

CRITICAL CAUSES OF ACCIDENT UNDER REPORTING IN MALAYSIA
CONSTRUCTION INDUSTRY

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To my beloved wife, Swee Yin

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ABSTRACT

All construction employers in Malaysia are required to have an injury reporting system that ensures all workplace parties are aware of how to report a work-related injury to the authorities and to the appropriate persons designated by the employer. Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning And Occupational Disease) Regulations 2004 is stated in Occupational Safety and Health Act 1994. Part II of this regulation stated the conditions when the notification and reporting of accident and dangerous occurrence arising out of or in connection with work should be made. Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR) requires the reporting of work-related accidents, diseases and dangerous occurrences. The information enables the enforcing authorities to identify where and how risks arise and to investigate serious accidents. The aim of the study is to identify the critical causes of accident under reporting in Malaysia construction industry. The study was done within the Malaysian construction industry and a questionnaire is designed. The methodology of the study involves document studies of existing accident reporting procedure, questionnaire survey, and face to face interview with safety officer. Data was analyzed using statistical method included frequency and average index analysis. At the end of the thesis, a list of critical causes of accident under-reporting in Malaysia construction industry is identified and recommendations are given as a summary of this research. This will be useful by construction companies in improving their accident reporting system.

ABSTRAK

Semua majikan syarikat pembinaan di Malaysia perlu mengamalkan sistem pelaporan kemalangan yang berlaku di tapak pembinaan. Ini adalah penting untuk memastikan pihak majikan peka akan cara-cara melaporkan kes kecederaan yang berlaku di tapak pembinaan kepada pihak berkuasa dan kepada pakar-pakar tertentu yang ditetapkan oleh pihak majikan. Peraturan Keselamatan dan Kesihatan Pekerjaan (Pemberitahuan Mengenai Kemalangan, Kejadian Berbahaya, Keracunan Pekerjaan dan Penyakit Pekerjaan) 2004 telah dinyatakan dalam Akta Keselamatan dan Kesihatan Pekerjaan 1994. Bahagian II peraturan ini menyatakan tentang pemberitahuan dan pelaporan mengenai kemalangan dan kejadian berbahaya yang berkaitan dengan kerja. Pelaporan Kecederaan, Penjangkitan dan Kejadian Berbahaya 1995 (RIDDOR) memerlukan pelaporan tentang kemalangan, penjangkitan dan kejadian berbahaya yang berlaku berkaitan dengan kerja. Maklumat ini membolehkan pihak berkuasa mengambil langkah untuk memahami di mana dan bagaimana keberbahayaan berbangkit. Matlamat penyelidikan ini adalah untuk menyiasat sebab-sebab kritikal yang menyebabkan ketidaklaporan kes-kes kemalangan di tapak pembinaan di Malaysia. Lingkungan pengajian ini termasuklah industri pembinaan di Malaysia dan soalan soal selidik telah disediakan. Metodologi pengajian ini termasuklah mengkaji prosedur pelaporan kes-kes kemalangan yang sedia ada dalam industri pembinaan, cara soal selidik, dan temuduga dengan pegawai keselamatan bagi memperolehi maklumat-maklumat yang secukupnya. Cara statistik seperti kekerapan dan analisa purata indeks digunakan untuk menganalisa data diperolehi. Di bahagian akhir tesis ini, senarai sebab kritikal menyebabkan ketidaklaporan kes-kes kemalangan bersama-sama dengan saranan mengatasi masalah ini telah di paparkan. Ini membolehkan para majikan pembinaan memperbaiki sistem pelaporan kemalangan yang mereka amalkan sekarang.

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LIST OF ABBREVIATIONS

RIDDOR	-	Reporting of Injuries, Diseases and Dangerous Occurrences Regulations
LFS	-	Labour Force Survey
HSE		Health and Safety Engineer

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CHAPTER I

INTRODUCTION

1.1 Introduction

Construction accidents are the third most likely cause of work-related injury, after mining and agriculture. For every 100,000 workers in the construction industry, 15 die due to construction accidents each year. Some common causes of construction accident reports include faulty scaffolding, falls from heights, motor vehicle accidents, carbon monoxide poisoning due to faulty gas mechanisms, forklift accidents, electrocution, machinery accidents, and injury due to falling objects.

