	死亡災害			傷病災害		
	発生件数	全災害に占める比率	百万人当たり発生件数	発生件数	全災害に占める比率	百万人当たり発生件数
1980	143	0.28	84	51,197	99.72	30,009
1981	200	0.34	102	60,530	99.66	30,916
1982	222	0.39	102	56,476	99.61	25,889
1983	246	0.44	102	55,868	99.56	23,197
1984	241	0.39	92	60,843	99.61	23,217
1985	238	0.39	82	61,486	99.61	21,167
1986	188	0.27	60	68,702	99.73	21,813
1987	280	0.37	83	75,202	99.63	22,180
1988	324	0.37	89	87,803	99.63	23,530
1989	348	0.32	84	107,131	99.68	25,769
1990	309	0.26	67	120,795	99.74	26,380
1991	300	0.24	59	124,598	99.76	24,538

Source : Social Security Organisation (SOCISO)

表4-3 産業別労働災害発生件数 (1986-1991)

産 業	1986	1987	1988	1989	1990	1991
農 林 水 産 業	26,783 (38.9%)	32,741 (42.8%)	32,578 (37.0%)	37,322 (34.7%)	38,970 (33.2%)	35,224 (29.4%)
鉱業及び採石業	1,438 (2.1%)	1,615 (2.1%)	1,717 (1.9%)	2,261 (2.1%)	2,644 (2.2%)	1,837 (1.5%)
製 造 ・ 加 工 業	28,655 (41.6%)	31,158 (40.7%)	38,278 (43.4%)	45,295 (42.1%)	54,925 (46.8%)	62,622 (52.2%)
建 設 業	4,585 (6.7%)	2,659 (3.5%)	2,289 (2.6%)	2,714 (2.5%)	3,123 (2.6%)	3,375 (2.8%)
電気・ガス・水道 ・保健サービス業	134 (0.2%)	128 (0.2%)	182 (0.2%)	561 (0.5%)	860 (0.7%)	1,093 (0.9%)
商 業	2,163 (3.1%)	1,817 (2.4%)	7,290 (8.3%)	12,927 (12.0%)	13,893 (11.8%)	12,703 (10.6%)
運輸・倉庫・通信業	1,155 (1.7%)	1,814 (2.4%)	2,508 (2.8%)	2,616 (2.4%)	2,800 (2.4%)	3,080 (2.6%)

() Number in parenthesis indicates percentage of total accident for that year.
Source : Social Security Organisation (SOCISO)

表4-4 産業別死亡災害・永久障害災害発生件数 (1989-1991)

産 業	1989		1990		1991	
	永久障害	死 亡	永久障害	死 亡	永久障害	死 亡
農 林 水 産 業	764 (20.0%)	144 (41.4%)	1,202 (24.5%)	134 (34.6%)	891 (17.2%)	92 (2.5%)
鉱業及び採石業	122 (3.2%)	1 (0.3%)	156 (3.2%)	12 (3.1%)	165 (3.2%)	9 (2.4%)
製 造 ・ 加 工 業	1,835 (47.9%)	64 (18.4%)	2,253 (45.9%)	86 (22.2%)	2,955 (56.9%)	108 (29.7%)
建 設 業	176 (4.6%)	17 (4.9%)	229 (4.7%)	40 (10.3%)	190 (3.6%)	35 (9.6%)
電気・ガス・水道 ・保健サービス業	15 (0.4%)	3 (0.9%)	42 (0.8%)	2 (0.5%)	36 (0.7%)	7 (1.9%)
商 業	444 (11.6%)	36 (10.3%)	534 (10.9%)	38 (9.8%)	317 (6.1%)	51 (14.0%)
運輸・倉庫・通信業	207 (5.4%)	27 (7.8%)	233 (4.7%)	27 (7.0%)	274 (4.7%)	34 (9.3%)
金 融 ・ 保 険 業	23 (0.6%)	8 (2.3%)	15 (0.3%)	3 (0.7%)	42 (0.8%)	1 (0.2%)
サ ー ビ ス 業	45 (1.2%)	5 (1.4%)	42 (0.8%)	5 (1.3%)	66 (1.2%)	8 (2.2%)
公 務	197 (5.1%)	43 (12.3%)	205 (4.8%)	40 (10.3%)	249 (4.8%)	18 (4.9%)

() Number in parenthesis indicates percentage of the total for that year.
Source : Social Security Organisation (SOCISO)

表 4 - 5 産業別1,000人率

産 業	1990
農林水産業	127
鉱業・採石業	99
製造・加工業	110
建設業	46
電気・ガス・水道・保健サービス業	30
商 業	85
運輸・倉庫・通信業	46

Source : Social Security Organisation (SOCSO)
 Not Available - 1991

表 4 - 6 原因別労働災害発生件数

原 因	1990	1991
墜 落	23,540 (19.4%)	23,426 (16.6%)
落下物による打撃	17,672 (14.6%)	14,847 (11.9%)
物による打撲・踏みつけ	52,005 (42.9%)	56,251 (45.0%)
はさまれ	8,723 (7.2%)	10,984 (8.6%)
無理な動作	3,298 (2.6%)	3,673 (2.9%)
高温へのばく露及び接触	5,596 (4.6%)	5,874 (4.7%)
感 電	96 (0.1%)	223 (0.2%)
有害物へのばく露及び接触	4,296 (3.5%)	3,919 (3.1%)
その他	5,967 (4.9%)	5,701 (4.6%)
合 計	121,193	124,898

Source : Social Security Organisation (SOCSO)
 () Number in parenthesis indicates the percentage of total accident for that year.

表 4 - 7 年齢別死亡災害・永久障害災害発生件数

年 齢	1990		1991	
	死 亡	永久障害	死 亡	永久障害
Below 20	30 (9.7%)	628 (13.4%)	26 (8.7%)	749 (13.7%)
20-24	68 (22.0%)	970 (20.7%)	53 (17.7%)	1,101 (20.1%)
25-29	50 (16.1%)	737 (15.7%)	60 (20.0%)	865 (15.8%)
30-34	47 (15.2%)	607 (12.9%)	52 (17.3%)	736 (13.4%)
35-39	33 (10.6%)	555 (11.8%)	36 (12.0%)	613 (11.2%)
40-44	19 (6.1%)	430 (9.1%)	30 (10.0%)	561 (10.2%)
45-49	22 (7.1%)	379 (8.0%)	15 (5.0%)	388 (7.1%)
50-54	19 (6.1%)	267 (5.7%)	12 (4.0%)	334 (6.1%)
55-59	10 (3.2%)	60 (1.2%)	7 (2.3%)	78 (1.4%)
60-64	6 (1.9%)	30 (0.6%)	4 (1.3%)	34 (0.6%)
65-70	2 (0.6%)	18 (0.3%)	2 (0.7%)	18 (0.3%)
Above 70	3 (0.9%)	3 (0.6%)	3 (1.0%)	9 (0.1%)
	309 (100.0%)	4,684 (100.0%)	300 (100.0%)	5,486 (100.0%)

Source : Social Security Organisation (SOCISO)
 () Number in parenthesis indicates the percentage of the total for that year.

