



Guidelines on Safety and Health (Notification of Accident,
Dangerous Occurrence, Occupational Poisoning
and Occupational Disease) Regulations 2004
[NADOPOD]

Department of Occupational Safety and Health
Ministry of Human Resources Malaysia

2004

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1. Preface

1.1. The Occupational Safety and Health Act of 1994 (Act 514) requires an employer to notify to the nearest Department of Occupational Safety and Health office of any accident, dangerous occurrence, occupational poisoning and occupational disease that has occurred in the place of work. The Act also stipulates every registered medical practitioner or medical officer attending to, or called in to visit, a patient whom he believes to be suffering from an occupational disease or poisoning to report the matter to the Director General. The Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease) Regulations 2004 [NADOPOD] provides further requirement and information on the notification method, procedure and process to be followed by the employer and the medical practitioner in pursuant to the requirements of section 32 of Act 514.

1.2. The main purpose of reporting the incidences stated under section 32 of Act 514 is for the authority (DOSH) to determine the underlying causes of the incidences in order for remedial actions to be taken to prevent similar occurrences in the future. At the same time, the data gathered would form important database for DOSH to carry out analysis and to come out with its strategic plan to administer and enforce the law. For this purpose, it is essential that data recorded by the employers are uniform to facilitate analysis and to assure the validity of the statistical results. Thus these guidelines provide official interpretations, answers, and explanations to questions employers would most frequently ask. It is not a regulation, but rather supplementary instructions for reporting and recordkeeping duties of employers stipulated under NADOPOD using the approved forms (**JKKP 6, JKKP 7 and JKKP 8**).

1.3. For questions or other enquiries related to recordkeeping and reporting under NADOPOD that are not addressed in this publication, employers may contact the Department of Occupational Safety and Health (DOSH) state office serving their area. Addresses and telephone numbers for the DOSH state offices are listed in

these guidelines. Recordkeeping and reporting forms are available in this booklet and employers can make copies if necessary for the purpose of record keeping and reporting to DOSH.

1.4. The information included here deals only with the requirements for recording and reporting of occupational accidents, dangerous occurrences, occupational poisonings and occupational diseases under Act 514. Some employers may be subjected to additional recordkeeping and reporting requirements stipulated under other regulations made under Act 514, such as the requirements to keep records on exposure monitoring, medical surveillance program, training of workers etc. These requirements however are not covered in these guidelines. Employers may refer directly to the Act or the relevant regulations or contact the nearest DOSH state office for further information.

1.5. Recording of accidents and occupational poisonings or occupational diseases is necessary so as to ensure proper implementation and compliance with the Act. The records will also be helpful to employers and employees in identifying many of the factors that cause accidents, injuries or occupational poisonings or occupational diseases in their work places. Furthermore, these records will assist the safety and health officers to perform their duties in carrying out inspections of their work places.

1.6. This booklet summarises and provides basic instructions and guidelines to assist employers in fulfilling their record keeping and reporting obligations.

2. Glossary of Terms

2.1 **Accident.** An occurrence arising out of or in the course of work which result in fatal injury or non-fatal injury.

2.2 **Dangerous occurrence.** An occurrence, which arises out of or in connection with work as, listed in **Table 6**.

2.3 **Employee.** A person who is employed for wages under a contract of service on or in connection with the work of an industry to which this Act applies and –

- a) who is directly employed by the principal employer on any work of, or incidental or preliminary to or connected with the work of, the industry, whether such work is done by the employee at the place of work or elsewhere;
- b) who is employed by or through an immediate employer at the place of work of the industry or under the supervision of the principal employer or his agent on work which is ordinarily part of the work of the industry or which is preliminary to the carried on in or incidental to the purpose of the industry; or
- c) whose services are temporarily lent or let on hire to the principal employer by person with whom the person whose services are so lent or let on hire has entered into a contract of service.

2.4 **Employer.** The immediate employer or the principal employer or both.

2.5 **Establishment.** A single physical location where business is conducted or where services or industrial operations are performed; the place where the employees report for work, operate from, or from which they are paid.

2.6 **Exposure.** The likelihood that a worker is or was subjected to some effect, influence, of any occupational hazards that can result in an occupational poisoning or occupational disease.

2.7 **Fatal injury.** An injury leading to immediate death or death within one year from the date of the accident.

2.8 **First aid.** Any one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such treatment and observation are considered first aid even though provided by a registered medical personnel. Examples of first aid cases are tetanus immunization, cleaning, flushing, soaking surface wounds, wound covering, hot or cold therapy, non-rigid support, eye patches, drilling fingernail or toenail, draining fluid from blister, massages, non prescription medication at non prescription strength and preventive administration of oxygen in the absence of symptom.

