

Exemptions from examinations.

6. (1) The Panel may, in its discretion, exempt from the whole or part of the appropriate examination, any candidate who is a resident in Malaysia and who is the holder of a certificate of competency which, in the opinion of the Panel, is equivalent to the corresponding certificate issued under these Regulations and in such case shall recommend the issue to such candidate, on payment of the prescribed fee, the appropriate certificate of competency.
- (2) The Panel may, in its discretion, exempt a candidate who is a resident of Malaysia from examination for an engineer's certificate of competency if he—
 - (a) has passed or is the holder of a degree or diploma in mechanical engineering which exempts him from the technical examinations for Graduate Membership of the Institution of Engineers, Malaysia, in mechanical engineering or of the Institution of Mechanical Engineers, London; and
 - (b) has completed the prescribed qualifying workshop service; and
 - (c) has had operational charge of, or has served as an assistant to an engineer in operational charge of, steam boilers, or internal combustion engines, as appropriate, of substantial size for not less than six months in the case of exemption from examination for a second grade certificate of competency and twelve months in the case of a first grade certificate of competency.
- (3) The Chief Inspector shall, on payment of the prescribed fee, grant the appropriate certificate of competency to a candidate exempted from the examination under paragraph (2).

Conducting of examinations.

7. Examinations shall be conducted in accordance with the directions given by the Chief Inspector from time to time.

Failure in examination.

8. Where any candidate fails to pass an examination the Panel may, in its discretion, refuse permission for such candidate to present himself for further examination until the expiry of such period, not exceeding six months, as the Panel may deem appropriate.

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Qualification for examination of engineers.

10. (1) An applicant for examination as a second grade engineer (steam) shall not be less than twenty-one years of age at the date of examination, and shall—
 - (a) have completed the qualifying workshop service prescribed after attaining the age of sixteen years; and
 - (b) have served for a period of not less than twelve months as an assistant to an engineer in operational charge of steam boilers of substantial size subsequent to completing his qualifying workshop service.
- (2) An applicant for examination as a first grade engineer (steam) shall have been in operational charge of, or have served as an assistant to an engineer in operational charge of, steam boilers of substantial size for a period of not less than twelve months, while holding a second grade engineer's certificate of competency (steam) or an equivalent certificate of competency.
- (3) An applicant for examination as a second grade engineer (internal combustion engines) shall not be less than twenty-one years of age at the date of examination, and shall—
 - (a) have completed the qualifying workshop service prescribed after attaining the age of sixteen years; and
 - (b) have served for a period of not less than twelve months as an assistant to an engineer in operational charge of internal combustion engines of substantial size subsequent to

completing his qualifying workshop service.

- (4) An applicant for examination as a first grade engineer (internal combustion engines) shall have been in operational charge of, or have served as an assistant to an engineer in operational charge of, internal combustion engines of substantial size for a period of not less than twelve months while holding a second grade engineer's certificate of competency (internal combustion engines) or an equivalent certificate of competency.

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Qualifications for examination of engine drivers.

19. (1) An applicant for examination as a second grade engine driver (steam) shall not be less than twenty-one years of age at the date of examination, and shall—
- (a) have served for a period of not less than two years as a steam engine or steam boiler attendant; or
 - (b) have served for a period of not less than three years as an apprentice or journeyman fitter in such a steam plant or an engineering workshop as approved by the Panel; or
 - (c) have satisfactorily completed a full-time course in a mechanical engineering trade at a school approved by the Panel and have had subsequent service of not less than twelve months as a steam boiler attendant.
- (2) An applicant for examination as a first grade driver (steam) shall have been an assistant to an engineer, dredgemaster or driver in operational charge of a steam boiler of not less than five hundred square feet heating surface for a period of not less than eighteen months while holding a certificate of competency as a second grade driver (steam) or an equivalent certificate of competency.
- (3) An applicant for examination as a second grade driver (internal combustion engine) shall not be less than nineteen years of age at the date of examination, and shall—
- (a) have served for a period of not less than two years as an attendant on an internal combustion engine of not less than forty horse power;
 - (b) have served for a period of not less than three years as an apprentice or journeyman fitter on internal combustion engines in an engineering workshop approved by the Panel; or
 - (c) have satisfactorily completed a full-time course in a mechanical engineering trade at a school approved by the Panel and have had subsequent service of not less than twelve months as an attendant on an internal combustion engine of not less than forty horse power.
- (4) An applicant for examination as a first grade driver (internal combustion engine) shall have been an assistant to an engineer, dredgemaster or driver in operational charge of an internal combustion engine of not less than one hundred horse power for a period of not less than eighteen months while holding a certificate of competency as a second grade driver (internal combustion engine) or an equivalent certificate of competency.