表 4 - 8 男女別死亡・永久障害災害発生件数

年	死 亡		永久障害	
	男	女	男	女
1990	371 (95.9%)	46 (4.1%)	3,955 (80.2%)	976 (20.0%)
1991	338 (93.1%)	25 (6.9%)	4,276 (82.5%)	909 (17.5%)

Source : Social Security Organisation (SOCISO)
 () Number in parenthesis indicates the percentage of the total for that year.

表4-9 傷病別死亡・永久障害発生件数

障 害 の 種 類	1990		1991	
	死 亡	永久障害	死 亡	永久障害
骨 折	52 (15.6%)	778	71 (15.9%)	810
脱 臼	— (1.8%)	98	1 (1.9%)	105
捻挫・筋違い	3 (4.8%)	252	1 (4.6%)	252
脳しんとう・その他内臓損傷	38 (2.6%)	99	48 (3.5%)	148
切断・摘出	— (9.8%)	520	1 (8.0%)	443
その他のけが	47 (36.5%)	1,892	20 (35.4%)	1,944
浅い傷	4 (9.3%)	488	31 (11.2%)	590
打撲・挫しょう	40 (9.8%)	481	29 (8.2%)	428
やけど	4 (2.3%)	117	15 (2.8%)	140
急性中毒	1 (0.2%)	10	2 (0.14%)	6
天候その他の条件による影響	4 (0.5%)	25	2 (0.25%)	12
窒 息	16 (0.4%)	4	7 (0.22%)	5
感 電	2 (0.04%)	—	4 (0.23%)	9
放射線影響	— (0.02%)	1	2 (0.04%)	—
数種の複合的な傷	33 (1.5%)	49	38 (1.6%)	51
その他の傷病	143 (4.9%)	117	91 (6.0%)	242
合 計	387 (100.0%)	4,931	363 (100.0%)	5,185

Source : Social Security Organisation (SOCSO)
 () Number in parenthesis indicates the percentage of the total
 (Fatality permanent disability) for that year.

表 4 - 10 産業部門別負傷者発生数

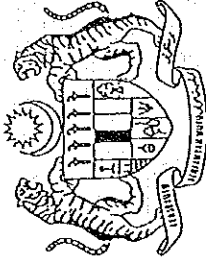
	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
1. 農林水産業	11,591	16,921	16,393	14,835	17,276	19,972	27,061	33,082	32,973	37,710	39,365
2. 鉱業	2,177	2,349	1,734	1,423	1,287	1,629	1,478	1,644	1,753	2,281	2,677
3. 製造業	33,934	33,759	31,816	30,973	30,577	29,661	29,596	32,228	39,476	46,609	56,247
4. 建設業	4,236	5,343	3,109	3,525	5,829	4,945	5,389	3,344	2,816	3,187	3,631
5. 電気・ガス・水道・衛生	187	226	247	190	229	110	148	149	201	565	873
6. 商業	4,847	2,216	2,354	3,050	6,422	3,203	2,459	2,107	7,626	13,201	14,175
7. 輸送・倉庫・通信	1,177	1,290	1,281	1,088	1,335	1,364	1,323	2,043	2,858	2,952	3,151
8. その他	3,790	3,794	3,630	4,242	4,357	3,891	4,085	4,688	3,285	3,783	3,889
総計	61,939	65,898	60,564	59,326	67,312	64,775	71,539	79,285	90,988	110,229	124,008

表4-11 産業部門別死者数

	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991
1. 農林水産業	105	134	129	94	108	89	66	109	159	175	184	167
2. 鉱業	49	61	49	34	32	29	26	21	25	2	19	14
3. 製造業	84	81	86	71	72	88	84	97	92	136	115	130
4. 建設業	88	99	118	92	101	92	99	109	96	62	84	89
5. 電気・ガス・水道・衛生	4	7	9	8	15	7	3	9	1	3	4	8
6. 商業	65	69	58	53	57	52	43	38	61	63	67	87
7. 輸送・倉庫・通信	63	55	47	75	68	76	67	71	94	59	80	99
8. その他	45	69	71	51	50	56	40	49	49	56	5	9
総計	513	575	567	478	503	489	428	503	577	556	558	603

Undang-undang Malaysia AKTA 514

2. Apa-apa pekerjaan yang melibatkan penggunaan atau pengendalian, atau pendedahan kepada, tar, gergala, bitumen, minyak mineral termasuklah parafin, asid kromat, kromat atau bikromat ammonia, kalium, zink atau natrium.
3. Apa-apa pekerjaan yang melibatkan pendedahan kepada sinar-x, partikel mengion, radium atau bahan radioaktif lain atau bentuk-bentuk lain tenaga sinaran.
4. Apa-apa pekerjaan atau proses yang dijalankan dalam udara termampat.



LAWS OF MALAYSIA

Act 514

OCCUPATIONAL SAFETY AND HEALTH
ACT 1994

LAWS OF MALAYSIA

Act 514

OCCUPATIONAL SAFETY AND HEALTH
ACT 1994

Date of Royal Assent ... 15th February 1994

Date of Publication in
Gazette ... 24th February 1994ARRANGEMENT OF SECTIONSPART I
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3. Interpretation.
4. Objects of the Act.

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40. Entry into premises with search warrant and power of seizure.
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49. Penalty for failure to comply with notice.
50. Aggrieved person may appeal.

LAWS OF MALAYSIA

Act 514

OCCUPATIONAL SAFETY AND HEALTH ACT 1994

An Act to make further provisions for securing the safety, health and welfare of persons at work, for protecting others against risks to safety or health in connection with the activities of persons at work, to establish the National Council for Occupational Safety and Health, and for matters connected therewith.

[]

BE IT ENACTED by the Duli Yang Maha Mulia Seri Paduka Baginda Yang di-Pertuan Agong with the advice and consent of the Dewan Negara and Dewan Rakyat in Parliament assembled, and by the authority of the same, as follows:

PART I PRELIMINARY

- 1. (1) This Act may be cited as the Occupational Safety and Health Act 1994.
- (2) Subject to subsection (3), this Act shall apply throughout Malaysia to the industries specified in the First Schedule.
- (3) Nothing in this Act shall apply to work on board ships governed by the Merchant Shipping Ordinance 1952, the Merchant Shipping Ordinance 1960 of Sabah or Sarawak or the armed forces.
- 2. (1) The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other written law relating to occupational safety and health.

PART XII

LIABILITY FOR OFFENCES

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- 54. Offences committed by agent.
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- 56. Body corporate or trade union liable to fine.
- 57. Aiding and abetting.
- 58. Safeguards against further personal liability.
- 59. Civil liability not affected by Parts IV, V and VI.
- 60. Onus of proving limits of what is practicable.
- 61. Prosecutions.
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PART XIII APPEALS

- 63. Appeal committees.
- 64. Powers of appeal committee.
- 65. Decision of appeal committee.

PART XIV REGULATIONS

- 66. Regulations.

PART XV MISCELLANEOUS

- 67. Duty to keep secret.

