



Fact Sheet – Safe Work Method Statements (SWMS)

This Fact Sheet has been developed to provide information regarding the standards and expectations of the Office of the Federal Safety Commissioner (OFSC) when reviewing SWMS during an OFSC audit.

Key Points

- The OFSC does not mandate that a SWMS is required other than where required under legislative/Code requirements in the relevant state or territory or where required by the Principal Contractor's own system.
- There is no OFSC SWMS template. The OFSC does not dictate the form and content of a SWMS.
- This means, for example, that the OFSC does not require extracts or lists of legislation/regulations or Codes, nor does it require risk assessment to be included, etc.
- While the OFSC criteria require Principal Contractors to assess the risk of identified hazards this does not have to be in the SWMS.
- The OFSC does not specify which documents companies use as evidence of the documented systems required under the Scheme. It can be in SWMS or other documents – so long as the minimum legal requirements for SWMS are met.
- Where a company's systems state that SWMS is the documentary evidence of compliance with a Scheme criterion, SWMS will of course be checked in the context of addressing the criterion.
 - Any SWMS checked as evidence of compliance with Scheme criteria will need to meet minimum legislative compliance.
- The OFSC requires Principal Contractors to review SWMS against company-defined criteria; in order to conduct this review, the Principal Contractor is not required to be an expert relative to the work activity to the same depth as the subcontractor responsible for the activity under review.

Scope and Requirements

The focus of the OFSC audit is to review how the Principal Contractor ensures that SWMS are in place where required, and that they are of a satisfactory standard to meet the relevant Scheme and legislative requirements.

Importantly, the OFSC criteria examine a Principal Contractor's risk management processes in total, with SWMS forming one component of this.

While the advice below clarifies the minimum requirements regarding SWMS under the OFSC criteria, Principal Contractors can and should continue to require anything additional to the below requirements that they consider necessary or desirable in managing health and safety on their projects.

The OFSC does not dictate the form and content of a SWMS. The minimum SWMS requirements centre around what is required by legislation, and what is required by the Principal Contractor themselves. This means that the OFSC only requires a SWMS to be in place for high risk construction work activities as defined in the relevant jurisdiction WHS Act or regulations, and where the Principal Contractor’s own system requires a SWMS.

The OFSC criteria apply to risk management processes in total, including the requirement of the Principal Contractor to identify, risk assess and control all hazards relevant to the project. If this is not done elsewhere in the Principal Contractor’s system, an OFSC auditor will look to SWMS to ensure these provisions have been met. Importantly, the OFSC does not specify which documents companies must use as evidence of the documented systems required under the Scheme. Requirements can be met through SWMS or other documents – so long as the minimum legal requirements for SWMS are met.

The following Table 1 gives further information on the content requirements for SWMS under the OFSC criteria:

Table 1

Content Requirements
<ul style="list-style-type: none"> SWMS must be specific to the works being undertaken on the project; that is, a generic SWMS that has not been made site specific will not meet OFSC requirements.
<ul style="list-style-type: none"> SWMS must identify the specific hazards relating to the work activity and the control measures to be implemented to control the identified hazards. SWMS must identify how the control measures are to be implemented, monitored and reviewed, and there must be a clear link between identified hazards and associated controls. Grouping of hazards may not enable this.
<ul style="list-style-type: none"> Defined control measures in SWMS must eliminate or minimise risks of each identified hazard associated with the work activity in accordance with the Hierarchy of Control.
<ul style="list-style-type: none"> Controls must be in accordance with relevant requirements from legislation, Codes of Practice and Australian Standards for the hazards identified and specific to the work being undertaken.
<ul style="list-style-type: none"> SWMS must take into account the WHS management plan and associated requirements of the Principal Contractor, including the incorporation of the relevant project specific requirements (e.g. project risk assessment controls, site rules, permit systems, etc.)