In order to reach a compensatory settlement in a construction accident, it is imperative to file construction accident reports immediately following the injury. A number of people can be held accountable for a construction accident, from the subcontractor and contractor to the owners, architects, insurance companies and equipment manufacturers. Although contractors are required to inspect construction sites with safety engineers and to enforce employee compliance with safety precautions, construction accidents still occur because of inadequate safety regulations or lack supervision. Contractors may be held accountable if the construction accident reports his inefficiency.

After a construction accident report is filed, insurance companies will usually get involved to determine if the accident will be compensated by the Workers'

Compensation Act or if third party negligence is to blame. Workers' compensation exists to protect workers from being considered negligent in construction accidents. The law allows workers to sue for damages, and enforces awards of partial salary and medical benefits to cover the expenses due to the injury.

Filing a construction accident report with a lawyer allows the lawyer to investigate possible third parties who may be sued for additional damages. A construction accident lawyer can hire engineers to help determine if an equipment manufacturer is responsible for the injuries listed in the construction accident report. They can also handle construction accident reports with claims against the subcontractor. In most cases, after a construction accident report is filed, the construction accident lawyer will gather a list of several possible third party defendants in order to ensure a better chance at winning a settlement.

1.2 Problem Background

On the basis of the research evidence considered, the under reporting of accidents, injuries and illness appears to be a worldwide phenomenon, with confirmatory studies conducted in a wide range of countries. As would be expected, trends in accident rates and reporting accuracy vary from country to country, reflecting cultural differences, as well as variation in reporting systems and legislation.

In Malaysia, Occupational Safety and Health (Notification of Accident, Dangerous Occurrence, Occupational Poisoning And Occupational Disease) Regulations 2004 is stated in Occupational Safety and Health Act 1994. Part II of the regulation stated that reporting of any death, injury or condition of a person shall not apply to a patient when undergoing treatment in a hospital or surgery by a doctor or dentist.

In UK and US, there exists a general consensus amongst researchers that small firms are more likely to under report or not report at all. Explanations offered include a

lack of awareness of legal reporting requirements among smaller enterprises, penalties for poor record keeping infrequently levied on small firms, and completing the relevant paperwork posing a greater relative burden for smaller rather than larger firms. The advancement in social science has promoted a greater awareness of the sanctity of life and the unacceptability of premature death due to accidents. Accidents at construction sites are identified as a major problem throughout the world. So, the accident report is very important for the industry to investigate and prevent reoccurrence of the accident.

1.3 Problem Statement

Accurate reporting of work-related injuries and illnesses is important in order to help the employers to identify unsafe work environments and work practices; monitor workers' health and well being; and eliminate hazards; or, at least, control the health and safety risks to employees. With a safe working environment, employees are expected to work without worries from time to time.

Preliminary interviews have been carried out with construction professionals consisting of safety officer, project manager, and engineers in order to understand the existing accident reporting system. The construction professionals claimed that "the accident that occurred in their company is more likely to be under reported or not reported at all". The under reporting of accidents and incidents in their company is promoted by the presence of a poor safety culture, with inadequate systems in place for reporting dangerous occurrences. One aspect critical to the unsuccessful implementation of reporting scheme is because inactive management commitment to the scheme".

Construction professionals claimed that "under reporting of work-related injuries in their company can also stem from lack of knowledge of reporting requirements, administrative barriers and inadequate reporting mechanisms." More specifically, these unsatisfactory reporting systems are considered by staff to be time-consuming;

ineffective in actually stimulating positive change, and often unclear with regards to what classifies as a reportable injury

In view of the above scenario, a study is needed to analyze the existing accident investigations and reporting system which have been implemented by the local construction companies. With the understanding on the existing system, critical factors that influence the success of implementing accident reporting system will be able to be identified.

1.4 Research Objectives

The objectives of this research are stated as below:

- a. To study the current accident reporting procedure through document study.
- b. To identify the causes of construction accident under reporting.
- c. To identify methods of minimizing accident under reporting.

1.5 Scope of the Study

The scopes of the study area are in the state of Johor and Selangor. There are the documents studies of accident reporting procedures for companies in both states. Questionnaire surveys were responded by professionals in construction industry such as contractors, consultants, clients and safety officers in Johor. Interview was carried out together with a construction expert on how to minimize accident underreport.

1.6 Methodology

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