2.9 **First report of accident, dangerous occurrence, occupational poisoning and occupational disease.** A report submitted by telephone or fax or other means and on the form **JKKP 6 or JKKP 7** to the Department of Occupational Safety and Health.

2.10 **Register of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease (JKKP 8).** The record keeping form used to list accidents, dangerous occurrence, occupational poisoning and occupational disease and to note the extent of each case for each year. The register should contain the following information: the calendar year covered, company's name, establishment address, fatality rate, severity rate, incident rate, frequency rate, signature of employer, title, and date.

2.11 **Lost-time.** Lost days (consecutive or not), counted from and including the day following the day of the accident, includes injury, diagnosis of occupational poisoning and occupational disease measured in calendar days, the employee was away from work.

(i) Lost workdays - away from work. The number of workdays (consecutive or not) on which the employee would have worked but could not because of occupational injury or occupational poisoning or occupational disease; or

(ii) the employee was assigned to another job on a temporary basis; or

- (iii) the employee worked at a permanent job less than full time; or
- (iv) the employee worked at a permanently assigned job but could not perform all duties normally connected with it.

Note: For fatal cases, the number of lost workdays is 6000 days.

The number of days away from work or days of restricted work activity does not include the day of injury or diagnosis of occupational poisoning or occupational disease.

2.12 Lost workday cases. Cases that involve days away from work or days of restricted work activity, or both.

2.13 Medical treatment. Includes treatment of injuries administered by a registered medical personnel. Medical treatment does not include first aid treatment (one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care) even though provided by a registered medical personnel.

2.14 Occupational health practitioner. Persons trained in occupational health such as doctors, nurses and hygienist.

2.15 Occupational injury. Any injury such as a cut, fracture, sprain, amputation, etc., resulting from a work accident or from a single instantaneous exposure in the work environment.

Note: Conditions resulting from animal bites, including insect or snake bite, and from one-time exposure to chemicals while working are considered to be injuries.

2.16 Occupational injuries and occupational poisoning/diseases, extent and outcome. All recordable occupational injuries or occupational poisoning/diseases result in either:

- (a) Fatalities, i.e. immediate death or death within one year of the accident, the injury, or the illness;
- (b) Lost workday cases, other than fatalities, that result in lost workdays;
or
- (c) non-fatal cases without lost workdays.

2.17 **Occupational poisoning or disease.** A poisoning or a disease arising out of or in connection with work and is of a class specifies in **Schedule 3**. It includes acute and chronic poisoning or disease which may be caused by inhalation, absorption, ingestion, or direct contact.

2.18 **Recordable cases.** All accidents and dangerous occurrences which have occurred; or all occupational poisonings or occupational diseases which have occurred or are likely to occur, arising out of or in connection with work, under his control, whether or not the accidents, dangerous occurrences, occupational poisonings and occupational diseases have been reported.

2.19 **Registered Medical Practitioner.** A professional that involves in the provision of occupational health services that includes occupational health doctor, occupational health nurse, occupational hygienist and ergonomist.

2.20 **Standard Industrial Classification (SIC).** An Industrial Classification, for use in the classification of establishments by type of activity in which engaged. Each establishment is assigned an industry code for its major activity which is determined by the product manufactured or service rendered. Establishments may be classified in 2, 3, 4 or 5-digit industries according to the degree of information available.

2.21 **Work environment.** Consists of the employer's premises and other locations where employees are engaged in work-related activities or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his work.

3. User's Guide

3.1. This document is formatted to make the information on recordkeeping and reporting easy to access and comprehend. Each chapter elaborated on the basic reporting and record keeping concepts and further define the subject matter.

- a) **Chapter 4** provides information that should enable you to determine whether or not your establishment must report and keep records of accidents and poisoning or diseases.
- b) **Chapter 5** provides a brief description of the types of decisions employers must make in the recordkeeping process. Also, this chapter shows how to distinguish between employees, whose injuries employers must record, and other workers at the establishment.
- c) **Chapter 6** outlines categories of recordable cases and how these cases are to be recorded in **JKKP 8** form.
- d) **Chapter 7** describes which forms should be used and how the forms should be completed.
- d) **Chapter 8** describes where the forms or records must be kept, how they should be updated, and the length of time they must be kept.
- e) **Chapter 9** describes the requirement of further information that may be requested by Director General.
- f) **Chapter 10** describes employer obligations for reporting and recording occupational injuries and occupational poisoning or occupational diseases.

The appendixes and tables provide a guide for completing the forms **JKKP 9** and **JKKP 10**.

4. NOTIFICATION AND RECORD KEEPING

Section 32 of the Occupational Safety and Health Act states that an employer shall notify the nearest DOSH office of any accident, dangerous occurrence, occupational poisoning or occupational disease which has occurred or is likely to occur at the place of work.

