

Client Alert

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Construction Projects: Standard Operating Procedure / Guidelines to Operate During the Movement Control Order Period

Further to our client alerts on 12 April 2020 and 15 April 2020 on the application procedure for approval to operate during the extended Movement Control Order ("**MCO**") period, the Ministry of Works ("**MOW**") together with the Construction Industry Development Board Malaysia ("**CIDB**") issued standard operating procedure / guidelines in relation to the application process and terms to be complied with upon approval during the MCO period:

- (i) General Standard Operating Procedure and General Guidelines for Permission to Operate as well as the Movement of Workers In Construction Projects During MCO ("**General SOP**");
- (ii) Guidelines for Preventive Measures at Construction Site ("**Guidelines at the Construction Site**"); and
- (iii) Operational Guidelines for Centralised Labour Quarters and Accommodation of Construction Workers during MCO ("**Guidelines in the CLQ**").

This client alert provides a summary of the information contained in the MOW CIDB General SOP and Guidelines at the Construction Site.

1. Is the entire construction industry able to resume operations?

The types of construction projects that are allowed to operate, for now, are as follows:

- (i) Projects where the main companies are G1 and G2 Companies;
- (ii) Projects that are certified to have achieved physical progress of 90% and above;
- (iii) Tunneling works;
- (iv) Maintenance and operational works;
- (v) Slope works;
- (vi) Bridge and viaduct works;
- (vii) Land survey works;
- (viii) Building projects with 70 IBS Score and above;
- (ix) Construction projects with facility / accommodation for workers such as Centralised Labour Quarters ("**CLQ**") or workers' camp;
- (x) Emergency works that are included in the contract agreement;
- (xi) Maintenance, cleaning and drying of stagnant water, spraying of pesticides at construction sites to prevent the breeding of mosquitoes and other pests;
- (xii) Other works that, if left incomplete, may result in danger;





- (xiii) Professional services related to the construction industry, including architects, engineers, town-planners, land surveyors, quantity surveyors, project management, facility management and other relevant services.

The General SOP also states that works requiring the use of heavy machinery, repair services and machinery maintenance are permitted.

2. How can I apply for approval?

The application is a self-declaration concept where the applicant does not need to upload documents for purposes of application.

However, the applicant must prepare certain documents as summarised below and keep them at the construction site for examination of CIDB and any other enforcement agencies:

NO.	REQUIRED DOCUMENTS	FOLLOWING THE APPROVED TYPES OF PROJECTS												
		i	ii	iii	iv	v	vi	vii	viii	ix	x	xi	xii	xiii
i.	Name and value of project	/	/	/	/	/	/	/	/	/	/	/	/	/
ii.	Location of project (GPS coordinates)	/	/	/	/	/	/	/	/	/	/	/	/	/
iii.	Details of the officer responsible	/	/	/	/	/	/	/	/	/	/	/	/	/
iv.	Project Execution Schedule for a period of six (6) months	/	/	/	/	/	/	/	/	/	/	x	/	/
v.	Confirmation Letter from the Superintending Officer or Consultant that the project has achieved physical progress of 90%	x	/	x	x	x	x	x	x	x	x	x	x	x
vi.	Confirmation Letter from the Superintending Officer or Consultant that a 70 IBS Score or higher has been achieved	x	x	x	x	x	x	x	/	x	x	x	x	x
vii.	Type and scope of work to be carried out	/	/	/	/	/	/	/	/	/	/	x	/	/
viii.	Number and list of workers of the main	/	/	/	/	/	/	/	/	/	/	x	/	x



	contractor following the trade involved														
ix.	Number and list of workers of the subcontractors following the trade involved	/	/	/	/	/	/	/	/	/	/	/	x	/	x
x.	List of construction material suppliers and materials to be used	/	/	/	/	/	/	/	/	/	/	/	x	/	x
xi.	List of heavy machinery suppliers, name of operators, licence and machinery to be used	/	/	/	/	/	/	/	/	/	/	/	x	/	x
xii.	List of consultants and workers involved	/	/	/	/	/	/	/	/	/	/	/	x	/	/

3. What are the requirements for operations throughout the MCO?

We set out below the salient terms to be complied with during the MCO period.

