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**WORKPLACE HAZARDS IN  
MANUFACTURING SECTOR: EMPLOYERS'  
RESPONSIBILITIES AND LIABILITIES**

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GHAZALI SHAFIE GRADUATE SCHOOL OF  
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## **Abstract**

Occupational safety and health is often judged by the number injuries and fatalities sustained by employees. It is important that the resources that are utilized by OSH in the best manner to prevent injuries and fatalities in the workplace. Another measure of occupational safety is the cost associated with injuries and fatalities. The costs in insurance premiums, lost wages, and lost productivity create a substantial financial impact to businesses. In addition, the external costs of occupational injuries, illnesses and fatalities must also be considered.

The objective of this paper is to discuss the current position involving liabilities and responsibilities of the employer and employee in managing safety and health at work place. In addition, the paper analyses of the provisions of law, judicial decisions concerning occupational safety and health and the liabilities and responsibilities of all the parties involved. Further the role of government, Department of Occupational Safety and Health (DOSH) and National Institute of Occupational Safety and Health (NIOSH) employer and employee were identified in managing occupational safety and health. The finding shows that the relevant parties including government is fully committed in providing safe and healthy work environment by drafting law, legislations and industrial code of practice as well as providing an enforcement system based on the provisions of Occupational Safety and Health Act (OSH) 1994.

## **Abstrak**

Keselamatan dan kesihatan pekerjaan sering dinilai oleh jumlah kecederaan dan kematian yang dialami oleh pekerja. Ia adalah penting bahawa sumber-sumber yang digunakan oleh OSH dengan cara yang terbaik untuk mengelakkan kecederaan dan kematian di tempat kerja. Satu lagi langkah keselamatan pekerjaan adalah kos yang berkaitan dengan kecederaan dan kematian. Kos dalam premium insurans, kehilangan gaji dan kehilangan produktiviti mewujudkan kesan kewangan yang ketara kepada perniagaan. Di samping itu, kos-kos luaran akibat kecederaan pekerjaan, penyakit dan kematian juga perlu dipertimbangkan.

Objektif kajian ini adalah untuk membincangkan kedudukan semasa yang melibatkan liabiliti dan tanggungjawab majikan dan pekerja dalam mengurus keselamatan dan kesihatan di tempat kerja. Di samping itu, kajian ini menganalisis peruntukan undang-undang, keputusan kehakiman mengenai keselamatan dan kesihatan pekerjaan dan liabiliti dan tanggungjawab semua pihak yang terlibat. Seterusnya, peranan kerajaan, Jabatan Keselamatan dan Kesihatan Pekerjaan (DOSH) dan Institut Keselamatan dan Kesihatan Pekerjaan ( NIOSH ), majikan dan pekerja telah dikenal pasti dalam menguruskan keselamatan dan kesihatan pekerjaan. Hasil kajian menunjukkan bahawa pihak-pihak yang berkaitan termasuk kerajaan adalah komited sepenuhnya dalam menyediakan persekitaran kerja yang selamat dan sihat dengan menggubal undang-undang, perundangan dan kod amalan industri serta menyediakan sistem penguatkuasaan berdasarkan peruntukan-peruntukan Akta Keselamatan dan Kesihatan Pekerjaan (AKKP) 1994.

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# CHAPTER ONE

## INTRODUCTION

### 1.1 Background

Employment accidents happen frequently which cause injuries, permanent disability or loss of human lives. The number of work accidents worldwide, fatal and *non-fatal* is *337million a year*<sup>1</sup>. In addition, employment accidents are likely to cause economic losses to the individuals and society as a whole. In the event death or injury of employees, his family will be dependent on the social security fund sponsored by government. The government also has to incur expenses in order to employ and train new employees.

Working in industries such as manufacturing and construction is well known as highly hazardous due to high rates of injuries, fatality and accidents. Workers are at risk due to exposure of various hazards which can result in illness, injury, disability or death. Generally, manufacturing sector view the safety practices as costs consumption and financial strain on the targeted profits. The need to improve such attitude can change a vision for the future which elevates occupational safety and health into a proper and management system.

Prior to OSH 1994, workers who suffered workplace injuries were required to be compensated with workers compensation. Workers compensation replaces income and pays for medical expenses in the event of an occupational injury or illness (Hammer &

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<sup>1</sup> ILO, Safety in Numbers, Pointers for Global Safety Culture at Work, Geneva (2003)

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