

HSSE Regulatory Update



Occupational Safety And Health (Construction Work) (Design And Management) Regulations 2024 *Peraturan-Peraturan Keselamatan Dan Kesehatan Pekerjaan (Kerja Pembinaan) (Reka Bentuk Dan Pengurusan) 2024*

Summary

The Occupational Safety and Health (Construction Work) (Design and Management) Regulations 2024 (CWDM Regulations 2024) is a newly introduced Malaysian regulation aimed at improving safety and health management in construction projects covering all phases from planning and design to project completion.

Closely aligned with Malaysia's Guidelines on Occupational Safety and Health in Construction Industry (Management) 2017, these regulations outline the roles, responsibilities, and compliance requirements for stakeholders, including clients, designers, and contractors.

The regulations mandate the appointment of competent persons for design and management roles, proper documentation of safety and health information, and effective coordination between different parties involved in construction projects. Key requirements include the preparation of pre-construction information, construction phase plans, and health and safety files.

The regulations also focus on ensuring proper risk assessment, communication of safety information, and implementation of control measures to prevent accidents and health hazards in construction work. These regulations represent a significant step forward in Malaysia's construction safety framework.

Basic Info & Links

Agency	:	Department of Occupational Safety and Health (DOSH)
Implementation	:	1 June 2024
Full Text of The Regulation	:	DOSH Website
Related Guidelines	:	DOSH Website

Review/ Q&A

Who is affected by these regulations?

The regulations affect multiple stakeholders in construction projects, including:

- *Clients (both commercial and domestic)*
- *Designers & Principal Designers*
- *Contractors & Principal Contractors*
- *Workers*
- *Project and Site Managers*
- *Health and Safety Professionals*
- *Regulatory Authorities and Inspectors*

What are the key responsibilities of Clients/Employers, Construction Work Designers, and Construction Work Contractors under the CWDM Regulations?

- *Clients/Employers: Ensure construction work is conducted safely by allocating sufficient time, funds, and resources, minimizing health and safety risks, providing necessary facilities, and sharing pre-construction information with designers. They must also notify the Director General if a project exceeds 30 working days or 500 person-days. For projects involving multiple contractors, they must appoint a principal construction work designer and contractor before construction begins.*
- *Construction Work Designers: Identify and manage safety and health risks in their designs, provide necessary information, and ensure compliance with CWDM Regulations. The principal designer is responsible for overseeing risk management, coordinating with designers and contractors, and fostering collaboration. Additionally, a safety and health file must be prepared, regularly updated, and handed to the client upon project completion.*
- *Construction Work Contractors: Develop a construction phase plan that outlines safety and health measures, site rules, and necessary precautions for industrial activities. Where applicable, the plan should also include specific measures for high-risk work.*

What types of projects are covered?

The regulations apply to all types of construction work, encompassing new construction projects, alteration, renovation, maintenance activities, demolition and dismantling operations, civil engineering projects, and infrastructure works.

What are the key requirements under CWDM Regulations?

- *Pre-Construction Information: Clients must provide relevant safety and health information to construction work designers before construction begins.*
- *Construction Phase Plan: The principal construction work contractor must develop a comprehensive plan outlining safety and health arrangements, site rules, and measures to address specific risks during construction.*
- *Safety and Health File: The principal construction work designer must prepare and maintain a safety and health file during the pre-construction phase, update it throughout the project, and hand it over to the client upon completion.*
- *Notification to the Director General: Clients must notify the Director General if construction work is expected to last longer than 30 working days or exceed 500 person-days.*
- *Site Rules: Site rules must be established as part of the construction phase plan to address safety and health requirements specific to the construction site.*
- *Welfare Facilities Provision: Clients are obligated to provide basic welfare facilities, such as sanitary conveniences, washing facilities, and rest areas, as specified in the regulations.*

What are the penalties for non-compliance?

*Penalties for non-compliance with specific duties, such as failure to comply with safety planning, risk assessments, or providing necessary safety documentation, can result in fines up to **RM500,000** or imprisonment for up to **one year**, or both. Additionally, if a construction project is deemed unsafe or not in compliance with the regulations, regulatory authorities can issue a stop-work order.*
