



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



OSHA - Designers

- 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

BOWECS 1986

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- Safety
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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

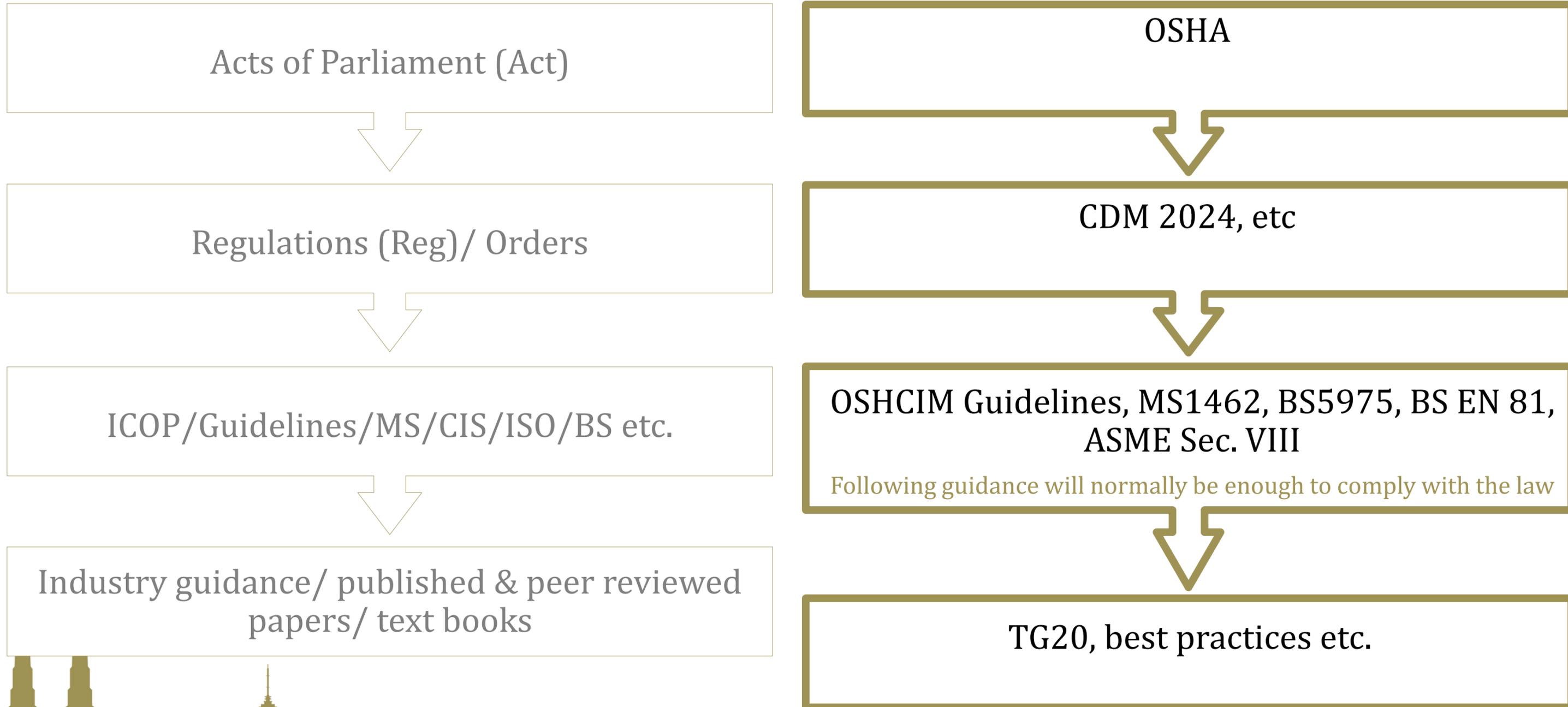
Acts of Parliament (Act)

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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- 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.



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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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- 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

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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.

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(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



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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.



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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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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.

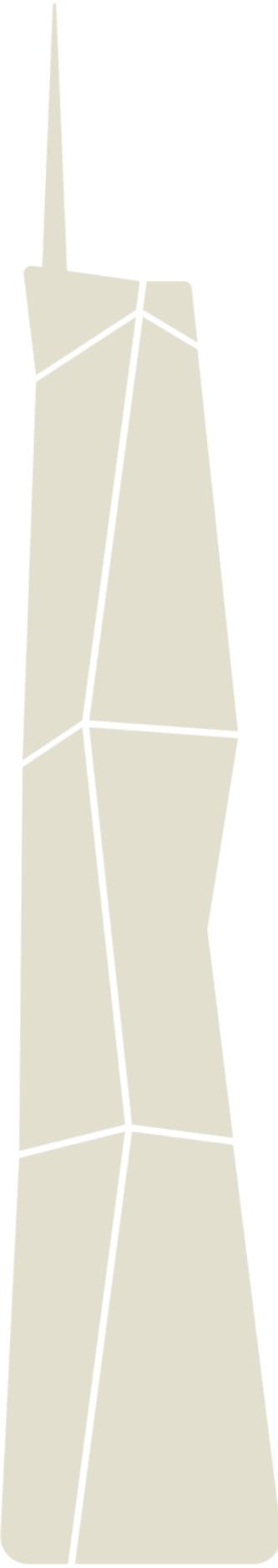


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- Possible action: compound and prosecution
- Discuss with professional indemnity insurers
- Make sure insurance cover for the role



THANK YOU

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