



1 & 2 October 2024  
Menara Felda, Platinum Park KLCC

# Ensuring Safety and Compliance: CDM Regulations 2024

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Deputy Director

Construction Safety Division, DOSH HQ

FMA 1967

- Building operations and works of engineering construction as a factory
- Notification of operations and works
- Steam/ ICE engineers

BOWECS  
1986

- Designs by PE (formwork & falsework, catch platform, chutes, runways & ramps, scaffolding, excavation & piling)
- To certify structure is safe, prepare design, specification, drawings, responsible for supervision

## Summary of documents



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OSHA 1994

- Duties of designers of plants & substances for use at work
- LEV – To design, specification, test to approved standard by PE (USECHH 2000)

## Summary of documents



- Part V. General duties of designers, manufacturers and suppliers
- Section 20. (1) Duties of a person who design, manufacture, import or supply of plant
  - (a) To ensure, safe, plant is designed and constructed as to be safe
  - (b) To carry out testing and examination to ensure (a)
  - (c) To ensure provision of adequate information about the use for which it is designed/tested, and about any condition to ensure safety
  - (d) Information in (c) is revised and provided again if new risk is known
- (2) Duties a person who undertakes design or manufacture of plant to carry out research to identify risk, safe, eliminate or minimise risk



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OSHCIM  
2017

- Define designer, principal designer and recommend roles
- Voluntary
- Prequel to CDM

CDM 2024

- Mandatory since 1 June 2024
- Penalty

## Summary of documents



# BOWECS 1986

- Based on UK's regulations enforced since 1966
- Safety
- Specific - prescriptive
  - Designer = PE
  - Temporary structure
- Focus on control
  - Technical procedures & specifications
- Rely heavily on DOSH enforcement
  - Approval by DG





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# CDM 2024

- Based on UK's regulations enforced since 1994
- OSHA for construction: Safety, health and welfare
- General –
  - Designer, inc. Permanent & temporary structures
- Focus on risk
  - Plan, manage, monitor, coordination
  - Information and communication, cooperation
  - Procedures & specifications are in MS/BS
- Self-regulation
  - Client to ensure compliance, project-wide, team work

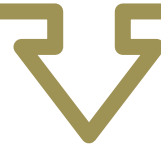


# Hierarchy of compliance documents

Acts of Parliament (Act)



Regulations (Reg)/ Orders



ICOP/Guidelines/MS/CIS/ISO/BS etc.