4(a) Notification

- i. Employer and Self-Employed. The responsibility to notify accidents, dangerous occurrence, occupational poisoning and occupational disease falls on the employer and self-employed.

- ii. Registered Medical Practitioner. Every medical practitioner or medical officer attending to, or called in to visit, a patient whom he believes to be suffering from any of the occupational poisoning or occupational disease listed in **Third Schedule** or **Table 16**, must report the matter to the Director General within 7 days using the approved form (**JKKP 7**).

4(b) Record keeping

i. Employer and Self-Employed. All employers and self-employed have to maintain records of all accidents, dangerous occurrences, occupational poisonings and occupational diseases that had occurred at their place of work.

4.1. The notification and record keeping requirements of the Act 514 apply to all employers in the industrial sectors listed in the First Schedule of the Act. The industries are:-

1. Manufacturing
2. Mining and quarrying
3. Construction
4. Agriculture, forestry, and fishing

5. Utilities:
 - (a) electricity;
 - (b) gas;
 - (c) water; and
 - (d) sanitary services
6. Transport, storage and communication
7. Wholesale and retail trades
8. Hotels and restaurants
9. Finance, insurance, real estate and business services
10. Public services and statutory authorities

4.2. If employers in any of the industries listed above have more than one establishment, records must be kept for each individual establishment.

4.3 In some work situations where there are more than one employer in a workplace the responsibility to notify and report falls on the employer who has the overall control of the work place. For example, an organization hires contractors to work in its plant or work place, and an accident occurred injuring one of the contractor's employee, the hiring organization should report the incident to DOSH. This does not relieve the responsibility of the immediate employer. The immediate employer, that is the contractor, should also submit his report.

4.4 The responsibility to record the incident in form **JKKP 8** also applies to both the principal and immediate employer. The principal employer should record the status of employment of the employee as contractor and the contractor should record it as employee.

4.5. Employers of domestic helpers working in private residence belonging to the employers and doing housekeeping or child minding or both do not have to report and keep record of accidents or diseases.

5. Deciding Whether a Case Should be Notified and Recorded

5.1. This chapter presents guidelines for determining how an accident, dangerous occurrence, occupational poisoning and occupational disease must be notified and recorded under Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease) Regulations 2004 reporting and recordkeeping requirements.

5.2. (a) Employers must report and maintain injury and occupational poisoning and occupational disease records for their own employees at each of their establishments and must notify any injury or occupational poisoning or occupational disease of any other persons who may be working temporarily in their establishment or on one of their job locations at the time of an injury or occupational poisoning or occupational disease exposure occurs.

(b) Employee status generally exists for notification and record keeping purposes when the employer supervises not only the output, product, or result to be accomplished by the person's work, but also the details, means, methods, and processes by which the work is accomplished. This means the employer who supervises the employee's day-to-day activities is responsible for reporting and recording the injuries and occupational poisoning and occupational disease which include the employees of any independent contractors.

5.3. Section 32 of Act 514 provide the basic definition of the types of cases to be notified:

.....any accident, dangerous occurrence, occupational poisoning or occupational disease which has occurred or is likely to occur at the place of work.

Regulations 5, 7 and 10 of the Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease)

Regulations 2004 contains the requirements of reportable and recordable injuries and occupational poisoning and occupational disease. These requirements provide sufficient guidance for the analysis of the vast majority of cases to be reported and recorded under Act 514. Chart 1 present this methodology in flowchart form and outlines the procedure employers should apply in notifying and recording a particular case.

The decision making process consists of five steps:

- Step 1 - Determine whether a case occurred; that is, whether there was death, dangerous occurrence, poisoning, disease, or an injury;
- Step 2 - Establish that the case was work related; that it resulted from an event or exposure in the work environment;
- Step 3 - Decide whether the case is an accident or dangerous occurrence or an occupational poisoning or occupational disease; and
- Step 4 - If the case is an occupational poisoning or occupational disease, notify using form **JKKP 7**, record and check the appropriate occupational poisoning or occupational disease category on the **JKKP 8** form; or
- Step 5 - If the case is death, serious bodily injury or dangerous occurrence notify the case immediately by the quickest means, then send a written report using form **JKKP 6** within seven days and together with other case record in the form **JKKP 8**. Seven days means seven working days, only the form JKKP 6 is to be submitted within seven days. This case should also be recorded in the form **JKKP 8**.

5.4. The first step in the decision making process is the determination of whether or not an accident, dangerous occurrence, injury or occupational poisoning or occupational disease has occurred. In most instances, recognition of these injuries and occupational poisoning or occupational disease is a fairly simple matter. However, some situations may need further clarification. Examples:-

(a) Hospitalization for observation.