Examination syllabus.

20. (1) (a) Examinations for engineers shall consist of:
- Part A practical mathematics paper; and
 - Part B an engineering knowledge paper; and
 - Part C an oral examination.
- (b) Examinations for dredgemasters shall consist of:
- Part A practical mathematics paper; and
 - Part B an engineering knowledge paper; and
 - Part C a paper on mining legislation.
- (c) Every candidate for a driver's certificate of competency shall be examined orally and will be required to give a practical demonstration of his knowledge.
- (2) The Panel may permit any candidate to take Part A before proceeding to Part B and Part C.

- (3) The Panel may permit any candidate to take Part A of the examination during his period of qualifying service as an assistant o an engineer or while as an assistant in charge of a shift on a dredge.
- (4) Where any candidate take Part A and Part B and Part C, and satisfied the Panel in Part A only, the Panel may, in its discretion, exempt such candidate from Part A in any subsequent examination.

Exemption from Part A.

- (5) The Panel may, in its discretion, exempt from Part A a candidate who is otherwise qualified under these Regulations and is the holder of a recognised degree, diploma or certificate the syllabus for which includes the subject in Part A.
- (6) (a) The Panel may, in its discretion, permit a candidate for an engineer's certificate of competency to proceed direct to the first grade examination where such candidate, though qualified to take the second grade examination or an examination for an equivalent certificate of competency has not done so for some good and sufficient reason;
Provided that such candidate shall have been in operational charge of, or served as an assistant to an engineer in operational charge of steam boilers or internal combustion engines, as appropriate, of substantial size for a period of not less than twenty-four months.
- (b) Where a candidate has been permitted to proceed to the first grade engineer's examination under this regulation and fails to pass such examination, the Panel may, in its discretion, revoke its acceptance of such candidate for the first grade examination until such time as he has succeeded in passing the second grade examination.

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マレイシア 労働安全衛生 (安全衛生管理者) 令

OCCUPATIONAL SAFETY AND HEALTH (SAFETY AND HEALTH OFFICER) ORDER 1997

In exercise of the powers conferred by subsection 29(1) of the Occupational Safety and Health Act 1994, the Minister makes the following order:

Citation and commencement.

1. This Order may be cited as the Occupational Safety and Health (Safety and Health Officer) Order 1997 and shall come into force on 22 August 1997.

Interpretation.

2. In this Order, unless the context otherwise requires—
"building operation" means the construction, structural alteration, repair or maintenance of a building including repointing, redecoration and external cleaning of the structure, the demolition of a building, and the preparation for and the laying of foundation of an intended building;
"employee" includes an independent contractor engaged by an employer or a self-employed person and any employee of the independent contractor;
"peak of the work" means the time where the maximum possible number of workers are working at the site;
"works of engineering construction" means the construction of any railway line or siding, and the construction, structural alteration or repair including repointing and repainting or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct and waterworks.

Class or description of industries required to employ safety and health officer.

