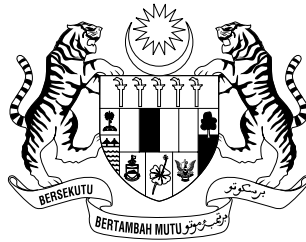




OCCUPATIONAL SAFETY AND HEALTH INDUSTRY CODE OF PRACTICE FOR ROAD TRANSPORT ACTIVITIES 2010

**DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH
MINISTRY OF HUMAN RESOURCES, MALAYSIA**

JKKP DP(S) 127/379/3-5



OCCUPATIONAL SAFETY AND HEALTH INDUSTRY CODE OF PRACTICE FOR ROAD TRANSPORT ACTIVITIES 2010

**DEPARTMENT OF OCCUPATIONAL SAFETY AND HEALTH
MINISTRY OF HUMAN RESOURCES, MALAYSIA**

JKKP DP(S) 127/379/3-5

ISBN 983201469-7



9 789832 014690

FOREWORD

Every day, the Malaysian public is shocked by news of road accidents resulting in loss of life and property. Generally, these accidents involve not just the driver alone but third parties as well, particularly public transport users, other road users as well as the general public. Investigations carried out have revealed significant weaknesses in the management of occupational safety and health system adopted by transport operators.

In 2007, the Cabinet came to the decision to implement the Code of Practice for Safety, Health, and Environment (SHE) in the transport sector, particularly public transport. More than two years after its implementation, the Department of Occupational Safety and Health (DOSH) has taken the initiative to revise the content and scope of the code so that it may be implemented more effectively. With the assistance and cooperation of relevant government agencies, non-governmental organisations and the industry, DOSH has successfully formulated a new code called the Occupational Safety and Health Industry Code of Practice for Road Transport Activities 2010. The Industry Code of Practice was approved by the Minister of Human Resources and gazette under sub-section 37 (4) of the Occupational Safety and Health Act 1994 [Act 514].

This Industry Code of Practice is intended to provide information and practical guidance for employers in fulfilling their general responsibility to ensure the safety and health of their employees and the general public. Among other things, the Industry Code of Practice aims to provide information on the management of occupational safety and health at work, in particular aspect of driver management, vehicle management and journey and risk management. These aspects of management are of the utmost imperative to ensure that employers, workers, drivers and vehicles are always in a safe and roadworthy condition, as well as to prevent accidents, both in the workplace and on the road.

As such, it is my fervent hope that all employers will implement all recommended guidelines in the new Industry Code of Practice. If the Industry Code and Practice is applied by all employers, I believe the risk of accidents can be reduced or totally avoided.

Finally, I would like to take this opportunity to congratulate DOSH for its productive endeavour in publishing the Occupational Safety and Health Industry Code of Practice for Road Transport Activities 2010. I would also like to thank all involved parties for their extended cooperation in the preparation of the new Industry Code of Practice.

Dato' Ir. Dr. Johari bin Basri
Director General
Department of Occupational Safety and Health
Malaysia

Table of Content		Page
1	General	
1.1	Preliminary	3
1.2	Scope	3
1.3	Objective	4
1.4	Interpretation	4
1.5	Legal requirements	6
1.5.1	General duties of employers and self-employed persons	6
1.5.2	General duties of employees	9
1.5.3	General duties of designers, manufacturers and suppliers	10
2	Occupational Safety And Health Program	
2.1	Safety and health policy	12
2.2	Safety and health committee	13
2.3	Safety and health officer	14
2.4	Hazard identification, risk assessment and risk control	15
2.5	Training	18
2.6	Dissemination of information	19
2.7	Documentation and record keeping	20
2.8	Emergency response plan	21
2.9	Monitoring	21
2.10	Auditing	22
2.11	Continuous improvement	22
3	Driver management	
3.1	Driver intake procedure	24
3.2	Driver categorization	25
3.3	Training and change in thought pattern	25
3.4	Driving procedure	25
3.5	Driving hours and working hour limit	26
3.6	Driver rotation	27
3.7	Driver monitoring	27
3.8	Driver's health and welfare	28

4 Vehicle Management

4.1	Daily checks	29
4.2	Vehicle fault recording and reporting	30
4.3	Safety maintenance and inspection plan	31
4.4	Safety inspection, maintenance and repair facilities	31
4.5	Maintenance record	31
4.6	Training and education for maintenance and safety inspection	32
4.7	Vehicle licence	32
4.8	Vehicle cleanliness	32

5 Journey And Risk Management

5.1	Hazard identification, risk assessment and risk control	33
5.2	Identification of hazard and route risks	33
5.3	Trip schedule	33
5.4	Rest and recreation	34
5.5	Trip monitoring	34
5.6	Passenger, goods and baggage management	35
5.7	Emergency response plan	36
5.8	Reports and accident investigation	36
5.9	Complaint management	37

Appendix A	–	Example of safety and health policy	39
Appendix B	–	Example of HIRARC record	39
Appendix C	–	Elements of occupational safety and health auditing	40
Appendix D	–	Elements of driver management	44
Appendix E	–	Example of vehicle daily check form	44
Appendix F	–	Example of vehicle maintenance record	46

PART 1

GENERAL

1.1 Preliminary

This Occupational Safety and Health Industry Code of Practice for Road Transport Activities 2010 was made under Section 37 of the Occupational Safety and Health Act 1994 [Act 514].

This Occupational Safety and Health Industry Code of Practice for Road Transport Activities 2010 shall replace the Code of Practice for Safety, Health and Environment for the Transport Sector [MCP 1/2007].

1.2 Scope

This Occupational Safety and Health Industry Code of Practice for Road Transport Activities 2010 shall be applicable to road transport activities involving vehicles used in all industries listed under the First Schedule of Act 514.

Vehicles including the following but not limited to:

- a) commercial vehicles;
- b) public service vehicles;
- c) goods vehicles; and
- d) tourism vehicles;

and have the same meaning as assigned under the:-

- a) Road Transport Act [Act 333];
- b) Commercial Vehicles Licensing Board Act 1987 [Act 334]; and
- c) Tourism Vehicles Licensing Act 1999 [Act 594].

Roads including public road and private road.

1.3 Objectives

The objectives of the Occupational Safety and Health Industry Code of Practice for Road Transport Activities 2010 are –

- a) to provide guidance for employers and employees on the proper and effective methods of handling issues relating to occupational safety and health in road transport activities;
- b) to ensure that persons other than their employees are not exposed to their safety and health risks in consequence of transport activities carried out; and
- c) to encourage education and awareness regarding safety and health at the place of work.

