

**ENFORCEMENT OF SAFETY GUIDELINES IN FACTORY INDUSTRIES:
A LEGAL MYTH?**

BY:

FAIZA HANNA BT ABD KADIR ALJAILANI (2005756576)

KAZLINDA ANITH BT MOHD KHALID (2005756418)

NOR SUBAIHA BT JUHARI (2005756496)

Submitted in partial fulfillment of the requirements for the degree of Bachelor in Legal
Studies (Hons.)



UNIVERSITI TEKNOLOGI MARA
FACULTY OF LAW

APRIL 2008

The students/authors hereby confirm that the work submitted is their own and that appropriate credit has been given where references has been made to the work of others.

ACKNOWLEDGEMENT

First of all, we would like to thank Allah for giving us the opportunity to finish this project paper in time and without any problems. We would also like to thank Pn. Nurnazidah Nazri, our supervisor, for guiding us through the whole process. Without her non-stop advice and suggestions, surely, this paper could not have been completed satisfactorily. Our thanks are due to Pn. Norha Abu Hanifah and Pn. Su'aida Dato' Haji Safei, lecturer and tutor of Legal Research and Methodology, who have trained us rigorously in our preparations prior to the commencement of our research paper. We would like to record our special thanks to Pn. Hamida Marsono who has kindly spent her spare time steering us in the right direction whenever we went off course.

We are immensely indebted to the interviewees who have humbly agreed to grant us interviews that were essential in the making of our research paper. These interviewees are Mr. Azrul Alias, advocate and solicitor at Azri, Chuah & Co.; Mr. Khairil Azmir, technical assistant at Motor Teknologi dan Industri (MTI); Mr. Khairul Hisham, engineer at Perodua; and Mr. Wan Nazeem, manager at Nestle. To our course-mates who have helped either directly or indirectly; may God repay your kindness.

This research project has been carried out by a team which has included Faiza Hanna Bt Abd Kadir Aljailani, Kazlinda Anith Bt Mohd Khalid And Nor Subaiha Bt Juhari. The contribution of each member in the project is equal. We would therefore like to thank each member for her cooperation and effort that was required to complete this research paper.

Last but not least, our gratitude goes out to our parents; thank you for bringing us up and supporting us through thick and thin.

ABSTRACT

In Malaysia, 38.7% of the total populations are workers in the labor force. The number of accident that occur among them in Malaysia is quite high due to negligence and. Therefore, there are certain remedies provided for them. One of the remedies is Occupational Safety & Health Act (OSHA). This Act guaranteed the safety, health and welfare of the employees. Besides OSHA, Employees' Social Security Act 1968 (ESSA) was published, also to provide remedies for those workers who suffer injury in manufacturing industry. For foreign workers who work in manufacturing industry, they are covered under Workmen's Compensation Act 1952 (WCA) which also provide them the security in safety, health and welfare. The employees will be given rights to claim for a remedy from SOCSO whenever accident occurs during working hours in the manufacturing industry. The scheme, known as, Employment Injury Insurance Scheme will protect employees who suffered temporary or permanent disablement injury. In order for them to claim compensation under SOCSO, they must make an application to SOCSO and satisfy the rules required by ESSA. Every employee has duty to ensure safety, health and welfare for his workers at the workplace. Whoever failed to fulfill any provisions in OSHA, he shall be liable to pay fine not exceeding RM10 000 or imprisonment for a term not exceeding one year or both, as stated under Section 51 of the OSHA.

TABLE OF CONTENTS

Acknowledgement	i
Abstract	ii
Table of Contents	iii
List of cases	v

CHAPTER ONE: INTRODUCTION

1.0 Introduction	1
1.1 Chapters	1
1.1.1 First Chapter: Introduction	1
1.1.2 Second Chapter: Literature Review	1
1.1.3 Third Chapter: Problem Statement	4
1.1.4 Fourth Chapter: Comparison	5
1.1.5 Fifth Chapter: Conclusion	5
1.2 Conclusion	

CHAPTER TWO: LITERATURE REVIEW

2.0 Introduction	6
2.1 Malaysian Statutes	6
2.1.1 Employment Act 1955	6
2.1.2 Factories Machineries Act 1967	6
2.1.3 Occupational Safety and Health Act 1994	7
2.1.4 Employees Social Securities Act 1969	10
2.1.5 Workmen's Compensation Act 1952	11
2.2 Malaysian Cases	12
2.3 NIOSH	13
2.4 The Law in Other Countries	14
2.5 Conclusion	16

CHAPTER THREE: PROBLEM STATEMENT

3.0 Introduction	17
3.1 Objectives in Conducting this Study	17
3.2 Significant of Our Study	17
3.3 The Law in Malaysia and the Problem	18
3.3.1 The Problem	18
3.3.1.1 Statistics of Accidents	18
3.3.1.2 Case	19
3.4 Conclusion	19

CHAPTER FOUR: COMPARISON

4.0 Introduction	20
4.1 Position of Safety and Health at the Workplace and Remedies given in Malaysia	20
4.2 Position of Safety and Health at the Workplace and Remedies given in United Kingdom	28
4.3 Position of Safety and Health at the Workplace and Remedies given in America	29
4.4 Comparison between Countries	33
4.5 Conclusion	35