Apart from content requirements, the OFSC also has specific criteria requirements surrounding how SWMS are to be developed and what should be done with them from a Principal Contractor perspective. Most of these mirror legislative requirements in each jurisdiction. Table 1.2 outlines these requirements:

Table 1.2

Development Requirements
<ul style="list-style-type: none"> SWMS must be developed in consultation with workers conducting the activity (or their representatives).
<ul style="list-style-type: none"> SWMS must be reviewed by the Principal Contractor, against criteria defined by them, before the work activity commences. Note that any issues with the SWMS must be rectified prior to work commencement.
<ul style="list-style-type: none"> Workers must be provided with information and instruction on the SWMS before the work activity commences. The Principal Contractor must either deliver this or ensure that it has been delivered.
<ul style="list-style-type: none"> Work must be completed in accordance with the SWMS, and the Principal Contractor must have a system to monitor compliance with the SWMS.
<ul style="list-style-type: none"> SWMS must be reviewed when controls are potentially not effective (e.g. incident, work not in accordance with the SWMS etc.), changes to the workplace occur that introduce new hazards, or as required by the Principal Contractor's system in order to keep the SWMS current to the work activity being undertaken.

It is important to note that under the OFSC requirement for Principal Contractors to review SWMS against company-defined criteria, in order to conduct this review the Principal Contractor is not required to be an expert relative to the work activity to the same depth as the subcontractor responsible for the activity under review. The intention of this company review process is for the Principal Contractor to ensure that SWMS meet any site rules established by the Principal Contractor, are consistent with any controls identified with the Principal Contractor's project risk assessment (relevant to the scope of the work being undertaken by the subcontractor), that any legal requirements relevant to the work are being met and that anything else the Principal Contractor has defined as required is also being met.

There are many misconceptions regarding both the content requirements and use of SWMS and how they relate to the OFSC criteria. In table 1.3 below, the key misconceptions are listed to confirm what is not required by the OFSC criteria:

Table 1.3

What is NOT required
<ul style="list-style-type: none"> Lists of legislation or legislative references within SWMS are not required so long as the actual controls reflect any specific legislative requirement (e.g. specific PPE required by legislation would need to be specified in the control measures for the identified hazard if it is relevant to the work being undertaken).
<ul style="list-style-type: none"> Complete quotes or sections from Codes of Practice and Australian Standards inserted as controls are not required.
<ul style="list-style-type: none"> SWMS for activities not defined as High-Risk Construction Work as per the jurisdictional WHS Act or Regulations are not required.
<ul style="list-style-type: none"> Initial and residual risk ratings within the SWMS are not required (so long as risk is assessed elsewhere within the Principal Contractor's system).
<ul style="list-style-type: none"> Contractor using the same SWMS template as the Principal Contractor is not required.
<ul style="list-style-type: none"> Principal Contractor 'approval' of SWMS is not required (though review and correction of issues prior to commencement of work is required).

It is important to note that the above tables indicate the requirements for SWMS as they relate to the OFSC criteria and Principal Contractors. Should a Principal Contractor require SWMS for activities outside of the defined High Risk Construction Work Activities, or should they have additional format or content requirements, this is entirely at the discretion of each Principal Contractor based on their own system requirements. The OFSC will in all cases audit to the OFSC criteria requirements and any system requirement of Principal Contractors.

Summary

While construction activities not deemed to be High-Risk Construction Work Activities, as defined in the relevant jurisdiction WHS Act and Regulations, do not require a SWMS to be developed, a Person Conducting Business or Undertaking must still manage all risks to health and safety including the provision of adequate information, training, instruction and supervision to workers undertaking work.

The primary purpose of a SWMS is to assist supervisors and workers to develop, implement and monitor control measures for the construction work to be undertaken safely. The intent of the OFSC is to ensure that SWMS are effectively reviewed and managed to assist in meeting this purpose.

References

Model WHS Regulations (Chapter 3 and Chapter 6)
Victorian OHS Regulations 2007 (Chapter 5, Part 5.1)
Western Australia OSH Regulations 1996 (Part 3, Division 12)
Construction Work Code of Practice
How to Manage Work Health and Safety Risks Code of Practice.

For further information:

- Visit the FSC website at fsc.gov.au
- Contact the FSC Assist Line on **1800 652 500**
- Contact the OFSC via email at ofsc@jobs.gov.au

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