1.4 Interpretation

“Act” means the Occupational Safety and Health Act 1994 [Act 514];

“goods” means anything, including livestock, carried on or in a motor vehicle for the purposes of any trade or business but does not include –

- a) equipment ordinarily used with the vehicle;
- b) articles of merchandise carried by a person on or in the vehicle solely for the purpose of exhibition as samples;
- c) articles carried by a person on or in the vehicle for use in the exercise of his trade, business or profession and not for sale [[Road Transport Act \(Act 333\)](#)].

“baggage” means suitcase and other items carried on a journey;

“road” includes any public roads and private roads;

“vehicle” means a structure capable of moving or being moved or used for the conveyance of any person or thing and which maintains contact with the ground when in motion; [[Road Transport Act \(Act 333\)](#)]

“goods vehicle” means –

- a) any motor vehicle constructed or adapted for use for the carriage of goods; or
- b) any motor vehicle not so constructed or adapted when used for the carriage of goods solely or in addition to passengers;

but does not include a private motor car drawing a trailer for purposes unconnected with trade or business;

[[Commercial Vehicles Licensing Board Act 1987 \(Act 384\)](#)]

“motor vehicle” means a vehicle of any description, propelled by means of a mechanism contained within itself and constructed or adapted so as to be capable of being used on roads, and includes a trailer; [[Road Transport Act \(Act 333\)](#)]

“commercial vehicles” includes public service vehicles and goods vehicles; [[Commercial Vehicles Licensing Board Act 1987 \(Act 384\)](#)]

“public service vehicle” means any motor vehicle used for carrying passengers for hire or reward or for any other valuable consideration; [[Commercial Vehicles Licensing Board Act 1987 \(Act 384\)](#)]

“tourism vehicle” means an excursion bus or hire and drive car; [[Tourism Vehicle Licensing Act 1999 \(Act 594\)](#)]

“Director General” means the Director General of Occupational Safety and Health appointed under subsection 5(1) of the Act;

“employer” shall have the same meaning as is assigned to that expression in the Act;

“employee” shall have the same meaning as is assigned to that expression in the Act;

“passenger” -

- a) in relation to a person carried on a public service vehicle, does not include the driver or conductor or any ticket inspector on the vehicle in pursuance of his duties; and

- b) in relation to persons carried on a goods vehicle, does not include the driver or any attendant required by law to be carried on such vehicle; [[Road Transport Act \(Act 333\)](#)]

“driver” means the person for the time being driving a motor vehicle and in the case of a stationary vehicle, includes the person for the time being responsible for the driving of the motor vehicle; [[Road Transport Act \(Act 333\)](#)]

“premises” includes –

- a) any land, building or part of any building;
- b) any vehicle, vessel or aircraft;
- c) any installation on land, offshore installation or other installation whether on the bed of or floating on any water; and
- d) any tent or movable structure; [[Occupational Safety and Health Act 1994 \(Act 514\)](#)]

“place of work” means premises where persons work or premises used for the storage of plant or substance. [[Occupational Safety and Health Act 1994 \(Act 514\)](#)]

1.5. Legal Requirements

Occupation Safety and Health Act 1994 [Act 514]

1.5.1 General duties of employers and self-employed persons

Section 15. (1) It shall be the duty of every employer and every self-employed person to ensure, so far as is practicable, the safety, health and welfare at work of all his employees.

(2) Without prejudice to the generality of subsection (1), the matters to which the duty extends include in particular –

- (a) the provision and maintenance of plant and systems of work that are, so far as is practicable, safe and without risks to health;*

This subsection requires the employer to provide and maintain plant and system of work that is safe and without risk to health. Plant includes any machinery, equipment, appliance, implement or tool, any component and anything fitted, connected or appurtenant. While, safe system of work is a system or mode of work which under the circumstances makes adequate provision for the safety and health of employees and which, if carried out with reasonable care, will protect the employees from foreseeable risks of injury. To comply with this above-mentioned provisions, the employer shall ensure that a place of work including workshop, office, vehicle, machinery, and equipment in good condition for use. Systems in the place of work also need to be maintained and reviewed to ensure it is safe from safety and health risks.

- (b) *the making of arrangements for ensuring, so far as is practicable, safety and absence of risks to health in connection with the use or operation, handling, storage and transport of plant and substances;*

This subsection requires the employer to making of arrangements regarding a matter related to occupational safety and health includes procedures to carry out the task, training, inspection, and audit and finally enforcement by the employer, to ensure the vehicles, workshop, office, materials and tools used is safe to operated without prejudice to the employees safety and health.

- (c) *the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is practicable, the safety and health at work of his employees;*

This subsection requires the employer to provide information, instruction, training, and supervision so that safety and health of his employees is ensured. Occupational safety and health information means factual material about occupational and safety hazards and precautionary, preventive, response, mitigate and other measures for securing safety and health. Occupational safety and health instruction means telling people at work what they should and should not to do to secure their safety and health while at work or otherwise at a place of work. Occupational safety and health training means helping people at work learn how to do what they should do. While, supervision means manage, watch, and direct people at work to ensure that they follow instructions with regards to occupational safety and health.

- (d) *so far as is practicable, as regards any place of work under the control of the employer or self-employed person, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of the means of access to and egress from it that are safe and without such risks; and*

This subsection requires the employer to ensure conditions in any place of work under his control are safe and healthy. This will include ensuring entrances into these places of work and ways to exit from them such as workshop, terminal and office are maintained at all times.

- (e) *the provision and maintenance of a working environment for his employees that is, so far as is practicable, safe, without risks to health, and adequate as regards facilities for their welfare at work.*

This subsection requires the employer to provide and maintain a working environment (surrounding, condition, or circumstance at work) that is safe and healthy. Working environment including lighting, ventilation, dust, heat, noise, ergonomic, and physiological such as mental stress at work and also during driving.

Section 16. Except in such cases as may be prescribed, it shall be the duty of every employer and every self-employed person to prepare and as often as may be appropriate revise a written statement of his general policy with respect to the safety and health at work of his employees and the organization and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of his employees.

It shall be mandatory on the part of the employer to provide a statement in writing of the organization's safety and health policy and its arrangements of implementation. Such safety and health policy shall state the general commitment by the employer towards safety and health at the place of work. The policy shall also contain information about the arrangements made by the employer to ensure the implementation of the policy which shall be reviewed at appropriate intervals.