If an employee goes to or is sent to a hospital for a brief period of time for observation, it is not reportable or recordable, provided no medical treatment was given, or no illness was recognized. The determining factor is not that the employee went to the hospital, but whether the incident is reportable or recordable as a work-related illness or as an injury requiring medical treatment or involving serious bodily injury, or incapacity for carrying out his normal job.

When an injured employee is given medical leave less than five days and goes to work for a few days and then given few more days medical leave for his injury then the injury is not considered a serious bodily injury. A serious bodily injury is one that prevent the employee from working for more than four days continuously. But if the additional medical leave is more than four days continuously, then the injury is deem to be serious and is notifiable.

(b) Differentiating a new case from the recurrence of a previous injury or occupational poisoning or occupational disease.

Employers are required to make a report using form **JKKP 6** or **JKKP 7** and new entries on form **JKKP 8** for each new reportable or recordable injury or occupational poisoning or occupational disease. However, new entries should not be made for the recurrence of symptoms from previous cases, and it is sometimes difficult to decide whether or not a situation is a new case or a recurrence. The following guidelines address this problem:

(i) **Injuries.** The aggravation of a previous injury almost always results from some new incident involving the employee (such as a slip, trip, fall, etc.). Consequently, when work related, these incidents should be recorded as new cases.

(ii) **Occupational Poisoning/Disease.** Generally, each occupational poisoning or occupational disease should be reported and recorded with a separate entry on the form **JKKP 8**. However, certain occupational disease, such as silicosis, may have prolonged effects which may recur over time. The recurrence of these symptoms should not be recorded as new cases on the **JKKP 8** form. The recurrence of symptoms of previous occupational poisoning or occupational disease may require adjustment of entries on the register for previously recorded cases to reflect possible changes in the extent or outcome of the particular case. Some occupational poisoning or occupational disease, such as certain dermatitis or respiratory conditions, may recur as the result of new exposures to sensitizing agents, and should be recorded as new cases.

5.5. The Occupational Safety and Health Act of 1994 require employers to notify and record only those injuries, dangerous occurrence, occupational poisoning and occupational disease that are work related. Work relationship is established under the notifying system when the injury or occupational poisoning and occupational disease results from an event or exposure in the work environment. The work environment is primarily composed of

- a) the employer's premises, and
- b) other locations where employees are engaged in work-related activities or are present as a condition of their employment. When an employee is off the employer's premises, work relationship must be established; when on the premises, this relationship is presumed. The employer's premises encompass the total establishment, including not only the primary work facility, but also such areas as company storage facilities. In addition to physical locations, equipment or materials used in the course of an employee's work are also considered part of the employee's work environment. **Chart 2** provides a simple guide for establishing the work relationship of cases.

CHART 1: WHAT AN EMPLOYER MUST DO IN THE CASE OF AN ACCIDENT, DANGEROUS OCCURRENCE, OCCUPATIONAL POISONING OR OCCUPATIONAL DISEASE