Please note that the SOP / guidelines are said to be subject to amendments by CIDB and is to be read with the Ministry of International Trade and Industry's ("MITI") General SOP alongside other SOPs issued by related Ministries or Agencies. In addition, the latest developments on COVID-19 prevention procedures set and issued by the Ministry of Health Malaysia ("MOH") and the National Security Council ("NSC") must be adhered to.

Category	Conditions
General	<ul style="list-style-type: none"> • Upon application, Contractors / Companies should submit the entire list of workers involved during the MCO to MITI. • Permission to operate is in accordance with the zones set by the NSC and is subject to the current regulations published by the NSC. For works that require the use of heavy machinery, repair services and machinery maintenance is permitted. • Contractors / Companies must have an Emergency Response Protocol which states what must be done in the event of COVID-19 infection cases or an investigation of COVID-19 infection cases amongst workers. • In the event that a worker is infected with COVID-19, Contractors / Companies are fully responsible for all



	<p>the medical costs, disinfection process of the construction site / premises and other related costs. The Contractors / Companies must provide full cooperation to MOH in performing contact tracing of workers infected with COVID-19 and contact management.</p> <ul style="list-style-type: none">• Contractors / Companies should carry out risk management, scheduling of works and distribution of workers following the scope of works to be executed.• The number of construction workers must be reduced to the minimum level or less than 50% of the normal number during the MCO period. Contractors / Companies should also create a work from home system that is suitable for workers not involved in the activities at the construction site / premises.• Contractors / Companies should understand the COVID-19 prevention guidelines on their value chain.• Contractors / Companies should appoint one or more coordinators to coordinate the prevention measures for COVID-19 outbreaks at work. The coordinator should comprise of Safety and Health Officer (SHO), Occupational Safety and Health Coordinator (OSH-C) or Site Safety Supervisor (SSS) that is registered or listed with the Department of Occupational Safety and Health (JKKP), or Secretary for the Safety and Health Committee at the place of work except for G1 to G5 contractors as well as consulting companies where the Owner of the company will act as the Coordinator. The appointed coordinator should report the compliance status of the conditions of approval to MITI and JKKP.• In the event of workers being under the supervision of MOH (person under investigation & person under surveillance), such workers are not allowed to go to work and have to undergo a period of isolation set by MOH.• During the period under which the MCO is in force, overseas foreign workers are not allowed to enter the construction site and work even if the employer or related parties have been given approval to carry out construction work.• Workers who have recently returned from overseas during the MCO period are not allowed to work and to enter the construction site within fourteen (14)
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	<p>days from the date of arrival in Malaysia. This is to enable them to undergo the quarantine process in accordance with MOH's instructions.</p> <ul style="list-style-type: none">• Working hours are from 8:00 am to 5.30 pm only, 5 days a week.
Screening from CLQ / Place of Residence	<ul style="list-style-type: none">• Contractors / Companies must ensure that the workers are healthy and do not show COVID-19 related symptoms such as fever, cough, sore throat or breathing difficulty.• Contractors / Companies must perform a health screening by conducting a daily temperature check on all workers before they board the vehicle to move to the construction site, and record their temperatures.• Contractors / Companies must ensure that the workers who have been screened are free of COVID-19 symptoms.• Workers with a high body temperature (37.5 °C or higher) or with symptoms prescribed by the MOH should immediately be referred to the clinic.• Any worker suspected of having COVID-19 symptoms and any close contact of the worker should be isolated as soon as possible and not allowed to work.• Contractors / Companies must ensure that the on-site accommodation or other accommodation is safe and in compliance with the Operations Guidelines for Centralized Labor Quarters (CLQ) and the MCO Workers Accommodation during MCO.• For construction sites with staff quarters or accommodation within the construction site, cleanliness and movement monitoring of workers should be carried out continuously. The movement of workers in and out of the construction site should be limited.
Transportation of workers / building materials	<ul style="list-style-type: none">• Contractors / Companies must provide a vehicle for the transportation of workers to the construction site with social distancing. The use of public vehicles is not allowed in all circumstances.• Workers' vehicles provided by the Contractors / Companies are only allowed to transport workers within the relevant district / zone only and are not allowed to cross district / zone boundaries.