SCHEDULES

(2) In the event of any conflict or inconsistency between the provisions of this Act and that of any other written law pertaining to occupational safety and health, the provisions of this Act shall prevail and the conflicting or inconsistent provisions of such other written law shall, to the extent of the conflict or inconsistency, be construed as superseded.

Inter-
pretation.

3. (1) In this Act, unless the context otherwise requires—

“contract of service” means any agreement, whether oral or in writing and whether express or implied, whereby one person agrees to employ another as an employee and that other agrees to serve his employer as an employee and includes an apprenticeship contract;

“Council” means the National Council for Occupational Safety and Health established under section 8;

“employee” means a person who is employed for wages under a contract of service on or in connection with the work of an industry to which this Act applies and—

- (a) who is directly employed by the principal employer on any work of, or incidental or preliminary to or connected with the work of, the industry, whether such work is done by the employee at the place of work or elsewhere;
- (b) who is employed by or through an immediate employer at the place of work of the industry or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the industry or which is preliminary to the work carried on in or incidental to the purpose of the industry; or
- (c) whose services are temporarily lent or let on hire to the principal employer by the person with whom the person whose services are so lent or let on hire has entered into a contract of service;

“employer” means the immediate employer or the principal employer or both;

“government” means the Federal Government, the Government of a State or a local government;

“immediate employer”, in relation to employees employed by or through him, means a person who has undertaken the execution at the place of work where the principal employer is carrying on his trade, business, profession, vocation, occupation or calling, or under the supervision of the principal employer or his agent, of the whole or any part of any work which is ordinarily part of the work of the trade, business, profession, vocation, occupation or calling of the principal employer or is preliminary to the work carried on in, or incidental to the purpose of, any such trade, business, profession, vocation, occupation or calling, and includes a person by whom the services of an employee who has entered into a contract of service with him are temporarily lent or let on hire to the principal employer;

“industry” means the public services, statutory authorities or any of the economic activities listed in the First Schedule;

“occupier”, in relation to a place of work, means a person who has the management or control of the place of work;

“officer” means the occupational safety and health officer appointed under subsection 5(2) and includes the Director General, Deputy Directors General, Directors, Deputy Directors and Assistant Directors of Occupational Safety and Health;

“place of work” means premises where persons work or premises used for the storage of plant or substance;

“plant” includes any machinery, equipment, appliance, implement or tool, any component thereof and anything fitted, connected or appurtenant thereto;

"practicable" means practicable having regard to—

- (a) the severity of the hazard or risk in question;
- (b) the state of knowledge about the hazard or risk and any way of removing or mitigating the hazard or risk;
- (c) the availability and suitability of ways to remove or mitigate the hazard or risk; and
- (d) the cost of removing or mitigating the hazard or risk;

"premises" include—

- (a) any land, building or part of any building;
- (b) any vehicle, vessel or aircraft;
- (c) any installation on land, offshore installation or other installation whether on the bed of or floating on any water; and
- (d) any tent or movable structure;

"prescribed" means prescribed by this Act or the regulations;

"principal employer" means the owner of an industry or the person with whom an employee has entered into a contract of service and includes—

- (a) a manager, agent or person responsible for the payment of salary or wages to an employee;
- (b) the occupier of a place of work;
- (c) the legal representative of a deceased owner or occupier; and
- (d) any government in Malaysia, department of any such government, local authority or statutory body;

"secretary" means the secretary appointed under subsection 12(1);

"self-employed person" means an individual who works for gain or reward otherwise than under a contract of employment, whether or not he himself employs others;

"substance" means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour or any combination thereof;

"substance for use at work" means any substance intended or supplied for use, whether exclusively or not, by persons at work;

"supply", in relation to any plant or substance, means the supply by way of sale, exchange, lease, hire or hire-purchase, whether as principal or agent for another;

"trade union" means any association or combination of workmen or employers within the meaning of the Trade Unions Act 1959.

Acr 262.

(2) For the purposes of this Act, risks arising out of the activities of persons at work shall be treated as including risks attributable to the manner of conducting an undertaking, the plant or substances used for the purposes of an undertaking and the condition of premises so used or any part of them.

(3) For the purposes of this Act—

- (a) "work" means work as an employee or as a self-employed person;
- (b) an employee is deemed to be at work throughout the time when he is at his place of work but not otherwise; and
- (c) a self-employed person is at work throughout such time as he devotes to work as a self-employed person.

4. The objects of this Act are—

- (a) to secure the safety, health and welfare of persons at work against risks to safety or health arising out of the activities of persons at work;

Objects of
the Act.

- (b) to protect persons at a place of work other than persons at work against risks to safety or health arising out of the activities of persons at work;
- (c) to promote an occupational environment for persons at work which is adapted to their physiological and psychological needs;
- (d) to provide the means whereby the associated occupational safety and health legislations 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.

PART II

APPOINTMENT OF OFFICERS

5. (1) The Minister shall appoint a public officer to be the Director General of Occupational Safety and Health, in this Act referred to as the "Director General", for the purpose of exercising the powers, performing the functions and discharging the duties assigned to him under this Act.
- (2) The Minister may appoint, from among public officers, such numbers of Deputy Directors General, Directors, Deputy Directors, Assistant Directors and other occupational safety and health officers as may be necessary for the purposes of this Act.
- (3) If for any reason the Director General is unable to exercise the powers or discharge the duties of his office, the power shall be had and may be exercised and the duties shall be discharged by the Deputy Director General.
- (4) Subject to such limitations as may be prescribed by regulations made under Part XIV of this Act, an officer appointed under subsection (2) shall perform all the duties imposed, and may exercise all the powers conferred, upon the Director General under this Act,

Appointment
of officers.

and every duty so performed and power so exercised shall be deemed to have been duly performed and exercised for the purposes of this Act.

6. (1) The Director General may, as he deems fit, appoint a person or an independent inspecting body from any of the industries to advise or assist him in carrying out the objects and purposes of this Act.

(2) A person or an independent inspecting body appointed under subsection (1) shall be paid such allowance, fee or reimbursement as the Minister may determine.

(3) An officer appointed under subsection 5(2) and a person or an independent inspecting body appointed under subsection (1) shall be subject to the control, direction and supervision of the Director General.

(4) The Director General and all officers appointed under subsection 5(2), and a person or an independent inspecting body appointed under subsection (1), shall be deemed to be public servants within the meaning of the Penal Code.

F.M.S.
Cap. 45.

7. (1) The Director General shall issue to every officer appointed under this Act a certificate of authorisation which shall be produced on demand to the occupier or any person in charge of a place of work which the officer intends to enter pursuant to this Act.

Certificate
of authori-
sation.

(2) In the case of the Director General, his certificate of authorisation shall be issued by the Minister.

PART III

NATIONAL COUNCIL FOR OCCUPATIONAL
SAFETY AND HEALTH

8. There shall be established a council called the "National Council for Occupational Safety and Health".

Establish-
ment of the
Council.

Membership of the Council.

9. (1) The Council shall consist of not less than twelve and not more than fifteen members who shall be appointed by the Minister, of whom—

- (a) three persons shall be from organisations representing employers;
- (b) three persons shall be from organisations representing employees;
- (c) three or more persons shall be from Ministries or Departments whose responsibility is related to occupational safety and health; and
- (d) three or more persons, of whom at least one shall be a woman, shall be from organisations or professional bodies the activities of whose members are related to occupational safety and health and who, in the opinion of the Minister, are able to contribute to the work of the Council.