Section 17. (1) It shall be the duty of every employer and every self-employed person to conduct his undertaking in such a manner as to ensure, so far as is practicable, that he and other persons, not being his employees, who may be affected thereby are not thereby exposed to risks to their safety or health.

The employer has an additional duty to ensure that so far as is practicable, a person other than his employees who might be affected is not exposed to any health and safety risk.

Hence, the employer has a duty towards persons other than their employees that includes customers, passengers, and visitors to the premises.

1.5.2. General duties of employees

Section 24. (1) It shall be the duty of every employee while at work –

- (a) to take reasonable care for the safety and health of himself and of other persons who may be affected by his acts or omissions at work;*

This subsection provides for the duty of the employee to take reasonable care for the safety and health of himself and other persons at work who might be affected. For example, the driver shall driving in a careful manner and not driving due to exhaustion and fatigue. It shall be the duties of driver to ensure that the driving is not wreaked endanger and accident risks to other road users or passengers.

- (b) to co-operate with his employer or any other person in the discharge of any duty or requirement imposed on the employer or that other person by this Act or any regulation made thereunder;*

The employee is required to cooperate with the employer and other person in discharging his duties. The employee would be considered as non-cooperative with the employer if his not followed a safe system of work provided. For example, the driver shall conducted daily checks of the vehicle which is complying with procedures and check list by provided by the employer.

- (c) *to wear or use at all times any protective equipment or clothing provided by the employer for the purpose of preventing risks to his safety and health; and*

The employee shall wear or use personal protective equipments or clothing at all times provided by the employer. If the personal protective equipment is found not to be suitable by the employee, the employee shall inform the employer with regards to the problem. For example, the employee undertakes welding activity shall use the personal protective equipment provided by the employer to protect the employee from safety and health hazard arising from that activity.

- (d) *to comply with any instruction or measure on occupational safety and health instituted by his employer or any other person by or under this Act or any regulation made thereunder.*

Employees are required to follow instructions. For example they shall follow instructions stated in the safe operation procedure provided by employers.

1.5.3 General duties of designers, manufacturers and suppliers

Section 20. (1) It shall be the duty of a person who designs, manufactures, imports or supplies any plant for use at work –

- (a) *to ensure, so far as is practicable, that the plant is so designed and constructed as to be safe and without risks to health when properly used;*

This subsection imposes an obligation to the designers, manufacturers, importers and suppliers to ensure that a plant for use at work is designed and constructed to be safe and without risk to safety and health to users. All the equipment and component of plant shall be designed and constructed in accordance with the codes or standards recognized or recommended by relevant authorities' body.

- (b) *to carry out or arrange for the carrying out of such testing and examination as may be necessary for the performance of the duty imposed on him by paragraph (a); and*

Manufacturers, designers, importers and suppliers are required to carry out testing and examination of that plant to certify that plant is safe to operate.

- (c) *to take such steps as are necessary to secure that there will be available in connection with the use of the plant at work adequate information about the use for which it is designed and has been tested, and about any condition necessary to ensure that, when put to that use, it will be safe and without risks to health.*

Manufacturers, designers, importers and supplier are required to issue instructions on proper use of the plant such as vehicle manual handling, and conduct training if necessary. The employee and employer are then required to follow the instructions.

PART 2

OCCUPATIONAL SAFETY AND HEALTH PROGRAM

Every employer shall provide an occupational safety and health management program based on a continuous improvement concept at the place of work. This concept shall consist of five principal elements –

–

- a) policy;
- b) organization;
- c) planning and implementation;
- d) evaluation; and
- e) action for improvement.

The said occupational safety and health management program shall include the following –

2.1 Safety and health policy

2.1.1 The employer shall prepare a written statement of safety and health policy for his place of work and arrangements to carry out the policy as required under Section 16 of Act. This safety and health policy showing the high commitment by the employer towards occupational safety and health in line with the requirements of Act.

2.1.2 The duty to prepare safety and health policy shall apply to all employers except those who have undertaking of not more than five employees who have been stated in Occupational Safety and Health (Employers' Safety and Health General Policy Statements) (Exception) Regulations 1995.

2.1.3 Such matters need to above-mentioned in safety and health policy are –

- a) the top management's commitment towards occupational safety and health;
- b) compliance with the requirements of law;
- c) workers' involvement;

- d) periodic study and review of the policy; and
 - e) the signature or endorsement of the employer.
- 2.1.4 The employer shall consult with employees or their representatives to achieve consensus before formulating the safety and health policy.
- 2.1.5 The safety and health policy shall be concise and clearly written.
- 2.1.6 The safety and health policy shall be signed by the employer, be communicated and readily accessible to all his employees and customers.
- 2.1.7 The safety and health policy shall constantly be reviewed and updated in line with the current situation and changes.
- 2.1.8 The employer shall monitor and assess the implementation and effectiveness of the safety and health policy.
- 2.1.9 An example of the safety and health policy is as per **Appendix A**.

2.2 Safety and health committee

- 2.2.1 Pursuant to section 30 of the Act, every employer shall establish a safety and health committee at the place of work if there are forty or more persons employed at the place of work, or the Director General directs the establishment of such a committee at the place of work.
- 2.2.2 The establishment of the safety and health committee shall be based on the provisions of the Occupational Safety and Health (Safety and Health Committee) Regulations 1996.
- 2.2.3 The safety and health committee shall sit-down a meeting at least once in every three months based on provisions in the Occupational Safety and Health (Safety and Health Committee) Regulations 1996.

2.2.4 The safety and health committee shall carry out its functions and duties as prescribed in the Occupational Safety and Health (Safety and Health Committee) Regulations 1996. Such functions and duties of the safety and health committee are:-

- a) to assist in the development of safety and health rules and safe system of work;
- b) to review the effectiveness of safety and health programmes implemented;
- c) to inspect the place of work at least once in every three months to ascertain if there is anything prejudicial to the safety and health of persons employed therein;
- d) to report to the employer of any unsafe or unhealthy condition or practices at the place of work together with recommendations for corrective actions;
- e) to review the occupational safety and health policies at the place of work and make recommendation to the employer for any revision of such policies; and
- f) to inspect the place of work, as soon as it is safe to do so, after any accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease has occurred at the place of work, and make recommendation to the employer of the measures shall be taken to prevent the reoccurrence of such incident.

2.2.5 The employer shall take such steps as are reasonable practicable to provide the members of the safety and health committee with adequate training in occupational safety and health so as to enable them to perform the functions of the committee effectively.