	<ul style="list-style-type: none">• Workers who live near the construction site are encouraged to walk to the site.• Contractors / Companies must ensure that the vehicle undergoes a disinfection process each time before it is used and after every use. The disinfection process needs to be carried out periodically and recorded for inspection purposes.• Contractors / Companies must inform all suppliers in the supply chain of materials and services dealing with them to obtain proper operating and movement approval and to comply with and adopt the COVID-19 preventive measures prescribed by the MOH.• Movement of building materials into the construction site must be completely recorded.• The body temperature of vehicle drivers carrying materials must also be screened by taking body temperatures and hand sanitisers must be used.• All vehicles entering the construction site / premises must be sanitised including the materials they carry.
At construction sites	<p><u>At the site entrance</u></p> <ul style="list-style-type: none">• Contractors / Companies must ensure that the Approval Letter is displayed clearly at the site entrance for the reference of the inspecting authority.• The list of declared workers must be displayed at the construction site for the reference of the authorities.• Only workers who arrive in the transportation vehicle provided by the contractors are allowed to enter the construction site.• Each visitor or relevant parties must be screened by taking body temperatures with health-checks conducted before entering the construction site. Visitors with COVID-19 related symptoms are not allowed to enter the construction site in all circumstances.• If the body temperature reading is 37.5 °C or higher, or if symptoms are present, the worker is not allowed entry into the premises and need to refer the worker (with the worker wearing a mask) to the clinic.• Hand sanitisers at the entrances should be used by all workers and those dealing with the site.