(2) The Minister shall appoint from among the persons mentioned in subsection (1) a Chairman and a Deputy Chairman of the Council.

Second Schedule to apply.

10. The provisions of the Second Schedule shall apply to the members of the Council.

Powers and functions of the Council.

11. (1) The Council shall have power to do all things expedient or reasonably necessary for or incidental to the carrying out of the objects of this Act.

(2) The Council may, and when requested by the Minister to do so shall, carry out investigations and make reports and recommendations to him with regard to any matter relating to the objects of this Act and, in particular, but without prejudice to the generality of the foregoing provisions, with regard to—

- (a) changes it considers desirable to occupational safety and health legislation;
- (b) the improvement of the administration and enforcement of occupational safety and health legislation;

(c) the fostering of a co-operative consultative relationship between management and labour on the safety, health and welfare of persons at work;

(d) the special problems with respect to occupational safety, health and welfare of women, handicapped persons and other groups in the community;

(e) the establishment of adequate methods of control of industrial chemicals at a place of work;

(f) the statistical analysis of occupationally related deaths and injuries;

(g) the provision of health care facilities at a place of work;

(h) the fostering of the development and adoption by law of industry codes of practice related to occupational safety, health and welfare;

(i) the development of rehabilitation plans and facilities to assist persons injured at a place of work.

12. (1) The Minister shall appoint a public officer from the office of the Director General to be the secretary to the Council.

Appointment of secretary to the Council.

(2) The Council may, with the approval of the Minister, arrange for the use of the services of any staff or facility of the office of the Director General.

13. (1) The Council may—

Committees.

(a) establish committees in respect of different industries for the purpose of assisting the Council to perform its functions in relation to industry codes of practice; and

(b) establish such other committees as it thinks fit for the purpose of assisting the Council to perform its other functions.

(2) A committee shall consist of such number of persons as may be appointed by the Council from among its members.

(3) Notwithstanding the provision of subsection (2), the Council may invite any person or a representative of any organisation to advise a committee established under subsection (1) in the carrying out of its functions.

(4) A person appointed under subsection (2) or invited to be a member of a committee under subsection (3) may be paid such allowance as may be determined by the Council with the approval of the Minister.

14. The Council shall, as soon as practicable, after the 30th June but before the 31st December of each year, prepare and forward to the Minister a report of its activities for a period of twelve months ending on the 30th June of each year.

Annual report.

PART IV

GENERAL DUTIES OF EMPLOYERS AND SELF-EMPLOYED PERSONS

15. (1) It shall be the duty of every employer and every self-employed person to ensure, so far as is practicable, the safety, health and welfare at work of all his employees.

General duties of employers and self-employed persons to their employees.

(2) Without prejudice to the generality of subsection (1), the matters to which the duty extends include in particular—

- (a) the provision and maintenance of plant and systems of work that are, so far as is practicable, safe and without risks to health;
- (b) the making of arrangements for ensuring, so far as is practicable, safety and absence of risks to health in connection with the use or operation, handling, storage and transport of plant and substances;

(c) the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is practicable, the safety and health at work of his employees;

(d) so far as is practicable, as regards any place of work under the control of the employer or self-employed person, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of the means of access to and egress from it that are safe and without such risks;

(e) the provision and maintenance of a working environment for his employees that is, so far as is practicable, safe, without risks to health, and adequate as regards facilities for their welfare at work.

(3) For the purposes of subsections (1) and (2)—

(a) "employee" includes an independent contractor engaged by an employer or a self-employed person and any employee of the independent contractor; and

(b) the duties of an employer or a self-employed person under subsections (1) and (2) extend to such an independent contractor and the independent contractor's employees in relation to matters over which the employer or self-employed person—

- (i) has control; or
- (ii) would have had control but for any agreement between the employer or self-employed person and the independent contractor to the contrary.

16. Except in such cases as may be prescribed, it shall be the duty of every employer and every self-employed person to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the safety and health at work of his employees

Duty to formulate safety and health policy.

and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.

17. (1) It shall be the duty of every employer and every self-employed person to conduct his undertaking in such a manner as to ensure, so far as is practicable, that he and other persons, not being his employees, who may be affected thereby are not thereby exposed to risks to their safety or health.

(2) It shall be the duty of every employer and every self-employed person, in the prescribed circumstances and in the prescribed manner, to give to persons, not being his employees, who may be affected by the manner in which he conducts his undertaking, the prescribed information on such aspects of the manner in which he conducts his undertaking as might affect their safety or health.

Duties of an occupier of a place of work to persons other than his employees.

18. (1) An occupier of non-domestic premises which has been made available to persons, not being his employees, as a place of work, or as a place where they may use a plant or substance provided for their use there, shall take such measures as are practicable to ensure that the premises, all means of access thereto and egress therefrom available for use by persons using the premises, and any plant or substance in the premises or provided for use there, is or are safe and without risks to health.

(2) A person who has, by virtue of a contract or lease or otherwise, an obligation of any extent in relation to—

(a) the maintenance or repair of a place of work or any means of access thereto or egress therefrom; or

(b) the prevention of risks to safety and health that may arise from the use of any plant or substance in the place of work,

shall for the purpose of subsection (1) be deemed to have control of the matters to which his obligation extends.

19. A person who contravenes the provisions of section 15, 16, 17 or 18 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 two years or to both.

Penalty for an offence under section 15, 16, 17 or 18.

PART V

GENERAL DUTIES OF DESIGNERS, MANUFACTURERS AND SUPPLIERS

20. (1) It shall be the duty of a person who designs, manufactures, imports or supplies any plant for use at work—

General duties of manufacturers, etc. as regards plant for use at work.

(a) to ensure, so far as is practicable, that the plant is so designed and constructed as to be safe and without risks to health when properly used;

(b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by paragraph (a); and

(c) to take such steps as are necessary to secure that there will be available in connection with the use of the plant at work adequate information about the use for which it is designed and has been tested, and about any condition necessary to ensure that, when put to that use, it will be safe and without risks to health.

(2) It shall be the duty of a person who undertakes the design or manufacture of any plant for use at work to carry out or arrange for the carrying out of any necessary research with a view to the discovery and, so far as is practicable, the elimination or minimisation of any risk to safety or health to which the design or plant may give rise.

(3) It shall be the duty of a person who erects or installs any plant for use by persons at work to ensure, so far as is practicable, that nothing about the way in which it is erected or installed makes it unsafe or a risk to health when properly used.

21. (1) It shall be the duty of a person who formulates, manufactures, imports or supplies any substance for use at work—

General duties of manufacturers, etc., as regards substances for use at work.

(a) to ensure, so far as is practicable, that the substance is safe and without risks to health when properly used;

(b) to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by paragraph (a); and

(c) to take such steps as are necessary to ensure that there will be available in connection with the use of the substance at work adequate information about the results of any relevant test which has been carried out on or in connection with the substance and about any condition necessary to ensure that it will be safe and without risks to health when properly used.