2.3 Safety and Health Officer

2.3.1 Pursuant to section 29 of the Act, the occupier at the place of work listed under the Occupational Safety and Health (Safety and Health Officer) Order 1997 shall employ a safety and health officer at the place of work.

2.3.2 The safety and health officer shall carry out his duties as prescribed under the Occupational Safety and Health (Safety and Health Officer) Order 1997. Such duties of the safety and health officer are –

- a) to advise the employer or any person in charge of a place of work on the measures to be taken in the interest of the safety and health of the persons employed in the place of work;
- b) to inspect the place of work to identify hazards that may cause accidents;
- c) to investigate any accident, near-miss accident, dangerous occurrence, occupational poisoning or occupational disease which has happened in the place of work;
- d) to assist the employer in organizing and implementation of safety and health programmes at the place of work;
- e) to become as a secretary to the safety and health committee at the place of work (if any); and
- f) to submit to the employer a monthly report of the activities.

2.4. Hazard identification, risk assessment and risk control (HIRARC)

2.4.1 The employer shall identify all the hazards relating to road transport activities, and also workshop and depot activities. Based on the identification of the said hazard, a risk assessment of the hazard shall be carried out so that risk control may be formulated to prevent the occurrence of any accident resulting from any activity carried out.

2.2.2 Identify the relevant activities at the place of work, including –

- a) dispatch of goods from factory to customer, vehicular journey, etc;
- b) journey from one area to another via highway, federal road, etc. For example express buses, shuttle buses, dispatch of goods from factory to buyer, etc;
- c) disassembly, assembly, repair and maintenance of vehicles at workshop;
- d) use of equipment and machinery at the time of disassembly, assembly, repair and maintenance of vehicles;

- e) loading and unloading activities of goods and baggage;
- f) management of customers/public in relevant areas such as terminal, depot and workshop.

2.4.3 Identify hazards associated with a place of work. Examples of such hazards are as below but not limited to –

- a) driving while drowsily and exhaustion;
- b) dangerous driving;
- c) emergency exit door not functioning;
- d) not wearing seat belt;
- e) loss of control of vehicle due to brake failure;
- f) driver falling asleep while driving due to exhaustion and fatigue;
- g) slipped of vehicle due to slippery road;
- h) worker slipped on workshop floor because of slippery floor surface caused by spilt oil or grease;
- i) noise resulting from repair of vehicle;
- j) fire caused by inflammable gas related activity such as welding;
- k) struck by falling goods while loading and unloading from vehicle; etc.

2.4.4. Next, risk assessment shall be carried out on each hazardous activity identified. Human factor, vehicle, road and environment associated with the said activity shall be taken into account. Assessment of risks associated shall be done. Such risk assessment shall take into consideration several factors but not limited to –

- a) location and distance of destination;
- b) category of road used;
- c) high risk sections of the road caused by earth surface factor, etc;
- d) type of vehicle to be used;
- e) warning signage put up by relevant enforcement authority;
- f) journey schedule;
- g) body fitness and training undergone by driver;
- h) procedure and safe working instructions provided by employer for compliance;
- i) arrangement of workshop or depot;
- j) tools and hoisting machine to elevate vehicle for purposes of dismantling, fitting, repair and maintenance of vehicle;
- k) use of chemicals substance which dangerous to health; and
- l) activities associated with inflammable gas and use of mobile electrical apparatus such as for welding activity.

2.4.5 Risk control measures shall be provided in order to manage the said risks depending on the risk assessment done. Examples of risk control measures encountered are the following but not limited to –

- a) training;
- b) health examination;
- c) develop safe working procedure for workshop activities and vehicle driving;

- d) arrangement of workshop and inspection;
- e) daily vehicle check and periodic vehicle maintenance;
- f) checking of apparatus such as seat belts, fire extinguishers, emergency exits, emergency light reflectors;
- g) appreciation or warning system.

2.4.6 The employer shall ensure HIRARC is conducted by those skilled in conducting HIRARC.

2.4.7 HIRARC shall be documented and reviewed if there are changes in the activities being carried out, or if there is any new hazard or danger arising out of such activity.

2.4.8 If a place of work is associated with chemicals, the employer shall carry out risk assessment to health as required under the Occupational Safety and Health (Use and Standards of Exposure of Chemicals Hazardous to Health) Regulations 2000.

2.4.9 An example of the HIRARC record is as per **Appendix B**.

2.5 Training

2.5.1 The employer shall identify and provide sufficient training associated with safety and health to all workers to ensure their safety, health and job need. Thus the workers would be equipped with sufficient understanding, knowledge and skills to perform their work in a safe manner.

2.5.2 The training provided shall include –

- a) training of a technically skilled nature such as defensive driving, emergency response, vehicle operational, handling of apparatus and substance, and other fit and proper training; and
- b) mind training such as conducting motivation seminars, campaigns, positive thinking and other appropriate training.

2.5.3 A combination of technical skills and positive thinking is important because with such training provided by the employer, it is hoped the employees, especially the drivers, would be able to carry out their work properly while reducing the risk of accidents or minimizing the impact of accidents if they do occur.

2.5.4 Such safety and health training shall be continuous, periodical and scheduled. Each and every training session conducted shall be recorded.

2.6 Dissemination of information

2.6.1 The employer shall make provisions for mutual information exchange between the workers and the top management to ensure the policies and requirements of the company are channeled to the workers swiftly and accurately.

2.6.2 The employer shall ensure that observations, ideas and proposals by the workers with regard to safety and health issues are taken in and given due consideration and response.

2.6.3 Effective mutual information exchange is –

- a) conveying company policy and commitment with clear;
- b) conducting specific programmes such as contests, seminars, campaigns for information dissemination on issues relating to occupational safety and health;
- c) providing a notice board for dissemination of information and instructions regarding occupational safety and health;
- d) providing channels such as suggestion box to enable workers to complain and offer suggestions on occupational safety and health to the employer; and
- e) conduct safety briefings (such as tool-box meeting) before starting work.

2.7 Documentation and record keeping

2.7.1. The employer shall ensure that all data and records relating to occupational safety and health are stored, maintained and managed properly. Matters relating to preventive and corrective action, and system improvement are significant for the purposes of reference, review, auditing, etc.

2.7.1 The following records shall be kept –

- a) training (planning, implementation, attendance);
- b) occurrence of accidents (near-miss accidents, dangerous incidents, accidents, grousers);
- c) exaction and compensation;
- d) notices and summonses from the authorities;
- e) complaints;
- f) driver management;
- g) vehicle management;
- h) hazard identification, risk assessment and risk control;
- i) audit reporting, periodical inspection of place of work, minutes of meetings;
- j) legislation; and
- k) other necessary documentation.