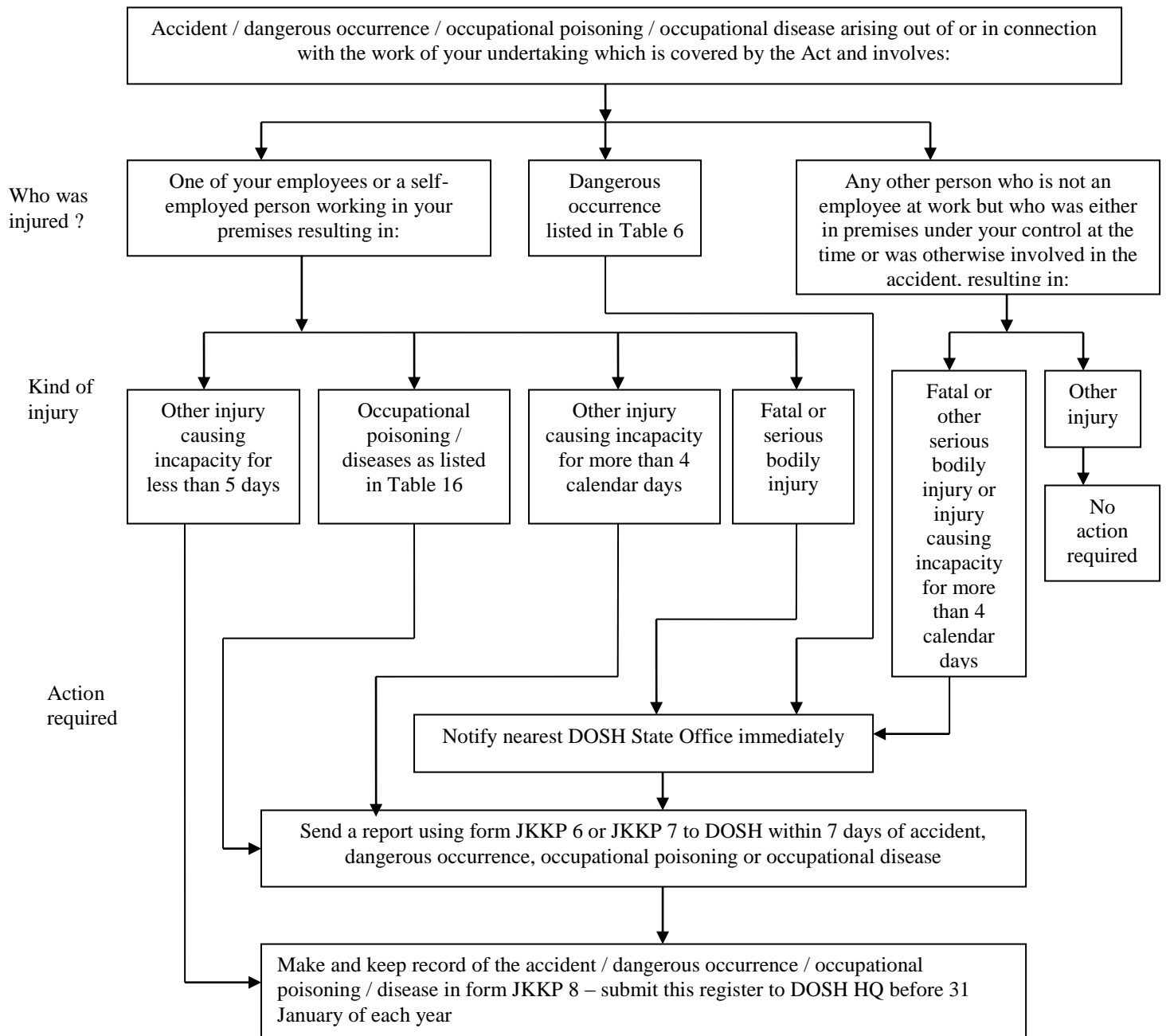
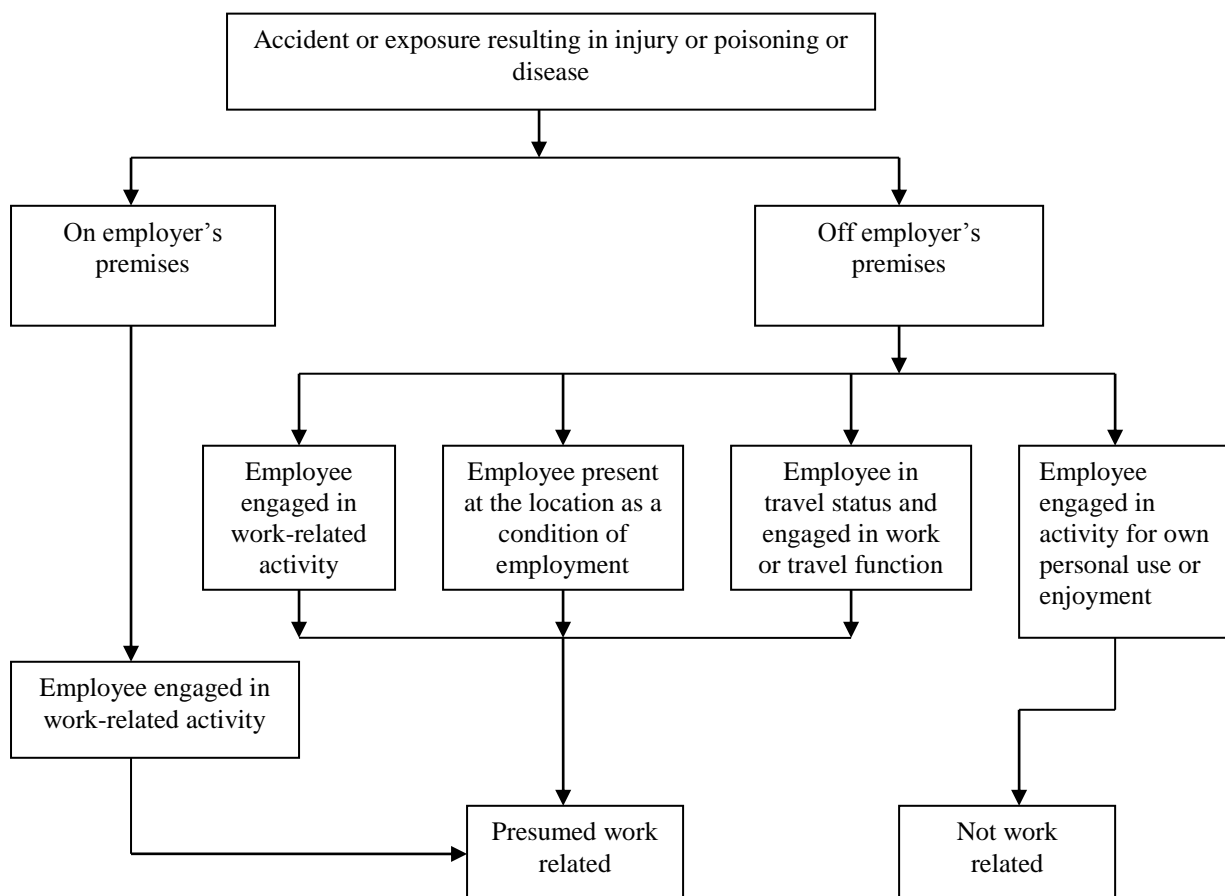