(2) It shall be the duty of a person who undertakes the manufacture or supply of any substance for use at work to carry out or arrange for the carrying out of any necessary research with a view to the discovery and, so far as is practicable, the elimination or minimisation of any risk to safety or health to which the substance may give rise.

Explanations to sections 20 and 21.

22. (1) Nothing in section 20 or 21 shall be taken to require a person to repeat any testing, examination or research which has been carried out otherwise than by him or at his instance, in so far as it is reasonable for him to rely on the results thereof for the purposes of the section.

(2) Any duty imposed on a person by any of the preceding provisions of this Part shall extend only to things done in the course of a trade, business or other undertaking carried on by him, whether for profit or not, and to matters within his control.

(3) Where a person designs, formulates, manufactures, imports or supplies any plant or substance for or to another on the basis of a written undertaking by that other to take specified steps sufficient to ensure, so far as is practicable, that the plant or substance will be safe and without risks to health when properly used, the undertaking shall have the effect of relieving the first-mentioned person from the duty imposed by paragraphs 20 (1)(a) and 21 (1)(a) to such extent as is reasonable having regard to the terms of the undertaking.

(4) Where a person (hereinafter referred to as the "ostensible supplier") supplies any plant or substance for use at work to another (hereinafter referred to as the "customer") under a hire-purchase agreement, conditional sale agreement or credit-sale agreement, and the ostensible supplier—

(a) carries on the business of financing the acquisition of goods by others by means of such agreements; and

(b) in the course of that business acquired his interest in the plant or substance supplied to the customer as a means of financing its acquisition by the customer from a third person (hereinafter referred to as the "effective supplier"),

the effective supplier and not the ostensible supplier shall be treated for the purposes of this Part as supplying the plant or substance to the customer, and any duty imposed by sections 20 and 21 on suppliers shall accordingly fall on the effective supplier and not on the ostensible supplier.

(5) For the purposes of this Part a plant or substance is not to be regarded as properly used where it is used without regard to any relevant information or advice

relating to its use which has been made available by a person by whom it was designed, manufactured, imported or supplied.

23. A person who contravenes the provisions of section 20 or 21 shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

PART VI

GENERAL DUTIES OF EMPLOYEES

24. (1) It shall be the duty of every employee while at work—

- (a) to take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work;
- (b) to co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made thereunder;
- (c) to wear or use at all times any protective equipment, or clothing provided by the employer for the purpose of preventing risks to his safety and health; and
- (d) to comply with any instruction or measure on occupational safety and health instituted by his employer or any other person by or under this Act or any regulation made thereunder.

(2) A person who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding one thousand ringgit or to imprisonment for a term not exceeding three months or to both.

25. A person who intentionally, recklessly or negligently interferes with or misuses anything provided or done in the interests of safety, health and welfare in pursuance of this Act shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand ringgit or to imprisonment for a term not exceeding two years or to both.

26. No employer shall levy or permit to be levied on any employee of his any charge in respect of anything done or provided in pursuance of this Act or any regulation made thereunder.

27. (1) No employer shall dismiss an employee, injure him in his employment, or alter his position to his detriment by reason only that the employee—

- (a) makes a complaint about a matter which he considers is not safe or is a risk to health;
- (b) is a member of a safety and health committee established pursuant to this Act; or
- (c) exercises any of his functions as a member of the safety and health committee.

(2) No trade union shall take any action on any of its members who, being an employee at a place of work—

- (a) makes a complaint about a matter which he considers is not safe or is a risk to health;
- (b) is a member of a safety and health committee established pursuant to this Act; or
- (c) exercises any of his functions as a member of the safety and health committee.

(3) An employer who, or a trade union which, contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to a term of imprisonment not exceeding one year or to both.

(4) Notwithstanding any written law to the contrary, where a person is convicted of an offence under this section the Court may, in addition to imposing a penalty on the offender, make one or both of the following orders:

- (a) an order that the offender pays—within a specific period to the person against whom the offender has discriminated such damages as it thinks fit to compensate that person;
- (b) an order that the employee be reinstated or re-employed in his former position or, where that position is not available, in a similar position.

PART VII

SAFETY AND HEALTH ORGANISATIONS

Medical surveillance.

28. (1) Where it appears to the Minister that in any of the industries or class or description of industries—

- (a) cases of illness have occurred which he has reason to believe may be due to the nature of the process or other conditions of work;
- (b) by reason of changes in any process or in the substances used in any process or, by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in the process;
- (c) persons below the age of sixteen years are or are about to be employed in work which may cause risk of injury to their health; or
- (d) there may be risk of injury to the health of persons employed in any of the occupations specified in the Third Schedule, or from any substance or material brought to the industries to be used or handled therein or from any change in the conditions in the industries.

he may make regulations requiring such reasonable arrangements as may be specified in the regulations to

be made for the medical surveillance and medical examination, not including medical treatment of a preventive character, of the persons or any class of persons employed in the industries or class or description of industries.

(2) Regulations made under this section may require the medical surveillance to be carried out by persons registered with the Director General, and may prescribe the qualifications and other conditions which are to be satisfied in order to be registered for the purpose of this section.

(3) A person who contravenes the provisions of this section or any regulation made thereunder 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 six months or to both.

29. (1) This section shall apply to such class or description of industries as the Minister may, by order published in the *Gazette*, specify.

(2) An occupier of a place of work to which this section applies shall employ a competent person to act as a safety and health officer at the place of work.

(3) The safety and health officer shall be employed exclusively for the purpose of ensuring the due observance at the place of work of the provisions of this Act and any regulation made thereunder and the promotion of a safe conduct of work at the place of work.

(4) The safety and health officer shall possess such qualifications or have received such training as the Minister may, by notification in the *Gazette*, from time to time prescribe.

(5) An occupier who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding five thousand ringgit or to a term of imprisonment not exceeding six months or to both.

- (c) shall attempt to resolve any matter referred to in paragraph (b) and, if it is unable to do so, shall request the Director General to undertake an inspection of the place of work for that purpose; and
- (d) shall have such other functions as may be prescribed.

PART VIII

NOTIFICATION OF ACCIDENTS, DANGEROUS OCCURRENCE, OCCUPATIONAL POISONING AND OCCUPATIONAL DISEASES, AND INQUIRY

32. (1) An employer shall notify the nearest occupational safety and health office of any accident, dangerous occurrence, occupational poisoning or occupational disease which has occurred or is likely to occur at the place of work.

(2) Every registered medical practitioner or medical officer attending to, or called in to visit, a patient whom he believes to be suffering from any of the diseases listed in the Third Schedule of the Factories and Machinery Act 1967, or any disease named in any regulation or order made by the Minister under this Act, or occupational poisoning shall report the matter to the Director General.

33. (1) If in the opinion of the Director General, an inquiry ought to be held into the nature and cause of the accident, dangerous occurrence, occupational poisoning or occupational disease, he may cause such an inquiry to be held by an occupational safety and health officer.

(2) The Director General may appoint one or more persons of engineering, medical or other appropriate skills or expertise to serve as assessors in any such inquiry.

