

# Definition & Legal Background – Health and Safety (Malaysia)

The health and safety of the workforce is protected and where provided workers have access to safe, secure and hygienic living conditions

*“Workers are protected from exposure to occupational health and safety hazards that pose a risk of injury, illness or death. Provision is made in case of accident and injury. All workers have access to accident insurance. When provided by the employer, living conditions are safe and hygienic and workers’ health is protected. Segregated accommodation for families, single women and single men is provided. There is access to potable water and sanitation facilities for all workers.”*

- [EF Respect for Workers Principle, Principle 6](#)

## LEGAL BACKGROUND

General duties of employers in regards to Occupational Safety and Health (OSH) are outlined in the [Occupational Safety and Health \(Amendment\) Act 2022 \(Amended OSHA\)](#). Under Malaysia’s OSH legislative framework, all workers including migrant workers have an equal right and opportunity to work in a safe and healthy workplace. The duty imposed by Amended OSHA on the employer or the self-employed person is “to ensure, so far as is practicable, the safety, health and welfare at work of all his employees”.

Employers found to have contravened their obligations will be liable to a fine not exceeding RM500,000 or imprisonment for a term not exceeding two years or to both.

The Department of Occupational Safety and Health (DOSH) publishes several guidance documents. Some of the main guidelines can be accessed by clicking the following links:

- (i) [Guidelines on Occupational Safety and Health in Agriculture](#)
- (ii) [Guidelines on Occupational Safety and Health Management System](#)
- (iii) [Guidelines for Hazard Identification, Risk Assessment and Risk Control \(HIRARC\)](#)

The sample documents in this Implementation Guidance are based largely on the DOSH guidance documents.



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## Employees' Social Security Act 1969

Another important piece of legislation which protects employees during their course of employment is the Employees' Social Security Act 1969, it provides for social security for employment injury contingencies in favour of employees. In regard to compensation for occupational hazards and injuries, local and migrant workers in the country get equal protection under [Social Security Organisation \("SOCSO"\)](#).

The Social Security Organisation ("SOCSO") was established as one of the government departments under the Ministry of Human Resources to administer, implement and enforce the [Employees' Social Security Act 1969](#) and the Employees' Social Security (General) Regulations 1971. [The Employment Injury Scheme](#) under SOCSO provides protection to employees against occupational injuries including occupational diseases and commuting.

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