CHART 2: GUIDELINES FOR ESTABLISHING WORK RELATIONSHIP



5.6. Injuries, occupational poisoning or occupational diseases that resulted from an event or exposure on the employer's premises are generally considered work related. The employer's premises consist of the total establishment. They include the primary work facilities and other areas which are considered part of the employer's general work area.

5.7. The presumption of work relationship for activities on the employer's premises is arguable. Situations where the presumption would not apply include:

- (a) When a worker is on the employer's premises as a member of the general public and not as an employee, and

(b) when employees have symptoms that merely surface on the employer's premises, but are the result of a non-work related event or exposure off the premises.

The following subjects warrant special mention:

(i) Company restrooms, hallways, and cafeterias are all considered to be part of the employer's premises and constitute part of the work environment. Therefore, injuries occurring in these places are generally considered work related.

(ii) For reporting and record keeping purposes, the definition of work premises excludes all employer controlled ball fields, tennis courts, golf courses, parks, swimming pools, gyms, and other similar recreational facilities which are often apart from the workplace and used by employees on a voluntary basis for their own benefit, primarily during off-work hours. Therefore, injuries to employees in these recreational facilities are not reportable or recordable unless the employee was engaged in some work-related activity, or was required by the employer to participate.

(iii) Company parking facilities are generally **not** considered part of the employer's premises. Therefore, injuries to employees on these parking lots are not presumed to be work related, and are not reportable or recordable unless the employee was engaged in some work-related activity.

5.8. When an employee is off the employer's premises and suffers an injury or a disease from an exposure, work relationship must be established; it is not presumed. Injuries and occupational poisoning or occupational disease exposures off premises are considered work related if the employee is engaged in a work activity or if they occur in the work environment. The work environment in these instances includes locations where employees are engaged in job tasks or work-related activities, or places where employees are present due to the nature of their job or as a condition of their employment. Employees who travel on company business shall be considered to be engaged in work-related activities all the time they spend in the

interest of the company, including, but not limited to, travel to and from customer contacts, and entertaining or being entertained for the purpose of transacting, discussing, or promoting business, etc. However, an injury, poisoning or disease would not be reportable/recordable if it occurred during normal living activities (eating, sleeping, recreation); or if the employee deviates from a reasonably direct route of travel (side trip for vacation or other personal reasons). He would again be in the course of employment when he returned to the normal route of travel.

5.9. Under the Act, all work-related accident, dangerous occurrence, occupational poisoning or occupational disease and injury must be reported and recorded. For the purpose of form **JKKP 8**, the distinction between injuries and poisoning or disease has to be established. Whether a case involves an injury or disease is determined by the nature of the original event or exposure which caused the case, not by the resulting condition of the affected employee. Injuries are caused by instantaneous events in the work environment. Cases resulting from anything other than instantaneous events are considered poisoning or disease. This concept of diseases includes acute illnesses which result from exposures of relatively short duration. Some conditions may be classified as either an injury or poisoning or disease but not both, depending upon the nature of the event that produced the condition. For example, a loss of hearing resulting from an explosion (an instantaneous event) is classified as an injury; the same condition arising from exposure to industrial noise over a period of time would be classified as an occupational disease.

5.10. Employers are required to report and record the occurrence or likely occurrence of all occupational poisoning or occupational disease. Occupational poisoning or occupational diseases are those which are listed in **table 16**, or any abnormal condition or disorder, caused by exposure to occupational hazards. It includes acute and chronic poisonings or diseases which may be caused by inhalation, absorption, ingestion, or direct contact. However, a case more difficult to diagnose, such as silicosis, would require evaluation by trained medical personnel. In such cases, employers are advised to seek the professional advice from their occupational health practitioner.

6. Categories of Recordable Cases

6.1. Once the employer has been notified that an injury or occupational poisoning or occupational disease has occurred, the case must be evaluated to determine its extent or outcome and to be recorded in **JKKP 8** form. There are three categories of recordable cases: Fatalities, lost workday cases, and cases without lost workdays caused by an accident, occupational poisoning or occupational diseases. Every recordable case must be placed in only one of these categories. Cases of dangerous occurrence as listed in the Second Schedule must also be recorded.