(3) Every person not being a public officer serving as an assessor in the inquiry may be paid an allowance at such rate or rates as the Minister may determine.

30. (1) Every employer shall establish a safety and health committee at the place of work in accordance with this section if—

- (a) there are forty or more persons employed at the place of work; or
- (b) the Director General directs the establishment of such a committee at the place of work.

(2) The composition of a safety and health committee established under subsection (1), the election or appointment of persons to the committee, the powers of the members of the committee and any other matter relating to the establishment or procedure of the committee shall be as prescribed.

(3) Every employer shall consult the safety and health committee with a view to the making and maintenance of arrangements which will enable him and his employees to co-operate effectively in promoting and developing measures to ensure the safety and health at the place of work of the employees, and in checking the effectiveness of such measures.

(4) A person who contravenes the provisions of this section 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 six months or to both.

31. The safety and health committee established at a place of work pursuant to section 30—

(a) shall keep under review the measures taken to ensure the safety and health of persons at the place of work;

(b) shall investigate any matter at the place of work—

- (i) which a member of the committee or a person employed thereat considers is not safe or is a risk to health; and
- (ii) which has been brought to the attention of the employer;

Power of occupational safety and health officer at inquiry.

34. For the purpose of holding an inquiry under this Act, an occupational safety and health officer shall have the power to administer oaths and affirmations and shall be vested with the powers of a First Class Magistrate for compelling the attendance of witnesses and the production of documents, maintaining order and otherwise duly conducting the inquiry, and all persons summoned to attend the inquiry shall be legally bound to attend.

PART IX

PROHIBITION AGAINST USE OF PLANT OR SUBSTANCE

Power to prohibit the use of plant or substance.

35. (1) Notwithstanding any written law to the contrary, the Director General may by order published in the *Gazette* prohibit the use of any plant or substance which in his opinion is likely to affect the safety and health of persons at work.

(2) Where the Director General proposes to exercise his power under subsection (1) he shall, before making the order, consult any Government department or other body which appears to him to be appropriate.

Apprieved person may appeal.

36. A person who is aggrieved by an order made under subsection 35(1) may, within thirty days of the order, lodge an appeal with the secretary to the Council who shall transmit the appeal to an appeal committee appointed by the Minister under section 63.

PART X

INDUSTRY CODES OF PRACTICE

Approval of industry codes of practice.

37. (1) The Minister may, upon the recommendation of the Council or the Director General, approve industry codes of practice comprising such directions as may appear to him to be necessary or proper for the guidance of persons in complying with the requirements of the provisions of this Act.

(2) The Minister may, upon the recommendation of the Council or the Director General, from time to time

revise the industry codes of practice by amending, deleting, varying or adding to the provisions of the industry codes of practice.

(3) An industry code of practice may—

(a) consist of any code, standard, rule, specification or provision relating to occupational safety or health approved by the Minister; or

(b) apply, incorporate or refer to any document formulated or published by any body or authority as in force at the time the industry code of practice is approved or as amended, formulated or published from time to time.

(4) The Minister shall cause to be published in the *Gazette* the approval of an industry code of practice and the amendment or revocation thereof.

38. In any proceedings under this Act or any regulation made thereunder in which it is alleged that a person has contravened or failed to comply with a provision of the Act or any regulation made thereunder in relation to which an approved industry code of practice was in effect at the time of the alleged contravention or failure—

Use of industry codes of practice in proceedings.

(a) the approved industry code of practice shall be admissible in evidence in the proceedings; and

(b) if the court is satisfied in relation to any matter which it is necessary for the prosecution to prove in order to establish the alleged contravention or failure that—

(i) a provision of the approved industry code of practice is relevant to the matter; and

(ii) the person failed at any material time to observe the provision of the approved industry code of practice.

the matter shall be taken as proved unless the court is satisfied that in respect of the matter the person complied with a provision of the Act otherwise than by way of observance of the provision of the approved industry code of practice.

PART XI

ENFORCEMENT AND INVESTIGATION

Powers of entry, inspection, examination, seizure, etc.

39. (1) An occupational safety and health officer, in this Part referred to as the "officer", may, for the purpose of carrying out the objects of this Act or any regulation made thereunder, at any reasonable time and upon the production of his certificate of authorisation enter, inspect and examine any place of work other than a place used solely for residential purposes:

Provided that he may enter the residential place with the consent of the owner or if he has reasonable cause to believe that a contravention of this Act or any regulation made thereunder has or is likely to be committed.

(2) In exercising his powers under subsection (1), an officer may—

(a) make examination and investigation of any plant, substance, article or other thing whatsoever as may be necessary to ascertain whether or not this Act or any regulation made thereunder has been complied with;

(b) direct that the place of work or any part thereof, or anything therein, shall be left undisturbed, whether generally or in particular respects, for so long as is reasonably necessary for the purpose of any examination or investigation under paragraph (a);

(c) take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under paragraph (a);

(d) take samples of any article or substance found in the place of work which he has power to enter, and of the atmosphere in or in the vicinity of the place of work;

(e) require any person employed in a place of work in which any of the diseases named in the Third Schedule of the Factories and Machinery Act 1967 or any disease named in any regulation or order made by the Minister under this Act has occurred or is likely to occur, to be medically examined by a medical officer or a registered medical practitioner.

(3) Where an officer is of the opinion that a plant or substance has caused or is likely to cause a danger to safety and health, he may—

(a) cause it to be dismantled or subjected to any process or test at any convenient place and at such reasonable time as he may appoint, but not so as to damage or destroy it;

(b) take possession of it and detain it for so long as is necessary for all or any of the following purposes:

(i) to examine it and do to it anything which he has power to do;

(ii) to ensure that it is not tampered with before his examination of it is completed;

(iii) to ensure that it is available for use as evidence in any proceedings for an offence under any of the provisions of this Act or regulation made thereunder.

(4) Where an officer is a medical officer he may—

(a) carry out such medical examination as may be necessary for the purposes of his duties under this Act or regulation made thereunder; and

without a warrant and seize or seal the article, thing, book, document, plant, substance, installation or part thereof found therein:

Provided that it shall be an offence for a person without lawful authority to break, tamper with or damage the seal or remove the article, thing, book, document, plant, substance, installation or part thereof or to attempt so to do.

42. (1) An officer may, in the exercise of his powers under section 40 or 41, if it is necessary so to do—

(a) break open any outer or inner door of a place of work or residential place and enter therein;

(b) forcibly enter the place and every part thereof;

(c) remove by force any obstruction to entry, search, seizure and removal as he is empowered to effect; and

(d) detain every person found in the place until the place has been searched.

(2) The officer seizing any article, thing, book, document, plant, substance, installation or part thereof under section 40 or 41 shall prepare a list of the things seized and forthwith, or as soon as is practicable, deliver a copy of the list signed by him to the occupier, or his agent or servant present in the premises, and if the premises are unoccupied the officer shall, wherever possible, post a list of the things seized on the premises.

43. (1) Upon entering any place of work an officer shall take all reasonable steps to notify the employer and the safety and health committee of the entry.

(2) Upon concluding an inspection, an officer shall give to the employer and the safety and health committee information with respect to his observations and any action he proposes to take in relation to the place of work.