	<ul style="list-style-type: none">• Contractors / Companies are responsible to ensure and assist the authorities in conducting any inspection of the construction site and the workers. <p><u>Work activities</u></p> <ul style="list-style-type: none">• Contractors / Companies will need to create a special task force led by a leader responsible for managing the risk of outbreaks at the construction site.• Contractors / Companies must provide a controlled route for inbound and outbound movement at the site to monitor the movement of workers.• All execution of works at the construction site should be planned by taking into account the minimum number of workers in accordance with the conditions of the approval.• Re-evaluation of risks including the risk element of the COVID-19 infection should be carried out by a responsible officer prior to commencing work at the site.• Social distancing of 1.0 meters as recommended by MOH should be implemented at the site so that workers are not located or working near each other for long periods. All works in enclosed areas should be minimized.• All meetings, if any, must be held at appropriate spaces and social distancing must be practised.• Contractors / Companies must monitor all workers working at the site at all times to ensure that workers do not sit in groups and always practice social distancing.• Contractors / Companies should create awareness of COVID-19 symptoms, care for cleanliness and personal hygiene, practices for frequent hand washing with soap and good coughing ethics amongst the construction workers.• Each worker is to be provided with appropriate personal protective equipment such as nose cover, face masks and gloves as necessary.• Face masks must always be worn at work including when in the toilet.• Contractors / Companies must provide facilities for hand washing with water, soap and hand sanitiser.
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	<ul style="list-style-type: none">• Contractors / Companies are also required to provide more frequent and continuous reminders on site such as by public broadcasts or posting COVID-19 reminder posters.• In the event of an infection on site, it is the contractor's responsibility to carry out disinfection process and it should be carried out promptly in accordance with the procedures prescribed by the MOH.• Contractors must report to the MOH immediately if any worker is suspected of having COVID-19 symptoms, and must comply with the MOH's further instructions and advice.• On-site toilets must be in perfect condition and cleaned regularly.• Cleanliness of toilets must be given priority by carrying out regular and scheduled disinfection process.• Workers who are in charge of cleaning the toilet need to clean the toilet carefully and thoroughly.• Foreign workers working at the construction site / premises must hold a valid work permit.• Only workers residing in the same district / zone as the construction site / premises are allowed to work following the SOP and stipulated rules. Workers residing outside the district / zone of the construction site / premises need to be certified as free from COVID-19 as well as having carried out the quarantine process for 14 days, before being allowed back to work at the construction site. <p><u>Break time</u></p> <ul style="list-style-type: none">• Break time should be arranged so as to not cause congestion at the canteen by dividing the break time between small groups.• Social distancing also needs to be practiced in all rest area, canteens and prayer rooms.• The cafeteria / canteen at the construction site that is allowed to operate should provide packaged food provided by food handlers who wear face masks and gloves.• Workers need to be constantly reminded not to sit in groups and to practice social distancing.
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	<p><u>Returning from work</u></p> <ul style="list-style-type: none">• Contractors must ensure that all movement of the workers going back to the accommodation, CLQ or others are by means of the transportation vehicle provided by the contractor.• Immediately upon arriving at the accommodation, the workers must shower with clean water and soap, and wash the clothes they have worn.• Please be reminded that in the event of any health problems after returning from work, the person should immediately notify the Special Task Force Leader for any appropriate action.
Records	<ul style="list-style-type: none">• Each worker's daily readings should be recorded and kept for a minimum of 3 months for reference.• Contractors must manage and keep the following records of the workers: Record of workers' attendance;<ul style="list-style-type: none">○ Record of health screening;○ Record of workers' movement; and○ Record of workers' personal details.• Contractors must also provide site cleaning management records such as:<ul style="list-style-type: none">○ Record of disinfection process of toilet area; and○ Record of construction site cleaning.• Contractors must also provide site management records as follows:<ul style="list-style-type: none">○ Record of risk management;○ Record of in and out movement of goods and services suppliers on the construction site; and○ Record of inspection by authorities.• The records have to be ready for investigation by the authorities at all times.
Enforcement	<p><u>Enforcement at construction site</u></p> <ul style="list-style-type: none">• The Approval Letter has to be displayed clearly at the construction site.• MOH/CIDB/PDRM/PBT/JKKP or any authorised officers can conduct inspections at any time.• The Contractors / Companies' non-compliance with the company's operating compliance instructions throughout the PKP must be reported to the PDRM.



	<p><u>Enforcement at Roadblocks</u></p> <ul style="list-style-type: none">• Approval Letter to attend work should always be carried by the worker.• The transportation used by the company must display the Approval Letter. <p><u>Taskforce at State Level</u></p> <ul style="list-style-type: none">• The patrolling to businesses by the taskforces of MKN, PDRM, RELA, MITI SME Corp., JTK / JKPP will be enhanced at state level.• Sources of complaints from email, movement rooms, call centre premises, workers, the public and the media. <p><u>Enforcement by zone</u></p> <ul style="list-style-type: none">• Zone enforcement will follow the instructions and guidelines provided by MKN. <p><u>Issuance of Cancellation Letter:</u></p> <ul style="list-style-type: none">• Notice of cancellation must be provided by the taskforce to MITI.
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4. What are the consequences of non-compliance?

The SOPs provide that the following consequences may ensue in the event of non-compliance:

- (i) Failure to comply with the Prevention and Control of Infectious Diseases Act will result in immediate cancellation of the operational approval letter.
- (ii) MOH, PDRM, JKPP & CIDB based on the powers given, can order the immediate closure of the construction site / premises if there are any violation to the permission given (number of workers, social distancing, hand sanitiser, body temperature screening).
- (iii) Action including disciplinary actions may be taken by CIDB against the Contractor in the event of a failure to comply with the SOPs.