6.2. All work-related fatalities occurring within one year of the date of accident or diagnosis of occupational poisoning or occupational disease must be notified and recorded.

6.3. Lost workday cases occur when the injured or ill employee experiences either days away from work, days of restricted work activity, or both. In these situations, the injured or ill employee is affected to such an extent that:

- (i) days must be taken off from the job for medical treatment or recuperation; or
- (ii) the employee is unable to perform his normal work over a normal shift, even though the employee may be able to continue working.

The emphasis is on the employee's inability to perform normal work over a normal shift. Injuries and occupational poisoning or occupational disease are not considered lost workday cases unless they affect the employee beyond the day of injury or diagnosis of occupational poisoning or occupational disease. When counting the number of days away from work or days of restricted work activity, do not include the initial day of injury or diagnosis of occupational poisoning or occupational disease, but include any days on which the employee would not have worked even though able to work (holidays, vacations, etc.).

6.4. Cases without lost workdays, consist of the relatively less serious injuries and occupational poisoning or occupational disease which satisfy the criteria for recordability but which do not result in death or require the affected employee to have days away from work or days of restricted work activity beyond the date of injury or diagnosis of occupational poisoning or occupational disease.

7. The Mechanism of Notifying and Record keeping

7.1 Three forms are used for notifying and record keeping.

- (a) Form **JKKP 6**: Form for Notification of Accident and Dangerous Occurrence.
- (b) Form **JKKP 7**: Form for Notification of Occupational Poisoning and Occupational Disease.
- (c) Form **JKKP 8**: Serves as the Register of Occupational Accidents, Dangerous Occurrence, Occupational Poisoning and Occupational Disease, on which the occurrence and extent of cases are recorded during the year; and is used to summarize the records of occupational accidents, dangerous occurrence, occupational poisoning and occupational disease, at the end of the year to satisfy employers' obligations to submit the register.

7.2. Form **JKKP 6 (Appendix 1)**: Form for Notification of Accident and Dangerous Occurrence

- a) Employer is to fill this form **JKKP 6** and send to the nearest Department of Occupational Safety and Health Office within seven days of the date of accident or dangerous occurrence.
- b) For every accident or dangerous occurrence reported using this form, it is necessary to record the incident in the register i.e. in **JKKP 8** form.

7.3. Form **JKKP 7 (Appendix 2)**: Form for Notification of Occupational Poisoning and Occupational Diseases

a) Employers of any person suffering from any of the occupational poisoning or occupational disease listed in **Third Schedule** of the regulation or **Table 16** shall report to the nearest Department of Occupational Safety and Health Office using form **JKKP 7** within seven days of knowing the case exist.

b) Every registered medical practitioner or a medical officer attending to, or called in to visit, a patient whom he believes to be suffering any of the occupational poisoning or occupational disease listed in **Third Schedule** of the regulation or **Table 16** shall report the matter to the Director General using the form **JKKP 7** within seven days of diagnosing the poisoning or disease.

c) For every occupational poisoning or occupational disease reported using form **JKKP 7**, it is necessary to record the occurrence of the poisoning or disease in the form **JKKP 8** upon completion of investigation of the case by the employer.

7.4. The Register of Accidents, Dangerous Occurrence Occupational Poisoning and Occupational Diseases, (Form **JKKP 8 – Appendix 3**)

a) The register is used for recording details of all accidents, dangerous occurrences, occupational poisonings and occupational diseases that occurred at the work place whether notifiable or not. The register also to be used in classifying occupational injuries and occupational poisoning and occupational disease, and for noting the extent of each case. The register shows when the accidents, dangerous occurrence, occupational poisoning or occupational diseases occurred, to whom, the regular job of the injured or ill person at the time of the accident or poisoning or diseases exposure, the kind of injury or

poisoning or diseases, how much time was lost, whether the case resulted in a fatality, etc. The register consists of three parts: A descriptive section which identifies the employee and briefly describes the injury or poisoning or diseases; a section covering the extent of the injuries recorded; and a section on the type and extent of poisoning or diseases.

b) The **JKKP 8** form is used by employers as their record of accidents, dangerous occurrence, occupational poisoning and occupational disease. However, a private form equivalent to the **JKKP 8** form, such as a computer printout, may be used if it contains the same detail as the **JKKP 8** form and is as readable and comprehensible as the **JKKP 8** form to a person not familiar with the equivalent form.

7.5 The employers is required to send to the Director General the form **JKKP 8** before **31 January of each year**. The register shall contain records for a period of twelve months ending 31 December of each year. For the purpose of complying to this requirement, it is required of the employer to reproduce the form **JKKP 8**.

If there are no recordable cases for that particular year, the employer shall inform in writing to the Director General, giving details of the organization.