2.7.3 The records shall be produce for an inspection upon request by an authority.

2.8 Emergency response plan

- 2.8.1 An emergency response plan shall be provide which includes taking action and making decisions to minimize or avoid accidents shall be provided for.
- 2.8.2 Matters to be taken into consideration in formulating the emergency response plan shall include –
- a) determining a safe spot to assemble or safe distance when an accident occurs;
 - b) first aid;
 - c) procedure for quickly contacting the authorities such as the Police, Fire and Rescue Department, Hospital, Malaysia Civil Defence Department;
 - d) identifying potential situations giving rise to emergencies such as oil spill on passageway, poisonous gas, major fire, tunnel accident;
 - e) passenger management in emergencies;
 - f) continuous hazard surveillance of passages by employer; and
 - g) other matters that should form part of the emergency response plan.

2.9 Monitoring

- 2.9.1 The employer shall monitor the activities of his workers to ensure work is carried out properly according to safe work procedure in order to minimize the risk of accidents.
- 2.9.2 Such monitoring shall be thorough on every level of the organization/operation such as administrative office, operation office, workshop and passages.
- 2.9.3 Monitoring shall be carried out repeatedly according to predetermined times. A record of monitoring shall be kept and reviewed for continuous improvement.

2.10 Auditing

- 2.10.1 The employer shall provide a system of auditing to monitor the efficacy of the safety and health management programme.
- 2.10.2 The auditing shall be carried out at predetermined hours and shall be scheduled at least once a year, so as to ascertain whether the occupational safety and health management system adequately meets the needs by effectively safeguarding workers' safety and health and preventing untoward incidents.
- 2.10.3 Auditing to be carried out shall include evaluation of compliance with the operational procedure for safety and health, and shall also encompass all activities under the employer's control.
- 2.10.4 The auditing shall be carried out by a person competent in auditing.
- 2.10.5 The audit results will help the employer carry out his duties and responsibilities more efficiently and effectively and to make improvements to the prevailing occupational safety and health management system.
- 2.10.6 An example of an audit checklist is as per Appendix C.

2.11 Continuous improvement

- 2.11.1 Continuous improvement shall be arranged, implemented and maintained for continuous improvement of occupational safety and health management.
- 2.11.2 Continuous improvement shall take into account the following –
 - a) objective of safety and health within the organization;
 - b) outcome of hazard identification, risk assessment and risk control;
 - c) investigation carried out regarding accident;
 - d) outcome of audit and monitoring carried out;

- e) proposals of improvement and upgrading from the safety and health committee, workers and the public;
- f) any changes in the national laws and regulations;
- g) any new information considered relevant; and
- h) example of best work/management practice; and
- i) results of workers' health monitoring, health conservation and promotional programmes.

PART 3

DRIVER MANAGEMENT

The employer shall provide driver management programmes, the purpose of which is to maintain driver safety, health and environment at optimum levels. In providing driver management programmes, the following factors shall be taken into account, but not limited to –

- a) driver intake procedure;
- b) driver categorization;
- c) training;
- d) driving procedure;
- e) driving hours and working hour limits;
- f) driver rotation system;
- g) driver monitoring; and
- h) Driver's health and welfare.

Essential elements of driver management are as per **Appendix D**.

3.1 Driver intake procedure

3.1.1 The employer shall identify the driver's background before taking him into service.

3.1.2 The minimum criteria need to be identified are –

- a) examine driver's record from database of responsible authorities such as police and Road Transport Department (RTD);

- b) conduct preliminary tests on competency or proficiency level of driver; and
- c) a driver taken into service shall undergo health screening at any hospital or clinic or health centre determined by the employer and the cost of such health screening shall be borne by the employer.

3.2 Driver categorization

3.2.1 The employer shall categorize drivers into several categories deemed reasonable in order to identify professional, skilled and semi-skilled drivers. Towards this end, the following shall be considered –

- a) driver card system (KEJARA system) – demerit point;
- b) licence classification;
- c) driver card system – contains information on work experience, basic medical information, particulars of licence, summonses, etc deemed essential (updated at time of renewal of public service vehicle, PSV, licence or goods vehicle driving licence, GDL);
- d) driver category based on skill, competency (type of vehicle such as lorry, bus) and performance (consumer feedback).

3.3 Training and change in thought pattern

3.3.1 As per paragraph 2.5.

3.4 Driving procedure

3.4.1 The employer shall provide a checklist for the obligatory acts a driver needs to perform before and while driving as well as upon reaching his destination. Such obligatory acts shall include the following but not be limited to –

- a) examining the driver's records at the one-stop check centre when preparing the duty roster;

- b) the drivers shall be fit and feel good while driving by taking nutritious food;
- c) not being allowed to take any medicine which may interfere with driving (such as causing drowsiness);
- d) having the drivers examined by a qualified supervisor to ensure they are in a fit state to drive;
- e) bringing along important documents (valid E licence, valid GDL/PSV licence, log book, identity card or passport, and other documents deemed necessary);
- f) wearing of spectacles by drivers who need spectacles;
- g) reporting oneself for duty not less than 30 minutes before journey;
- h) entering and reporting oneself to the supervisor and checking roster;
- i) carrying out daily vehicle checks by checklist before and after journey; and
- j) ensuring the vehicle has sufficient fuel (petrol/diesel), and refueling if necessary, safety procedure to be complied with.