3. The employer of the following class or description of industries shall employ a safety and health officer;
 - (a) any building operation where the total contract price of the project exceeds twenty million ringgit;
 - (b) any work of engineering construction where the total contract price of the project exceeds twenty million ringgit;
 - (c) any ship building employing at the peak of the work more than a hundred employees;
 - (d) any gas processing activity or petrochemical industries employing more than a hundred employees;
 - (e) any chemical and allied industry employing more than a hundred employees;
 - (f) any boiler and pressure vessel manufacturing activity employing more than a hundred employees;
 - (g) any metal industry where there is canning or stamping or blanking or shearing or bending operations and employing more than a hundred employees;
 - (h) any wood working industry where there is cutting or sawing or planning or moulding or sanding or peeling or any combination of the above, and employing more than a hundred employees;
 - (i) any cement manufacturing activity employing more than a hundred employees; and
 - (j) any other manufacturing activity other than the manufacturing activity specified in subparagraphs (f) to (i), employing more than five hundred employees.

Made 28 July 1997.

[KSM, PUU (s) 6/8; PN. (PU 2) 541/III.]

DATO' LIM AN LEK,
Minister of Human Resources

マレーシア 労働安全衛生（安全衛生管理者）規則（抜粋）

OCCUPATIONAL SAFETY AND HEALTH (SAFETY AND HEALTH OFFICER) REGULATIONS 1997

In exercise of the powers conferred by subsections 29 and 66 of the Occupational Safety and Health Act 1994, the Minister makes the following regulations:

Part I

PRELIMINARY

Citation and commencement.

1. These regulations may be cited as the Occupational Safety and Health (Safety and Health Officer) Regulations 1997 and shall come into force on 22 August 1997.

Interpretation.

2. In these Regulations, unless the context otherwise requires—
 - "continuous education programme" means a course, seminar, conference or other education programme in occupational safety and health or the equivalent thereof, approved by the Director General;
 - "Director General" means the Director General of Occupational Safety and Health appointed under subsection 5(1) of the Act;
 - "lost-time injury" means an injury which prevents any worker from performing normal work and leads to a permanent or temporary incapacity of work;
 - "near-miss accident" means any accident at a place of work which has the potential of causing injury to any person or damage to any property;
 - "no lost-time injury" means an injury where no work is lost beyond that required for medical attention.

Application.

3. These Regulation shall apply to—
 - (a) a person who acts as a safety and health officer required under the Act or any regulations made under the Act; and
 - (b) an employer of the class or description of industries who are required to employ safety and health officer under the Act.

Part II

REGISTRATION OF A SAFETY AND HEALTH OFFICER

Registration.

4. No person shall act as a safety and health officer unless he is registered with the Director General.

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Qualification for registration.

6. (1) A person who—
 - (a) holds a diploma in occupational safety and health or the equivalent thereof from any professional body or institution, approved by the Minister, on the recommendation of the Director General;

- (b) has successfully completed a course of training in occupational safety and health and passed any examination for that course or the equivalent thereof, approved by the Minister, on the recommendation of the Director General, and has a minimum of three years experience in occupational safety and health;
 - (c) has been working in the area of occupational safety and health at least for a period of ten years; or
 - (d) holds such other qualification or has received such training as prescribed from time to time by the Minister pursuant to subsection 29(4) of the Act,
- shall be entitled, on application made by him, to be registered as a safety and health officer.
- (2) Notwithstanding subsection (1), a person shall not be entitled to be registered as a safety and health officer if at the time of the application for registration he has been —
- (a) convicted of any offence under the Act or any regulations made under the Act; or
 - (b) convicted of any offence and sentence to more than one year imprisonment or a fine of more than two thousand ringgit; and
 - (c) declared as a bankrupt.
- (3) For the purpose of subparagraph (1)(b), the Safety and Health Officer course conducted by the National Institute of Occupational Safety and Health, Malaysia is one of the approved course.

Certificate of registration.

7. The Director General shall issue to an applicant whose application for registration as a safety and health officer has been approved, a certificate of registration in the prescribed form.

Compulsory attendance in any continuous education programme for renewal of registration purposes.