(b) exercise such other powers as may be necessary or as are conferred under subsections (2) and (3).

(5) An officer may for the purposes of this section seek whenever necessary the assistance of the police if he has reasonable cause to apprehend any serious obstruction in the execution of his duty.

(6) Without prejudice to subsection (5), on entering any place of work or residential place by virtue of subsection (1), an officer may bring with him—

(a) any other person duly authorised by the Director General; or

(b) any equipment or material required for any purpose for which the power of entry is being exercised.

40. In every case where information is given on oath to a Magistrate that there is reasonable cause for suspecting that there is in a place of work or residential place any article, thing, book, document, plant, substance, installation or part thereof which has been used to commit or is intended to be used to commit an offence under this Act or any regulation made thereunder, he shall issue a warrant under his hand by virtue of which an officer named or referred to in the warrant may enter the place of work or residential place at any reasonable time by day or night, and search for and seize or seal the article, thing, book, document, plant, substance, installation or part thereof.

41. Where an officer is satisfied upon information received that he has reasonable grounds for believing that, by reason of delay in obtaining a search warrant, any article, thing, book, document, plant, substance, installation or part thereof in a place of work or residential place used to commit or intended to be used to commit an offence under this Act or any regulation made thereunder is likely to be removed or destroyed, he may enter the place of work or residential place

Power of
forcible
entry and
service on
occupier of
signed copy
of list of
things seized
from
premises.

Further
provisions
in relation
to inspection.

Entry into
premises
with search
warrant and
power of
seizure.

Entry into
premises
without
search
warrant
and power
of seizure.

(3) Where an officer proposes to take and remove a sample from a place of work for the purposes of analysis, he shall notify the employer and the safety and health committee and after having taken the sample he shall where possible—

- (a) divide the sample taken into as many parts as are necessary and mark and seal or mark and fasten up each part in such a manner as its nature will permit;
- (b) if required by the employer or the safety and health committee, deliver one part each to the employer or the safety and health committee;
- (c) retain one part for future comparison; and
- (d) if an analysis of the sample is to be made, submit another part to an analyst for analysis.

Power of investigation.

44. (1) An officer shall have the power to investigate the commission of any offence under this Act or any regulation made thereunder.

(2) An officer may, in relation to any investigation in respect of an offence committed under this Act or any regulation made thereunder, exercise the special powers in relation to police investigation except that the power to arrest without warrant given by the Criminal Procedure Code in any seizureable offence may not be exercised by him.

(3) Upon completion of his investigation, the officer shall immediately give all information relating to the commission of the offence to an officer in charge of a police station and a police officer may, by warrant, arrest any person who may have committed an offence under this Act or any regulation made thereunder.

Power to examine witnesses.

45. (1) An officer making an investigation under section 39 or 44 may examine orally any person who appears to him to be acquainted with the facts and circumstances of the case.

(2) The person referred to in subsection (1) shall be legally bound to answer all questions relating to the case put to him by the officer.

Provided that the person may refuse to answer any question if the officer fails or refuses on demand to produce to him the certificate of authorisation issued by the Director General to the officer under subsection 7(1):

Provided further that the person may refuse to answer any question the answer to which would have a tendency to expose him to a criminal charge or penalty or forfeiture.

(3) A person making a statement under this section shall be legally bound to state the truth whether or not the statement is made wholly or partly in answer to questions.

(4) An officer obtaining information from a person shall first inform the person of the provisions of subsections (2) and (3).

(5) A statement made by a person under this section shall, whenever possible, be reduced into writing and signed by him or affixed with his thumb print, as the case may be, after it has been read to him in the language in which he made it and after he has been given an opportunity to make any correction he may wish.

(6) Where an officer uses the assistance of an interpreter, any inquiry or requisition to a person made on behalf of the officer by the interpreter shall, for all purposes, be deemed to have been actually made by the officer, and any answer thereto made to the interpreter shall be deemed to have been actually made to the officer.

46. The owner or occupier of, or employer at, any place of work and the agent or employee of the owner, occupier or employer shall provide such assistance as the officer may require for any entry, inspection, examination or inquiry or for the exercise of his powers under this Act.

plant, substance or process until such time that any danger posed is removed and the defect made good to the satisfaction of the officer.

(3) An improvement notice or a prohibition notice under subsection (1) or (2) shall—

(a) state that the officer is of the opinion that in respect of the plant, substance or process at the place of work, there is occurring or may occur an activity which is or is likely to be a danger or is likely to cause bodily injury or a serious risk to the health of any person or is likely to cause damage or is likely to cause immediate danger to life or property, and state the reasons for the opinion; and

(b) where in the officer's opinion the activity concerned is a contravention or is likely to be a contravention of any provision of this Act or any regulation made thereunder, specify the provision and state the reasons for the opinion.

(4) An officer may include in an improvement notice or a prohibition notice directions as to the measures to be taken to remove any danger, likely danger, risk, matter or activity to which the notice relates and the directions may refer to any approved industry code of practice.

(5) Without prejudice to the provision of subsection (2) an officer may, if he considers it necessary, proceed to render inoperative the place of work, plant, substance or process by any means he may deem best suited for the purpose.

(6) Where such an action is taken by the officer under subsection (5) he may, if he deems fit, recover the cost of the action from the occupier or person having responsibility or control of the place of work, plant, substance or process.

49. (1) A person to whom an improvement or a prohibition notice is issued under section 48 must comply with the same notwithstanding that an appeal against its issuance has been lodged.

Penalty for failure to comply with notice.

47. A person who—

Offences in relation to inspection.

(a) refuses access to a place of work to an officer or a person assisting him;

(b) obstructs the officer in the exercise of his powers under this Act or any regulation made thereunder, or induces or attempts to induce any other person to do so;

(c) fails to produce any document required under this Act by the officer;

(d) conceals the location or existence of any other person or any plant or substance from the officer;

(e) prevents or attempts to prevent any other person from assisting the officer; or

(f) in any other way, hinders, impedes or opposes the officer in the exercise of his powers under this Act or any regulation made thereunder,

shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both.

Improvement notice and prohibition notice.

48. (1) If an officer is of the opinion that a place of work, plant, substance or process is likely to be a danger, or is likely to cause bodily injury or is a serious risk to the health of any person, or is likely to cause damage to any property, he shall serve an improvement notice on the person under whose control the place of work, plant, substance or process lies, requiring the person to take measures to remove the danger or rectify any defect within such period as he shall therein specify, and in every such case the place of work, plant, substance or process shall not be used or operated even after the period of expiry of the notice until the danger has been removed or the defect made good to the satisfaction of the officer.

(2) If an officer is of the opinion that the defect in subsection (1) is likely to cause immediate danger to life or property, he shall serve a prohibition notice prohibiting the use or operation of the place of work,

(2) A person who without reasonable excuse fails to comply with any improvement or prohibition notice issued under section 48 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 five years or to both, and to a further fine of five hundred ringgit for each day during which the offence continues.

Aggrieved person may appeal.