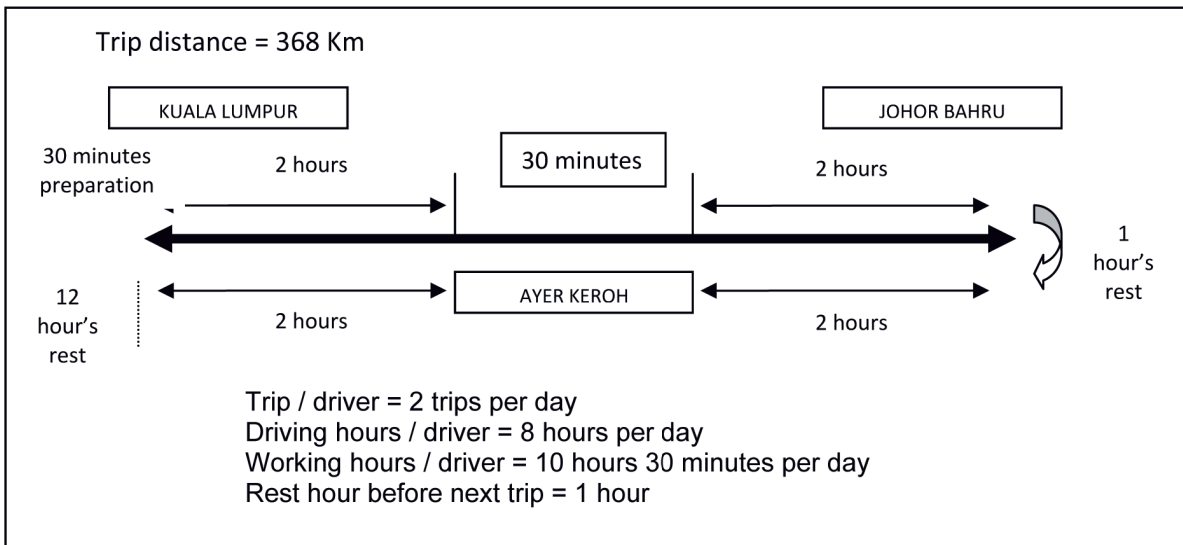
3.5 Driving hours and working hour limits

3.5.1 The employer shall provide a driving hour and working hour system for drivers. This matter shall be given due attention, otherwise the driver's potential to feel tired after a long bout of driving will be rather high and may give rise to risks and pose a danger to driving. The matters that need to be considered but subject to the prevailing acts if applicable are –

- a) non-stop driving for a maximum of 4 hours;
- b) total of 8 hours of driving per day (maximum);
- c) total of 12 hours of work per day (maximum);

- d) 30 minutes of rest per 4 hours of journey;
- e) one (1) day of rest after every 6 days of work; and
- f) a minimum of 12 hours of rest before starting first journey.

3.5.2 The diagram below shows an example of a single drive express bus system for one trip.



3.6 Driver rotation

3.6.1 The employer shall formulate a driver rotation system for long trips. This is to avoid driver exhaustion and fatigue due to very long driving hours which may lead to loss of concentration while driving and may increase accident risk. The drivers' roster shall be properly maintained and updated.

3.7 Driver monitoring

3.7.1 The employer shall always monitor his employees especially the drivers. Such monitoring is necessary to ensure the drivers constantly comply with the safe working procedure at the workshop and comply with the dedicated driving procedure while manning vehicles. Some of the monitoring methods are –

- a) always viewing the vehicle daily inspection form to ensure the driver examines the vehicle on a daily basis;
- b) constantly inspecting the driver's record from the database of the authorities such as the Police and the Road Transport Department (RTD). This is necessary to find out whether the driver has any traffic offence records such as exceeding the permitted speed limit, double-line overtaking and other offences;
- c) providing a channel for complaints such as complaint/suggestion box and complaint form for customer complaints to the employer relating to driving patterns and driver attitude.

3.7.2 The employer shall pay serious attention to each offence or complaint. The driver shall be given advice and counseling so that he may amend his driving habits and attitude.

3.8 Driver's Health and Welfare

3.8.1 The employer shall provide guidance for his employees especially the drivers for the conservation of health, physical alertness such as –

- a) recorded periodical medical examination;
- b) ensuring the worker is not allowed to work when not fit;
- c) use a relief driver if the driver is not fit enough to drive his vehicle;
- d) providing information relating to health care and well-being especially when driving. Example – a physical exercise manual when stopping for rest;
- e) providing information and educating workers especially the drivers on methods to manage pressure, exhaustion and fatigue resulting from driving activity and work pressure;
- f) monitoring the attitude and behaviour of drivers in vehicle driving; and
- g) providing comfortable resting facilities for workers.

PART 4

VEHICLE MANAGEMENT

The employer shall provide a vehicle management programme designed to ensure vehicles are constantly in top condition and are road-worthy. In providing such a management programme, matters but not limited to the following, shall be taken into consideration –

- a) daily checks;
- b) vehicle fault recording and reporting;
- c) safety, maintenance and inspection plan;
- d) safety inspection, maintenance and repair facilities;
- e) maintenance record;
- f) training and education for maintenance and safety inspection;
- g) vehicle licence; and
- h) vehicle cleanliness.

4.1 Daily checks

4.1.1 The employer shall have a procedure to perform daily checking of each vehicle to identifying vehicle faults, with the ability to take urgent action for safety-related faults.

4.1.2 Daily checks shall –

- a) ensure each driver is responsible for carries out a pre-trip inspection of the vehicle to be driven;

- b) ensure that the person carrying out the inspection is able to certify the vehicle as road-worthy;
- c) set out minimum inspection requirements;
- d) ensure each driver is responsible for carries out a post-trip inspection at the end of every work session. Such inspection shall, as in the case of the pre-trip inspection, cover each and every part of the vehicle.

4.1.3 Minimum checks shall include –

- a) vehicle documentation;
- b) engine system;
- c) brake system;
- d) engine at start-up;
- e) interior neatness (especially buses);
- f) tyre change kit (emergency); and
- g) first aid and fire extinguisher.

4.1.4 An example of the vehicle daily check form is as per **Appendix E**.

4.2 Vehicle fault recording and reporting

4.2.1 Any fault in the vehicle shall be recorded as soon as possible after detection, or after every repair. The employer shall brief a newly employed driver about the vehicle condition to be driven by him.

4.2.2 Every fault recording and reporting shall ensure–

- a) any faults found in the daily check are recorded in the vehicle fault report, which is kept in the vehicle;
- b) faults found during or after the journey are recorded in the same manner; and
- c) all reports and records (a) and (b) shall be referred to the management for purposes of vehicle repair and maintenance.

4.3 Safety maintenance and inspection plan

4.3.1 A safety maintenance and inspection plan shall ensure –

- a) periodical comprehensive maintenance by a specified or qualified party or other party proposed by the vehicle manufacturer;
- b) a maintenance report or mechanic's report filed as record; and
- c) any vehicle found by the authorities to have a critical problem shall be taken off the road immediately.

4.4 Safety Inspection, maintenance and repair facilities

4.4.1 The employer shall ensure that the facilities and equipment for repair, maintenance and safety inspection of a vehicle are suited for the activity being carried out.

4.5 Maintenance record

4.5.1 The employer shall ensure that all safety inspection, maintenance and repair of vehicles are recorded and kept properly.

4.5.2 Such record includes –

- a) vehicle daily checks;
- b) on-road faults detected;

- c) vehicle maintenance;
- d) vehicle repairs undertaken;
- e) vehicle inspection by authorities;
- f) review on maintenance processes; and
- g) facilities and equipment used.