8. A person who is registered as a safety and health officer shall attend any continuous education programme at least once in a year for the purpose of renewal of registration.

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Duration of registration.

10. The registration as a safety and health officer shall be valid for a period of three years from the date of registration, unless it is cancelled earlier under these Regulations.

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Part IV

DUTIES OF AN EMPLOYER

Facilities.

15. An employer of a place of work shall provide the safety and health officer employed by him adequate facilities, including training equipment, and appropriate information to enable the safety and health officer to conduct his duties as required under the Act.

Continuous education programme.

16. An employer shall permit the safety and health officer at least once in a year to attend any continuous education programme to enhance his knowledge on occupational safety and health.

Investigation into any accident, etc.

17. An employer shall direct one supervisor or who has direct control on person or activity of the place of work to assist the safety and health officer in any investigation of accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease.

Part V

DUTIES OF SAFETY AND HEALTH OFFICERS

Duties of safety and health officers.

18. It shall be the duty of a safety and health officer—

- (a) to advise the employer or any person in charge of a place of work on the measures to be taken in the interests of the safety and health of the persons employed in the place of work;
- (b) to inspect the place of work to determine whether any machinery, plant, equipment, substance, appliance or process or any description of manual labour used in the place of work, is of such nature liable to cause bodily injury to any person working in the place of work;
- (c) to investigate any accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease which has happened in the place of work;
- (d) to assist the employer or the safety and health committee, if any, pursuant to regulation 11 of the Occupational Safety and Health (Safety and Health Committee) Regulations 1996 in organizing and implementing occupational safety and health programme at the place of work;
- (e) to become secretary to the safety and health committee, if any, as specified under subregulation 6(2) of the Occupational Safety and Health (Safety and Health Committee) Regulations 1996, and perform all functions of a secretary as specified in that Regulations;
- (f) to assist the safety and health committee in any inspection of the place of work for the purpose of checking the effectiveness and efficacy of any measures taken in compliance with the Act or any regulations made under the Act;
- (g) to collect, analyse and maintain statistics on any accident, dangerous occurrence, occupational poisoning and occupational disease which have occurred at the place of work;
- (h) to assist any officer in carrying out his duty under the Act or any regulations made under the Act; and
- (i) to carry out any other instruction made by the employer or any person in charge of the place of work on any matters pertaining to safety and health of the place of work.

Safety and health officer to submit report.

19. (1) A safety and health officer shall, before the tenth of a preceding month, submit a report pertaining to his activities to the employer.
- (2) The report submitted under subregulation (1) shall contain, but not limited to the following particulars;
- (a) any action to be taken by the employer in order to comply with the requirements of the Act or any regulations made under the Act;
 - (b) method of establishing and maintaining a safe and healthy working condition in the place of work;
 - (c) the number and types of accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease which have occurred in the place of work including the number of persons injured either incurring lost-time injury or no lost-time injury;
 - (d) any machinery, plant, equipment, appliance, substance or process or any description of manual labour used in the place of work which is of such nature liable to cause bodily injury to any person working in the place of work;
 - (e) any machinery, plant, equipment, appliance, or any personal protective equipment required for the purpose of minimising any such risk;
 - (f) recommended any alteration to be made to the structure or layout of the place of work in the interests of the safety and health of the persons employed therein;
 - (g) any work related to safety and health which has been carried out by any persons, or

group of persons, engaged by the employer in order to promote safety and health in the place of work;

(h) any outstanding matter arising from the previous report specified under paragraph (a) to (g); or

(i) any other matters related to safety and health of persons working in the place of work.

Action to be taken on report.

20. (1) An employer or any person in charge of a place of work after receiving the report under regulation 19; shall not later than two weeks after the receipt discuss the report with the safety and health officer.

(2) An employer or any person in charge of the place of work shall countersign the report in order to confirm that he has received it.

(3) The report shall be kept in good condition at least for a period of ten years for the purpose of inspection or investigation by the officer if necessary.

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