



# Safe Work Method Statements

The Construction Industry Safety Advisory Committee (CISAC), a tripartite committee of the Western Australian Commission for Occupational Safety and Health, has been made aware of alleged non-compliance relating to the development and use of Safe Work Method Statements (SWMS), as follows:

- SWMS are being prepared by persons who are not in a position to assess the high risk work carried out, that is, 'back office staff'
- generic SWMS are not being reviewed and updated for each specific task
- main contractors are not reviewing the content of subcontractor SWMS before work commences
- on-site employees are not receiving instruction and training in SWMS
- on-site employees are not reading SWMS before signing them
- if the work is not complying with the SWMS, main contractors are not stopping the work

## **Occupational Safety and Health Act 1984 (the Act), s 19**

- Section 19 of the Act, Duties of employers, requires employers, as far as practicable, to provide and maintain a working environment in which their employees are not exposed to hazards.
- This requirement of the Act includes employers providing such information, instruction and training as is necessary to enable employees to perform their work so as they are not exposed to hazards.
- Section 23D of the Act, provides that where a principal engages a contractor to carry out work, section 19 of the Act applies.

## **Occupational Safety and Health Regulations 1996 (regulations), r 3.143**

- Section 3.143 of the regulations requires that all high-risk construction work done, or to be done, at the site must be covered by a SWMS. Persons who have day-to-day on-site control of high risk construction work must provide the main contractor with a SWMS or, failing that, the main contractor must prepare the necessary SWMS and keep it up to date.
- The main contractor must ensure that high-risk construction work, as far as practicable, is carried out in accordance with the SWMS. If work is not carried out in accordance with the SWMS, the work must cease until the SWMS is complied with.

- SWMS must be in writing and, as far as practicable, set out:
  - each high-risk construction work activity that is or includes a hazard
  - the risk of injury or harm to a person resulting from any such hazards
  - the safety measures to be implemented to reduce the risk, including the control measures which are genuinely based on the hierarchy of controls
  - a description of the equipment to be used in the work activity
  - the qualifications and training (if any) required for persons doing the work

### **OHSE Subbypack**

The OHSE Subbypack (the pack):

- was produced in consultation with CISAC for use as a toolkit to help develop and review occupational safety and health management systems, refer <http://www.commerce.wa.gov.au/worksafe/ohse-subbypack>;
- is designed for use by self-employed persons, suppliers, service providers, contractors and subcontractors operating within the building and construction industry;
- comprises five sections - policy, planning, implementation, education & inspection and return to work & injury management; and
- has a template and guidance materials that can be adapted to the requirements of a particular work task.

**Importantly**, the SWMS template states:

“This SWMS has been developed through consultation with our employees and has been read, understood and signed by all employees undertaking the works.”

This section must be signed by the main contractor confirming the necessary consultation has occurred consistent with the duties imposed by the regulations.

### **CISAC:**

- reminds members of the building and construction industry of their duty to comply with the regulatory requirements relating to SWMS;
- draws attention to the OHSE Subbypack which provides industry with useful information about the contents and use of SWMS; and
- emphasises the requirement that main contractors are to actively ensure compliance with SWMS.

***CISAC comprises Western Australian representatives of the Construction Forestry Mining Energy Union, Australian Manufacturing Workers Union, Master Builders Association, Housing Industry Association, Chamber of Commerce and Industry, UnionsWA and WorkSafe.***