50. (1) A person who is aggrieved by a notice issued by an officer under section 48 may, within thirty days from the date of such notice, appeal to the Director General who may, after considering the appeal, by order in writing confirm, revoke or vary the notice.

(2) A person who is aggrieved with a decision of the Director General made under subsection (1) may, within thirty days from the date of the decision, appeal to an appeal committee appointed by the Minister under section 63.

(3) Where an improvement or a prohibition notice is issued by the Director General or the Deputy Director General in the exercise of the powers conferred under section 48, the appeal shall be made to an appeal committee appointed by the Minister under section 63.

PART XII

LIABILITY FOR OFFENCES

51. A person who by any act or omission contravenes any provision of this Act or any regulation made thereunder shall be guilty of an offence, and if no penalty is expressly provided shall, on conviction, be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both and, in the case of a continuing offence, to a fine not exceeding one thousand ringgit for every day or part of a day during which the offence continues after conviction.

General penalty.

52. (1) Where a body corporate contravenes any provision of this Act or any regulation made thereunder, every person who at the time of the commission of the offence is a director, manager, secretary or other like officer of the body corporate shall be deemed to have contravened the provision and may be charged jointly in the same proceedings with the body corporate or severally, and every such director, manager, secretary or other like officer of the body corporate shall be deemed to be guilty of the offence.

(2) A person may be proceeded against and convicted under the provision of subsection (1) whether or not the corporation has been proceeded against or has been convicted under that provision.

53. (1) Where a trade union by any act or omission contravenes any provision of this Act or any regulation made thereunder, every officer, employee and person purporting to act on the instruction of any officer of the trade union shall be deemed to have contravened the provision and may be charged jointly in the same proceedings with the trade union or severally, and every such officer, employee or person shall be deemed to be guilty of the offence.

(2) A person may be proceeded against and convicted under the provision of subsection (1) whether or not the trade union has been proceeded against or has been convicted under that provision.

54. A person who would be liable under this Act or any regulation made thereunder to any penalty for anything done or omitted if the thing had been done or omitted by him personally shall be liable to the same penalty if the thing had been done or omitted by his agent.

55. It shall be a defence in any proceedings against a person for an offence under this Act or any regulation made thereunder to satisfy the court that the offence was committed without his consent or connivance and that he exercised all such due diligence to prevent the

commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances.

56. Where a person convicted in respect of an offence under this Act or any regulation made thereunder is a body corporate or a trade union, it shall only be liable to the imposition of a fine provided therefor.

57. A person who aids or abets the commission of an offence under this Act shall be punished with the punishment provided for the offence.

58. Subject to the provisions of this Act and any regulation made thereunder, no person shall incur any personal liability for any loss or damage caused by any act or omission by him in carrying out the duties under this Act or any regulation made thereunder, unless the loss or damage was occasioned intentionally or through recklessness or gross negligence.

59. Nothing in Parts IV, V and VI and the relevant industry code of practice shall be construed as—

(a) conferring a right of action in any civil proceedings in respect of any contravention, whether by act or omission, of any provision of those Parts;

(b) conferring a defence to an action in any civil proceedings or as otherwise affecting a right of action in any civil proceedings; or

(c) affecting the extent, if any, to which a right of action arises or civil proceedings may be taken with respect to breaches of duties imposed by other legislations in regard to safety and health.

60. In any proceedings for an offence under this Act or any regulation made thereunder consisting of a failure to comply with a duty or requirement to do something so far as is practicable, or to use the best practicable

Body corporate or trade union liable to fine.

Aiding and abetting.

Safeguards against further personal liability.

Civil liability not affected by Parts IV, V and VI.

Onus of proving limits of what is practicable.

means to do something, it shall be for the accused to prove that it was not practicable to do more than was in fact done to satisfy the duty or requirement, or that there was no better practicable means than was in fact used to satisfy the duty or requirement.

61. Prosecutions in respect of offences committed under this Act or any regulation made thereunder may, with the prior written consent of the Public Prosecutor, be instituted and conducted by an occupational safety and health officer or by an officer specially authorised in writing by the Director General subject to the provisions of the Criminal Procedure Code.

62. (1) The Minister may, by order in the *Gazette*, compound any offence under this Act or any regulation made thereunder as an offence which may be compounded.

(2) The Director General may at any time before conviction compound any of the offences prescribed under subsection (1) as an offence which may be compounded by collecting from the person reasonably suspected of having committed the offence a sum of money not exceeding the amount of the maximum fine to which the person would have been liable to if he had been convicted of the offence.

Provided that the Director General shall not exercise his powers under this section unless the person in writing admits that he has committed the offence and requests the Director General to deal with the offence under this section.

PART XIII

APPEALS

63. (1) The Minister shall appoint appeal committees for the purpose of considering any appeal made under section 36 or 50.

(2) An appeal committee shall consist of a Chairman to be appointed by the Minister from among members of the Council and two other persons to be appointed

Appeal committees.

by the Minister who, in his opinion, have wide experience and knowledge in matters relating to the subject matter of the appeal.

(3) Every member of an appeal committee may be paid an allowance at such rate or rates as the Minister may determine.

Powers
of appeal
committee.

64. (1) An appeal committee may, after hearing an appeal, confirm, revoke or vary an order made by the Director General under section 35, a decision made by the Director General under subsection 50(1), or an improvement or a prohibition notice issued by the Director General under section 48.

(2) An appeal committee shall decide and communicate expeditiously its decision to the person making the appeal.

Decision
of appeal
committee.

65. The decision of an appeal committee shall be final and conclusive and shall not be questioned in any court.

PART XIV

REGULATIONS

Regulations.

66. (1) The Minister may make regulations for or with respect to the safety, health and welfare of persons at work in order to achieve the objects of this Act.

(2) In particular and without prejudice to the generality of subsection (1), such regulations may—

- (a) regulate or prohibit—
- (i) the manufacture, supply or use of any plant;
 - (ii) the manufacture, supply, storage, transport or use of any substance; and
 - (iii) the carrying on of any process or the carrying out of any operation;

(b) prescribe the requirements with respect to the design, construction, guarding, siting, installation, commissioning, examination, repair, maintenance, alteration, adjustment, dismantling, testing, marking or inspection of any plant;

(c) prescribe the requirements with respect to the examination, testing, analysis, labelling or marking of any substance;

(d) prescribe the times and the manner in which employers or other specified persons are required to examine, test, analyse, label or mark any substance;

(e) prescribe the requirements to abstain from eating, drinking or smoking in any circumstances involving risk of absorption of any substance or risk of injury or poisoning arising out of the use of any substance;

(f) prescribe the requirements with respect to the instruction, training and supervision of persons at work;

(g) prescribe the procedure for employers to notify any accident, dangerous occurrence, occupational poisoning or occupational disease;

(h) prescribe the arrangements to be made with respect to the taking of any action or precaution to avoid, or in the event of, any accident or dangerous occurrence;

(i) prohibit or require the taking of any action in the event of any accident or dangerous occurrence;

(j) prescribe the requirements with respect to the provision and use in specified circumstances of protective clothing or equipment and rescue equipment;

(k) prescribe the standards in relation to the use of, including standards of exposure to, any physical, biological, chemical or psychological hazard;