4.5.3 An example of maintenance record is as per **Appendix F**.

4.6 Training and education for maintenance and safety inspection

4.6.1 The worker carrying out repair, maintenance and safety inspection shall be given sufficient training. This is to ensure he is sufficiently skilled in the fitting of vehicle equipment, repair, maintenance and safety inspection of vehicles.

4.7 Vehicle Licence

4.7.1 Vehicle licence, vehicle documentation and loading capacity shall be kept in a special file by the driver in charge of it. The said file shall be presented to the authorities for inspection.

4.8 Vehicle Cleanliness

4.8.1 Vehicle cleanliness especially interior cleanliness shall be emphasized. Drivers especially those manning public service vehicles and tourism vehicles shall ensure the interior of the vehicle is always kept clean and tidy by checking on a daily basis the seats, curtains, trash bin, cobwebs and dust.

PART 5

JOURNEY AND RISK MANAGEMENT

Apart from human and vehicle factors, other factors such as road and environment are also contributory factors to accidents. Hence it is important to emphasize environmental factors such as road, topographical conditions and road category throughout the entire route. Journey and risk management shall be conducted by the employer to ensure safe journey.

5.1 Hazard identification, risk assessment and risk control (HIRARC)

5.1.1 As stated in paragraph 2.4, the employer shall identify the hazards associated with transport activities such as driving, route, vehicle maintenance and repair, and vehicle safety inspection.

5.2 Identification of hazard and route risks

5.2.1 The danger potential and risks along the route shall be identified so that appropriate action and extra care could be taken when travelling the route. The following shall be given attention -

- a) sensitivity to weather changes and high risk locations caused by such weather change;
- b) identification of high risk areas caused by other factors (road condition, animal crossing, topography, etc).
- c) warning signage at route;
- d) festive seasons when traffic volume on the road is extremely high;
- e) hazards of night travel.

5.3 Trip schedule

5.3.1 The employer shall prepare a trip schedule for vehicles so that drivers have sufficient in-between time to ensure safe journeys. The drawing up of a trip schedule shall take into consideration the following –

- a) time and distance of journey;
- b) traffic;
- c) road and topographical conditions;
- d) time of journey (morning, evening or night);
- e) pressure and fatigue while driving; and
- f) condition of the vehicle driven.

5.4 Rest and recreation

- 5.4.1 For long distance journey, rest and recreation are important to ensure the driver has sufficient rest and maintains his fitness level during driving and is able to do a cursory vehicle checks such as of the tyres.

5.5 Trip monitoring

- 5.5.1 As trip monitoring is a very important subject, it shall be given due emphasis by the employer. The log book is a simple method of trip monitoring.

- 5.5.2 Matters that shall be recorded in a log book are as follows but not limited to -

- a) name of driver;
- b) time of departure;
- c) time of arrival at destination;
- d) rest hours;
- e) record of distance (odometer reading), route, etc; and
- f) change of driver.

5.5.3 The data shall be kept, maintained and managed by the employer for specific purposes such as driver's performance.

5.5.4 The employer be encouraged to use a latest data recording system to monitor the trip other than log book such as Global Positioning System (GPS).

5.6 Passenger, goods and baggage management

5.6.1 The employer shall have a proper passenger, goods and baggage management system as it can minimize risk of accidents or otherwise minimize impact in the event of an accident. Towards this end, the following shall be strictly provided for or improved upon:

- a) a systematic terminal equipped with proper facilities for embarking and disembarking passengers, goods and baggage;
- b) bus stops considered safe for the embarking/disembarking of passengers and for their rest and recreation;
- c) customer feedback system for receiving complaints or appreciation of services, etc;
- d) baggage regulations (bus interior and baggage compartment) – may refer to existing authority regulations;
- e) passenger / goods shall comply with conditions stated in the permit/licence;
- f) a notice showing DOs and DON'Ts when using a public service vehicle that is posted inside the bus, at the bus stop and bus terminal. It shall be clear, durable and exhibited at a conspicuous place visible to passengers;
- g) a notice stating the appropriate action to be taken in an emergency put up at suitable places within the vehicle, at the vehicle stop, terminal, warehouse, and appropriate location.

5.7 Emergency response plan

5.7.1 Emergency response that is quickly and effective is capable of minimizing accident impact of death or serious injury and capable of saving life and property. As such, it shall be given due priority by the employer. Towards this end, the following shall be made available –

- a) emergency response procedure as outlined in paragraph 2.8;
- b) training on first-aid and basic fire-fighting plus first-aid kit and treatment handling shall be given to driver and tourist guide (for tourism bus);
- c) first aid kit shall be made available, sufficient, and in a good condition at all times inside every vehicle and other location such as terminal, workshop and warehouse;
- d) active and usable fire extinguishers kept in an easily visible and retrievable place in vehicles, terminals and workshops;
- e) emergency equipment such as torches and hazard indicators such as emergency cones and triangular signage in the vehicle;
- f) usable spare tyres and tyre-changing equipment are in the vehicle; and
- g) written procedure for reporting incidents or accidents for staff especially drivers (such as calling the relevant authorities, the officer in charge) in every bus and terminal. It shall be easily comprehensible, clear and always updated.

5.8 Reports and accident investigation

5.8.1 The employer shall forthwith report accidents arising out of occupational activities to the nearest Department of Occupational Safety and Health and the relevant authorities, and record.

5.8.2 Drivers shall be guided the steps to make accurate reports so that the reports have useful materials for reference. The following are the measures that need to be taken:-

- a) each accidental incident or near-miss accident shall be reported to the management;
- b) the management shall carry out an investigation to gather essential information such as the source of the accident. Such information procured shall subsequently be handed over to the relevant authorities for further action;
- c) the notification and reporting of accidents shall comply with the Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease) Regulations 2004;
- d) corrective and preventive action shall be taken to avoid the recurrence of such incidents. The officer taking such action shall be given training in investigative work and in making reports on safety and health;
- e) all accident reports shall be channeled to and discussed by the safety and health committee for assessment with a view to continuous improvement.

5.9 Complaint management

- 5.9.1 The employer shall give serious consideration to reports from customers, the public or others. All complaints shall be investigated and corrective action shall be taken as soon as possible. All reports and follow-up action shall be recorded.

APPENDIX A

Example of safety and health policy

Safety and Health Policy

It is the policy of ABC Corporation to provide a safe and healthy workplace for all staff, contractors, visitors and customers patronizing the company's operating premises.

