



**A LEGAL STUDY ON THE OCCUPATIONAL SAFETY OF
FOREIGN WORKERS IN THE CONSTRUCTION INDUSTRY**

By

Dayang Asmah bt Awang Hambali

(2007143821)

Noor Fazwani bt Fadzil

(2007144489)

Noor Azee Ashikeen bt Asngari

(2007144485)

Hanis Syuhada bt Othman Ali

(2007143841)

Ummu Habibah bt Rafidy

(2007144023)

Submitted in Partial Fulfillment of the Requirements for
the Degree of Bachelor of Legal Studies (Honours)

Universiti Teknologi MARA (UiTM)

Faculty of Law

April 2010

ACKNOWLEDGEMENT

First of all, we would like to thank God Almighty for giving us the strength and guidance in order for this project paper to be a success.

Our deepest appreciation goes to Prof Madya Norha binti Abu Hanifah, our supervisor for her guidance and assistance without which, we could not have completed this research. She assisted us in many aspects of this research which encourages us to work hard and efficiently. Her help will never be forgotten.

Special thanks to Encik Kahar, Deputy Director (Operation) of the Department of Safety and Health of State of Selangor, Encik Shamsudin , contractor from PKNS Engineering & Construction Bhd for their participation in answering the interview questions and also to Puan Noor Azizah bt Mohd Yusof from Construction Industry Development Board for her cooperation. We are so thankful for the collaboration given by them.

We would like to thank our parents and family members for their never ending encouragement. Lastly we would like to express our gratitude to our friends and students of the Law Faculty of UiTM for their help and support.

ABSTRACT

This research touches on the issue of protection that is given to foreign workers regarding their occupational safety in the construction industry in Malaysia. It was found that the existing laws in Malaysia relating to the issue are still lacking in enforcement and also lacking in preventive measures for the reduction of occupational safety and illness on the construction site. An example is the accident and fatality of foreign workers in a construction site in Kuala Terengganu on 29 March 2010. Menteri Besar of Terengganu said that from the report, the accident was caused due to negligent and safety measures were not appropriate at the site. This research is conducted to examine why the existing laws in Malaysia is inadequate to protect the safety of foreign workers in the construction industry. Most of the information gained is from library based research including online database. Semi-structural interviews have also been carried out in order to obtain information on the issue. To conclude, this research identifies the problems of the occupational safety of foreign workers in the construction industry and gave suggestions to improve the enforcement of existing laws in Malaysia by providing some recommendations.

LIST OF ABBREVIATIONS

JCSHA	Japan Construction Safety and Health Association
DOSH	Department of Safety and Health
CIDB	Construction Industry and Development Board Malaysia
FMA	Factories Machinerics Act 1967
OSHA	Occupational Safety and Health Act 1994
SOCISO	Social Security Organizations
BOWECS	Building Operations and Works of Engineering Construction (Safety) Regulations 1986
OHSAS 18801	Occupational Health and Safety Standard
SIRIM	Standards and Industrial Research Institute of Malaysia
OSHMS	Occupational Safety and Health Management System
NIOSH	National Institute of Occupational Safety and Health
ILO	International Labour Organisation
UMT	Universiti Malaysia Terengganu
WHO	World Health Organisation
NOHSC	National Occupational Health and Safety Commission (Australia)
UK	United Kingdom
OSH	Occupational Safety and Health
OHS	Occupational Health and Safety

LIST OF CASES

Brydon v Stewart [1855] 2 Macq. 30

Bux v Slough Metals Ltd [1974] 1 All ER 262

Chozi v Chitrasenan[1964] 30 MLJ 267

Donoghue v Stevenson [1932] All ER Rep 1; [1932] AC 562

Gelau Anak Paeng v Lim Phek San & Ors. [1986] 1 MLJ 271.

Ng Cheng Ho v Tan Ek Seng & Anor. [1969] 2 MLJ 106.