7.6 All the forms can be downloaded from the DOSH's website. The address of the website **www.dosh.gov.my** . The forms can also be obtained from any of the state offices in each state. Employers can be reproduce the forms on their own provided they have the same format and details.

8. LOCATION, RETENTION AND MAINTENANCE OF RECORDS

8.1. Ordinarily, accident, dangerous occurrence, injury, poisoning and disease records must be kept by employers for each of their establishments. This chapter describes what is considered to be an establishment for record keeping purposes, where the records must be located, how long they must be kept, and how they should be updated.

8.2. If an employer has more than one establishment, a separate set of records must be maintained for each one. The reporting and record keeping requirement is for each establishment or place of work i.e. for each "single physical location where business is conducted or where services or industrial operations are performed." Examples include a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, sales office, warehouse, or central administrative office.

8.3. Accident, dangerous occurrence, injury, poisoning and disease records (Form **JKKP 6**, **JKKP 7** and **JKKP 8**) must be kept for every physical location where operations are performed. As a guidance records for these employees should be located as follows:

- a) Records for employees working at fixed locations, such as factories, stores, restaurants, warehouses, etc., should be kept at the work location.
- b) Records for employees who report to a fixed location but work elsewhere should be kept at the place where the employees report each day. These employees are generally engaged in activities such as agriculture, construction, transportation, etc.
- c) Records for employees whose payroll or personnel records are maintained at a fixed location, but who do not report or work at a single establishment, should be maintained at the base from which they are paid or the base of their firm's personnel operations. This category includes generally unsupervised employees such as traveling salespeople, technicians, or engineers who spend most of their time at site.
- d) There are employees who do not work at fixed location or fixed place of work, are subjected to common supervision, but do not report or work at a fixed location on a regular basis. Examples these employees are engaged in physically dispersed activities that occur in construction, installation, repair, or service operations. Records for these employees should be located as follows:

- i) Records may be kept at the field office or mobile base of operations.
- ii) Records may also be kept at an established central location. If the records are maintained centrally:
 - (1) the address and telephone number of the place where records are kept must be available at the worksite; and
 - (2) there must be someone available at the central location during normal business hours to provide information from the records.

8.4. Form **JKKP 8** must be retained in each establishment for at least 5 calendar years from the date on which it was made. If an establishment changes ownership, the new employer must preserve the records for the remainder of the 5-year period. However, the new employer is not responsible for updating the records of the former owner.

8.5. In addition to keeping a copy of the records on a calendar year basis, employers are required to update form **JKKP 8** to include newly discovered cases and to reflect changes which occur in recorded cases after the end of the calendar year. Maintenance or updating of the register is different from the retention of records discussed in the previous chapter. Although all accident, injury, dangerous occurrence, occupational poisoning and occupational disease records must be retained, only the register i.e. form **JKKP 8** must be updated by the employer. If, during the 5-year retention period, there is a change in the extent or outcome of an injury or poisoning or disease which affects an entry on a previous year's register, then the first entry should be lined out and a corrected entry made on that register. Also, new entries should be made for previously unrecorded cases that are discovered after the end of the year in which the case occurred. Register totals should also be modified to reflect these changes.

9. REQUIREMENT OF FURTHER INFORMATION

9.1. The Director General may require further information connected to the accident, dangerous occurrence, occupational poisoning or occupational disease such as those specified in **Fourth Schedule** or in a format as in form **JKKP 9** and **JKKP 10**. The employer may have to fill in the necessary forms when requested by the department. The employers or his representatives have to do their own accident investigations before they can fill the forms. The guides on how to fill the forms are in **Appendix 5** and **Appendix 7** respectively.

10. ACCESS TO RECORDS AND PENALTIES FOR FAILURE TO COMPLY WITH NOTIFYING AND RECORD KEEPING OBLIGATIONS

10.1. This chapter covers subjects related to insuring the integrity of the notifying and record keeping process, access to records and penalties for record keeping violations.

10.2. Availability of the records for viewing, inspection and examination is the focus of Part XI of the Occupational Safety and Health Act 1994. This part of the Act provides, among others, that all records be made available for inspection, viewing or copying by any occupational safety and health officer in discharging his power under the Act.

10.3. (a) Section 51 of the Act and regulation 13 of the Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning and Occupational Disease) Regulations 2004 prescribes penalties for failure to report and keep records. The penalties for conviction is a fine not exceeding ten thousand Ringgit Malaysia or to imprisonment for a term not exceeding one year or to both.

(b) The records are an important source of information for all groups and individuals interested in promoting occupational safety and health. In addition, the

Department of Occupational Safety and Health may use the information in these records to direct resources to those industries and establishments where they are most needed. Consequently, the Department intends to vigorously pursue record keeping and reporting violations to ensure the continued integrity of the records and validity of the data produced.