The management shall:

- comply with the requirements of the Occupational Safety and Health Act 1994;
- identify and assess possibilities of hazard at the place of work ;
- control and supervise all threats of hazard;
- be proactive in the control of fresh threats of hazard;
- provide safety and health training and supervision;
- give the staff the opportunity to select their safety and health representative who will be involved in the risk management process; and
- review this safety and health policy from time to time.

The staff shall:

- actively contribute to hazard identification and management;
- participate in safety and health training;
- practise safe working methods;
- encourage other workers to also practice safe working methods; and
- report injuries swiftly and accurately.

Signature: _____

Managing Director

ABC Corporation

Date: 01 March 2009

APPENDIX B

Example of hazard identification, risk assessment and risk control (HIRARC) record

Record of Hazard Identification Risk Assessment and Risk Control (HIRARC)							Date :
Activity	Type of hazard arising	Who may be injured and how	The current actions being taken	The follow-up action required	Who took action?	When action was taken	Status

APPENDIX C

Elements of occupational safety and health auditing

No	Primary Element	Sub-Element	Audit Result	Follow-up Action
1	Occupational Safety and Health Management System	Commitment towards occupational safety and health (leadership)		
		Safety and Health Policy		
		Safety and Health Committee		
		Duties and responsibilities towards occupational safety and health		
		Compliance with legislation (Act 514 and associated regulations, Factory and Machinery Act 1967, Road Transport Act and other relevant legislation)		
		Source for implementation of occupational safety and health		
		Dissemination of information on occupational safety and health		
		Hazard identification, risk assessment and risk control		

APPENDIX C

Elements of occupational safety and health auditing

No	Primary Element	Sub-Element	Audit Result	Follow-up Action
1	Occupational Safety and Health Management System	Commitment towards occupational safety and health (leadership)		
		Safety and Health Policy		
		Safety and Health Committee		
		Duties and responsibilities towards occupational safety and health		
		Compliance with legislation (Act 514 and associated regulations, Factory and Machinery Act 1967, Road Transport Act and other relevant legislation)		
		Source for implementation of occupational safety and health		
		Dissemination of information on occupational safety and health		
		Hazard identification, risk assessment and risk control		

APPENDIX D

Elements of driver management

Subject	Category		
	M	R	O
Driver Intake Procedure <ul style="list-style-type: none"> • Driver's record • Competency/efficiency test • Health examination 	✓ ✓ ✓		
Driver Categorisation <ul style="list-style-type: none"> • Driver card system (KEJARA system) • Driver's category (licence classification) 	✓ ✓		
Training <ul style="list-style-type: none"> • Emergency response • Driving training • Vehicle handling training • Alertness 	✓ ✓ ✓ ✓		
Driving Procedure (Trip) <ul style="list-style-type: none"> • Uniform • Food intake • Forbidden drugs • Inspection of driver's preparedness • Important documents • Wearing of glasses (where relevant) • Early reporting for duty • Entry and reporting to supervisor • Pre-trip check and checklist • Vehicle fuel 	✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓ ✓	 ✓ ✓ ✓	

Driving and Working Hours <ul style="list-style-type: none"> • Maximum hours of non-stop driving – 4 hours • Total driving hours per day – 8 hours (maximum) • Total working hours per day – 12 hours (maximum) • Rest hours (30 minutes) every 4 hours • Total number of working days in a week – 6 days • One (1) day of rest after every six (6) days of work 	✓ ✓ ✓ ✓ ✓ ✓		
Driver Rotation <ul style="list-style-type: none"> • Drivers working on rotation take over at stipulated destinations 	✓		
Appreciation and warning <ul style="list-style-type: none"> • Appreciation • Career advancement • Incentives • Disciplinary action • Accountability for offences 	✓ ✓	✓ ✓ ✓	

M = Mandatory**R = Recommended****O= Optional**

Appendix E

Example of vehicle daily check form

Vehicle Daily Check Form				
			Pre-duty	Post-duty
			KM	KM
A	METER 1 Meter reading			
B	EQUIPMENT AND DOCUMENTATION		Yes (✓)	No (✗)
	1 Jack 2 Tyre dismantler 3 First aid kit 4 Triangular signage 5 Fire extinguisher 6 Spare tyre 7 Permit 8 Trip schedule 9 Road tax			
C	DAILY MAINTENANCE 1 Water radiator 2 Battery water 3 Tyres pressure 4 Engine treatment oil 5 Brake oil 6 Power-steering oil			
D	BRAKE SYSTEM 1 Foot brake 2 Hand brake 3 Front signal light (near side) 4 Front signal light (off-side) 5 Rear signal light (near side) 6 Rear signal light (off-side) 7 Headlight/dip light 8 Brake light			

E	WHEN ENGINE IS IDLING		Yes (✓)	No (✗)
	1. Excessive white/black smoke 2. Unusual engine noise 3. Overheating 4. Brakes and vacuum pump in order 5. Air-conditioning in order 6. Wipers in order 7. Washer nozzle in order 8. Hazard lights in order 9. All instruments functioning 10. All front lights of vehicle and brake lights functioning			
F	PRE-TRIP CERTIFICATION BY DRIVER I certify that I have inspected the vehicle as per checklist above before making my FIRST TRIP and acknowledge the above information is true. Date: _____ Time: _____ Signature: _____			
G	POST-TRIP CERTIFICATION BY DRIVER			
	I certify that I have inspected the vehicle as per checklist above after making my FIRST TRIP and acknowledge the above information is true. Date: _____ Time: _____ Signature: _____			
H	COMMENTS BY MANAGER / SUPERVISOR			
	Date: _____ Time: _____ Signature: _____			

APPENDIX F

Example of Vehicle Maintenance Record

VEHICLE MAINTENANCE RECORD	
VEHICLE PARTICULARS	
Name of Company	
Type of vehicle	
Type/Make/Model	
Manufacture	
Engine Type and No	
Chassis No/ Manufacturer's Serial No	
Vehicle Registration No	
Original Purchase Price	
Date Received	
Period of Warranty	
Dealer and Address	
Components/Accessories	
Verification by Company	<p>.....</p> <p>Signature</p> <p>Name:</p> <p>Position:</p> <p>Date:</p> <p>Seal:</p>

PARTICULARS OF MAINTENANCE, CHANGES AND UPGRADING						
No	Date	Particulars of Maintenance	Company Maintaining Vehicle	Warranty Period	Cost (RM)	Name and Signature