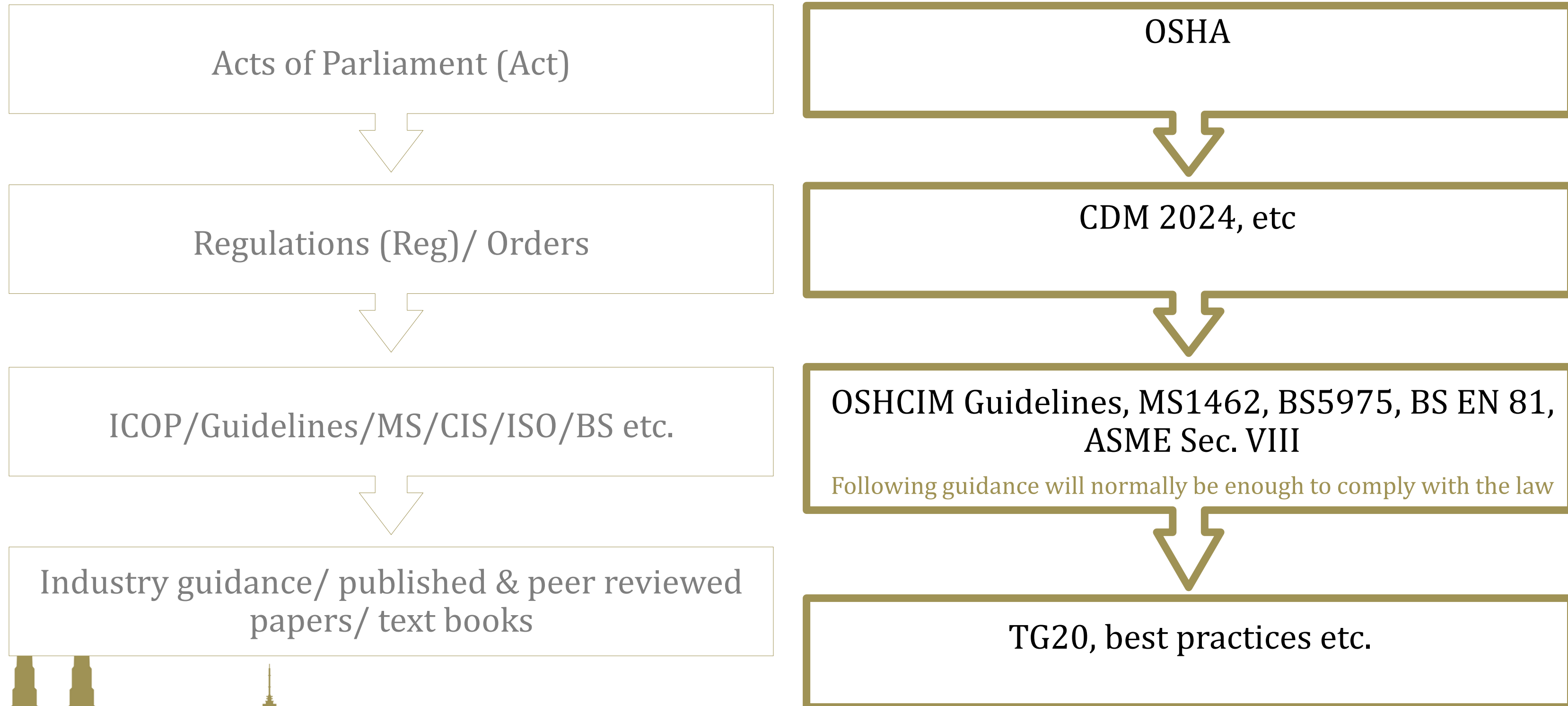


Industry guidance/ published & peer reviewed  
papers/ text books





# Hierarchy of compliance documents



# CDM - Designers

“construction work designer” means any person who in the course or furtherance of a business—

- (a) prepares or modifies a design; or
- (b) arranges for, or instructs, any person under his control to prepare or modify a design,

relating to a building, structure, product or mechanical or electrical system intended for a particular structure;



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relating to a building, structure, product or mechanical or electrical system intended for a particular structure;

- Anyone who has some input into design issues
  - Eng, Arch, Surv, Con (D&B), TWD, ID, Landscape Arch
- Anyone who prepares or modifies a design to a product or mechanical or electrical system

# CDM - Designers

“design” means any drawings and its details and includes any specification and bills of quantity, including specification of any plant or substance, relating to a structure, and any calculation prepared for the purpose of the design.

- William R. Miller – “design” is the thought process comprising the creation of an entity
- Dictionary (noun) – “design” a drawing or set of drawings showing how a building or product is to be made and how it will work and look



# CDM – Duty of Designers (CD)

## Duties of construction work designer

11. (1) A construction work designer shall not commence any work in relation to a project unless he is **satisfied that the client is aware of the duties** owed by him under these Regulations.



# CDM – Duty of Designers (CD)

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- CD are often the first point of contact for a client
- Professional adviser to clients of their duties under CDM, eg. The existence of OSHCIM guidelines, good OSH management, etc.
- written records of advice
- Underlines importance of client's role





# CDM – Duty of Designers (CD)

## Duties of construction work designer

11. (2) When preparing or modifying a design, a construction work designer shall take into account the general principles of prevention and any pre-construction information to eliminate, so far as is practicable, any foreseeable risk to the safety or health of any person—

- (a) carrying out or liable to be affected by any construction work;
- (b) maintaining or cleaning a structure; or
- (c) using a structure designed as a place of work other than construction site.

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(c) using a structure designed as a place of work other than construction site.

- Design process must consider the GPP and PCI
- Responsibilities extend beyond construction phase
- Need to consider constructability, maintainability and useability of designs from OSH perspectives
- SFAIP, foreseeable risk must be eliminated
- The greater the risk, the greater effort must be given to eliminate or reducing it
  - Not expected to produce design with zero risk
- Designs must be produced so that can be constructed, maintained, used or demolished in reasonable safety

# CDM – Duty of Designers (CD)

## Duties of construction work designer

11. (3) Where it is not possible to eliminate the risks mentioned under subregulation (2), the construction work designer shall, so far as is practicable—

- (a) take steps to **reduce** or, if that is not possible, **control** the risks through the subsequent design process;
- (b) to **provide information** about the risks to the principal construction work designer; and
- (c) to ensure appropriate information is included in the safety and health file.



# CDM – Duty of Designers (CD)

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(b) to **provide information** about the risks to the principal construction work designer; and

(c) to ensure appropriate information is included in the safety and health file.

- critically assess design proposals at early stage, and then throughout design process, ensure OSH risks are identified
- information about design risk, eg. proposed roof access routes, fragile materials



# CDM – Duty of Designers (CD)

## **Duties of construction work designer**

11. (4) A construction work designer shall take all reasonable steps—

(a) to provide, with the design, sufficient information about the design, construction or maintenance of the structure; and

(b) to sufficiently assist the client, other construction work designers and construction work contractors to comply with the duties provided under these Regulations.



# CDM – Duty of Designers (CD)

## Duties of construction work designer

11. (4) A construction work designer shall take all reasonable steps—

(a) to provide, with the design, sufficient information about the design, construction or maintenance of the structure; and

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- Design process must consider the GPP and PCI
- Responsibilities extend beyond construction phase
- Need to consider constructability, maintainability and useability of designs from OSH perspectives





# CDM – Duty of Designers (CD)

## **Duties of construction work designer**

11. (5) Any construction work designer who contravenes this regulation shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding RM200,000 or to imprisonment for a term not exceeding 1 year or to both.



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## Duties of construction work designer

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- Possible action: compound and prosecution
- Discuss with professional indemnity insurers
- Make sure insurance cover for the role





# THANK YOU

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