

Client Alert

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Malaysia: Reopening of the Construction Sector

On 1 May 2020, the Malaysian Prime Minister announced that all economic sectors may operate from 4 May 2020 save for those set out in a negative list issued by the National Security Council ("**NSC**") ("**Restricted Activities**"). Restricted Activities generally relate to activities that involve public gatherings which could potentially increase the risk of COVID-19 infections and has been further detailed in our [Client Alert dated 2 May 2020](#) on the Reopening of Economic Sectors.

Businesses which are allowed to operate must comply with the standard operating procedures ("**SOPs**") prescribed by the NSC.

In accordance with the above, the Ministry of Trade and Industry ("**MITI**") on 1 May 2020 has stated that companies no longer need to submit applications for approval to operate and beginning 4 May 2020, companies will only have to (i) declare the company's information and (ii) accept the pledge to comply with SOPs on <https://notification.miti.gov.my/login>. Companies who have previously submitted an application for MITI approval need not make the declaration.

The NSC has prescribed construction industry-specific SOPs in the endeavors to restart the Malaysian economy since the implementation of the Movement Control Order ("**MCO**") on 18 March 2020 while maintaining COVID-19 precautionary measures.¹

This client alert provides a summary of the NSC's publication and protocol under the construction industry SOP ("**NSC Construction SOP**").

1. What is the scope of application of the NSC Construction SOP?

It applies to all construction works stated in the Construction Industry Development Board ("**CIDB**") Act 1994, Act 520 ("**CIDB Act**") and professional services involved in the construction industry.

The CIDB Act provides the following definitions:

"**construction industry**" as the "industry related to construction works, including design, manufacturing, technology, material and workmanship and services for purposes of construction"

¹ For further information, please visit:

http://www.ipm.gov.my/sites/default/files/berita_aktiviti_terkini/19%20-%20SOP%20SEKTOR%20PEMBINAAN%20-%20KEMENTERIAN%20KERJA%20RAYA.pdf



"**construction works**" as "the construction, extension, installation, repair, maintenance, renewal, removal, renovation, alteration, dismantling, or demolition of -

- (a) any building, erection, edifice, structure, wall, fence or chimney, whether constructed wholly or partly above or below ground level;
- (b) any road, harbour works, railway, cableway, canal or aerodrome;
- (c) any drainage, irrigation or river control works;
- (d) any electrical, mechanical, water, gas, petrochemical or telecommunication works; or
- (e) any bridge, viaduct, dam, reservoir, earthworks, pipeline, sewer, aqueduct, culvert, drive, shaft, tunnel or reclamation works, and includes-
 - (a) any works which form an important and integral part of or are preparatory to or temporary for the works described in paragraphs (a) to (e), including site clearance, soil investigation and improvement, earth-moving, excavation, laying of foundation, site restoration and landscaping; or
 - (b) procurement of construction materials, equipment or workers, necessarily required for any work described in paragraphs (a) to (e)"

2. What are the general instructions in the NSC Construction SOP?

The NSC Construction SOP contains the following:

- All construction activities are allowed to resume operations save those which are restricted.
- Operations in areas of the enhanced MCO (*kawasan PKPD*) are not allowed.
- Operations are allowed at one hundred percent (100%) worker capacity.
- Twenty-four (24) hour operations are allowed, however visitors are only allowed between 8.00 am to 5.30 pm.
- Subject to the rules of local authorities.
- Comply with all SOPs issued by CIDB, NSC, Ministry of Health ("**MOH**") and agencies involved in the goods and services supply chain.
- Comply the enforced written laws - Act 520 (CIDB Act) and Act 342 (Prevention and Control of Infectious Diseases Act 1988).
- Patients under investigation & persons under surveillance are not allowed to work and must undergo the isolation period prescribed by the MOH.

3. What are the restricted construction related activities?

According to the list of restricted activities issued by the NSC²:

² For further information, please visit:

http://www.jpm.gov.my/sites/default/files/berita_aktiviti_terkini/25%20-%20SENARAI%20AKTIVITI%20YANG%20DILARANG.pdf



- the installation and maintenance of machinery (lifts, escalators, boilers and others) for the services sector / tower cranes at construction sites are not to be carried out in groups of more than 10 people.
- worker accommodation facilities (Centralised Labour Quarters ("CLQ"), hostels, worker boarding accommodations in the manufacturing sector and other sectors are not allowed to receive visitors, socialise and have group sporting activities and religious activities.

4. What are the protocols set out for respective actions in the NSC Construction SOP?

The protocols for the respective actions are summarised below. The NSC Construction SOP is subject to changes from time-to-time and should be read with other SOPs as and when issued by NSC or MITI.

