

HSSE Regulatory Update



Draft Work at Height Regulations (WAH)

Summary

Work at Height Regulations 2005 in the UK (gazetted 6th April 2005) had been referred by the Department of Occupational Safety and Health (DOSH) as guidelines for work at height. Although guidelines are provided, the case of occupational accident related to work at height is still high in number. The new Work at Height (WAH) Regulations 202x were drafted under the provision of Section 66 (2)(u), Occupational Safety & Health Act (OSHA) 1994 to counter the situation and shall be applicable to all workplaces that are covered under OSHA 1994.

The Work at Height Regulations are intended to allocate the responsibility of employers in work at height as well as setting a uniform standard for workers who work at height. The draft WAH regulations comprise of the following components:

- Organization and Planning
- Competency
- Risk Assessment
- Principles of Prevention
- Requirements for Particular Work Equipment
- Inspection of Work Equipment

The principle of the regulations is based on OSHA 1994 which is to prevent and protect the workers against hazards and its risks in connection with their activities of work at height.

Basic Info & Links

Agency: Department of Occupational Safety and Health (DOSH)

Implementation: Yet to be Gazetted

Draft Regulations Content for Online Public Engagement:

<https://www.dosh.gov.my/index.php/list-of-documents/eparticipation/2020-1/3486-download-4/file>

Other Reference:

<https://www.dosh.gov.my/index.php/construction-safety-v/work-at-height>

Guidelines for the Prevention of Fall at Workplaces:

<https://www.dosh.gov.my/index.php/legislation/guidelines/building-construction-engineering-work/670-02-guidelines-for-the-prevention-of-falls-at-workplaces-2007/file>

Inspection Guidance:

<https://www.dosh.gov.my/index.php/construction-safety-v/inspection-guidance>

Review/ Q&A

How to decide if someone is “competent” to work at height?

Employer shall ensure the employee are possessed with skills, knowledge, and experience necessary to carry out the task or, if they are being trained, that they work under the supervision of a person who has the skills, knowledge and experience. Otherwise, no person can engage in any activity including organisation, planning and supervision, in relation to work at height or work equipment for use in such work.

The draft does not call for external certification for competency, which may likely be introduced.

How to select work equipment for work at height?

When selecting work equipment for use in work at height, employer shall prioritize collective protection measures over personal protection measures and take account of the following 5 factors:

- i. the working conditions and the risks to the safety of persons at the place where the work equipment is to be used*
- ii. in the case of work equipment for access and egress, the distance to be negotiated*
- iii. the distance and consequences of a potential fall*
- iv. the duration and frequency of use*
- v. any additional risk posed by the use, installation, or removal of that work equipment or by evacuation and rescue from it*

Schedule 3 of the draft regulations specify requirements for means of the protection (guard-rail, toe-boards, barriers); Schedule 4 specify requirements for working platform and scaffolding; and Schedule 5 specify requirements for fall arrest safeguards.

What are the differences on scaffolding requirements between draft WAH Regulations and Factories and Machinery (Building Operations and Works of Engineering Construction) (Safety) Regulations 1986?

The Factories and Machinery (Building Operations and Works of Engineering Construction) (Safety) Regulations 1986 had included scaffolding construction requirements – design, materials, equipment and, support and stability. Any unsafe scaffold is forbidden to be used. Additional requirements for scaffold are added in the draft WHA Regulations, such as:

- Calculation for strength and stability of scaffold*
- Assembly, use and dismantling plan shall be drawn and be made available*
- Scaffold that is unavailable for use shall be marked with general warning signs in accordance with MS 2558 Safety and Health Signage.*
- Scaffolding erectors are responsible for all scaffold construction activities **only** under the supervision of scaffolding supervisor*

Can safeguard for fall arresting be installed?

A safeguard for arresting falls which is not part of a personal fall protection system (e.g. net, airbag or other collective safeguard) should only be used and installed if:

- A risk assessment has demonstrated that the work activity is fine to perform safely while using it and won't affect its effectiveness*
- The use of other, safer equipment is not practicable*
- Several available persons have received proper training specific to safeguard including rescue procedures.*

Suitable and sufficient steps need to be taken to ensure the safeguard itself does not cause injury to person during an event of fall by any person.