Action	Brief Explanation
Workers	<ul style="list-style-type: none">• The number of workers on the construction site / premises must be suitable to enable social distancing practices to be observed.• It is encouraged:<ul style="list-style-type: none">○ for companies to have risk management, a work schedule and a sequential or staggered worker distribution;○ to implement a suitable work from home system for workers not involved in the construction site / premises; and○ meetings to be conducted online.
Workers transportation vehicle	<ul style="list-style-type: none">• Prepare transport vehicles, if relevant, for transporting employees whilst practicing social distancing;• Carry out sanitisation process each time after use and maintain a record for investigation purposes; and• Ensure social distancing is observed in the workers vehicle when in use.
Movement of workers	Monitor the movement of workers to ensure that it is restricted to movement between accommodation and the construction sites / premises only.
Transportation of construction materials/ supplies	<ul style="list-style-type: none">• The transportation of materials / supplies into the construction site / premises must be recorded; and• The body temperatures of the driver, carrier of materials / supply must be taken and recorded. Hand sanitisers must be made available and used.
Awareness and notification of SOP	Always remind workers of practices to prevent infection of COVID-19 through, among others, broadcasting, awareness posters and warnings.
Management and emergency response	<ul style="list-style-type: none">• Appoint one or more persons to coordinate steps to prevent infection or transmission of COVID-19 in the workplace.



	<ul style="list-style-type: none">• The Coordinator can comprise of:<ul style="list-style-type: none">○ Safety and Health Officer ("SHO"); or○ Occupational Safety and Health Coordinator ("OSH-C"); or○ Site Safety Supervisor ("SSS"); or○ Secretary of Health and Safety Enforcement; or○ Company owner.• Formulate an Emergency Response Protocol for preparation and implementation of procedures to handle emergency cases (where there is an infection or a suspected infection of COVID-19).• Handle all costs of disinfection at the construction sites / premises.
Contact tracing	<ul style="list-style-type: none">• Cooperate with the MOH or relevant authorised bodies in conducting and handling contact tracing;• Encourage workers to download and use the <i>MySejahtera</i> application recommended by the government to monitor the spread of the COVID-19 outbreak.
At the entrance of construction site / premises	<ul style="list-style-type: none">• Record the details of workers at the construction site / premises for the reference of enforcement officers.• Record the workers' body temperature and screen for symptoms of cough, sore throat or difficulty in breathing every day;• Prevent the entry of any worker suspected of having COVID-19 to the construction sites / premises; and• Prepare hand sanitisers or a place to wash hands.
When carrying out construction works	<ul style="list-style-type: none">• Conduct a risk assessment including the risk element of a possible infection before commencement of work;• Control the entrance and exit movements;• Ensure social distancing (1 meter between workers) is practiced;• Ensure that workers are not within / working with each other in a close distance over a long period of time;• Activities within a closed space to be minimised;• Conduct meetings whilst observing social distancing;• Monitor all workers at all times to ensure that they do not gather in groups;• Provide each workers with personal protective equipment such as face masks;• Ensure that each worker wash their hands frequently using water and soap and always wear a face mask;• Disinfect the office / premise; and• Workers suspected of having COVID-19 symptoms must immediately be separated and brought for screening.



Washroom management	Ensure that washrooms are clean and conduct the disinfection process frequently which is to be scheduled and recorded.
Management of break times	<ul style="list-style-type: none">• Ensure that there is no overcrowding in canteens / eating places / rest areas / prayer rooms by:<ul style="list-style-type: none">○ Arranging breaks in small groups;○ Allocate a few locations for eating / rest / prayer;• Ensure that only packed food is prepared;• Ensure that those who prepare food wear face masks and gloves; and• Monitor all employees at all times to ensure that they do not eat / rest in groups and always practice social distancing.
Management when returning from work place	<ul style="list-style-type: none">• Remind all workers to shower immediately using soap and wash worn clothes upon arrival;• Immediately inform the Coordinator if there are any health issues amongst the workers when returning from work.
Management of accommodation at the construction sites / premises	<ul style="list-style-type: none">• Disinfect every day and as many as three (3) times a day in common areas.• Prepare facilities to wash hands and hand sanitisers• Take body temperatures and screen for cough, sore throat or breathing difficulties of everyone every day before entering the accommodation, record this.• Ensure social distancing (1 meter between workers) is practiced.• Provide each employee with personal protective equipment such as face masks.• Prevent entry of visitors except authorised officers and facilities providers.• Prevent group activities (sports / prayer / worship).
Records	<ul style="list-style-type: none">• Manage, supervise and keep a record of workers in relation with the:<ul style="list-style-type: none">○ attendance of workers;○ health screenings;○ movement of workers; and○ personal information of workers.• Prepare a record of hygiene management at the construction sites / premises in relation with the:<ul style="list-style-type: none">○ disinfection process in areas where there is an infection of COVID-19, cafeteria / canteen and washroom; and○ the cleaning of other areas at the construction sites / premises;• Prepare a record of management for construction sites / premises in connection with:<ul style="list-style-type: none">○ risk management;



	<ul style="list-style-type: none">○ entry and exit movements of suppliers of goods and services and any other involved party;○ investigation by authorised officers; and○ announcements and awareness materials.
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Conclusion

Construction companies and professional services involved in the construction industry should ensure full compliance with the SOP to mitigate risks relating to the spread of COVID-19 and enforcement actions.

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