

Insight aims to provide useful information, links and tips in the areas of Risk Management, Work Health and Safety, Business Continuity Management, and other areas relating to management systems and corporate governance.

Legislative Requirements for Safe Work Method Statements (Part 2)

In [Part 1](#) of our series on Safe Work Method Statements, or SWMS, we looked at the lesser known and lesser understood legislative requirements for SWMS. This focused largely on the required content for a SWMS in addition to the better understood step-by-step identification of hazards and controls relevant to the *high-risk construction work activity* being undertaken. We covered all but one requirement of Section 299 of the Qld WHS Regulation, so Part 2 will cover this item as well as other requirements for SWMS such as the need for their review, compliance and the necessary record keeping aspects.

In addition to the items covered in Part 1 of this series, a SWMS must:

- **Section 299(4) - If a SWMS involves a risk of a person falling more than 2 metres, where the only control measures to be implemented are administrative controls or the provision of personal protective equipment, the SWMS must describe all control measures considered in determining which control measures to implement.** For this activity, the SWMS must contain information where it has considered all fall prevention and fall arrest control measures including temporary work platforms, barriers, scaffolding, ladders, work sequencing, training, permits, signage, work positioning systems and safety harnesses. If certain fall prevention control measures cannot to be used because it is not reasonably practicable, the SWMS must include this information.

What else relating to SWMS is required under the Regulation?

1. It goes without saying that if you need to have a SWMS for carrying out high-risk construction work, then the work being completed must be completed in accordance with the requirements of the SWMS. This requirement is covered within Section 300. This section also requires the
2. Section 301 requires that for a Construction Project, a PCBU must give a copy of their SWMS to the Principal Contractor prior to high-risk construction work activities starting.



Person Conducting a Business or Undertaking (PCBU) to have in place arrangements for ensuring the work is completed in accordance with the SWMS. An example of this could include an appropriate level of supervision, monitoring and reviewing of the work. Where it is identified that the work is not being completed in accordance with the SWMS, then work must immediately stop (or as soon as it is safe to do so) until it can be resumed in accordance with the SWMS. Changes are permitted to be made to the work methodology so long as these are captured within an updated SWMS and include the risks associated with the change being identified, assessed, controlled so far as is reasonably practicable and monitored for effectiveness. Workers need to be consulted regarding the change (if there is a WHS impact) and should re-sign the SWMS acknowledging the change and their understanding of the new methodology.

2. Section 301 requires that for a Construction Project, a PCBU must give a copy of their SWMS to the Principal Contractor prior to high-risk construction work activities starting.

3. Section 302 requires a PCBU to review the SWMS. For the PCBU who has commissioned the work, or their Principal Contractor, this review is aimed at ensuring legislative compliance with the items covered in [Part 1](#) of our series, as well as to ensure there is no conflict of the SWMS against the requirements, policies and procedures of the PCBU or Principal Contractor. It is important to make a distinction here that the review of the SWMS is not *approving* the SWMS. The purpose of the SWMS review is to ensure legislative compliance. Clients and Principal Contractors may place themselves at greater exposure if they approve a contractor's SWMS as it could be interpreted that they are also approving the contractor's methodology, and potentially a greater liability should something go wrong.
4. Section 303 requires a copy of the SWMS to be kept by the PCBU until the high-risk construction work to which it relates is completed. If a notifiable incident occurs in connection with the high-risk construction work to which the statement relates, the PCBU must keep the SWMS for at least 2 years after the incident occurs. Section 303 also requires the SWMS to be readily accessible to a WHSQ Inspector or any worker engaged by the PCBU for that high-risk construction work activity for this period.

Lastly, there is differing opinion over whether a SWMS can be used for work activities other than high-risk construction work. The short answer is yes they can, however it is not a legislative requirement. There is nothing prohibiting this, however, most organisations tend to restrict the development and use of SWMS to the 18 defined high-risk construction work activities within Section 291 of the WHS Regulation, and use other risk assessment formats for all other work activities.

As for the provision of all WHS related information, training and instructions (including work procedures and SWMS), there is a duty to provide it in a way that is readily understandable by any person to whom it is provided – see Section 39(3) of the WHS Regulation. This would include lengthy and complex SWMS and work procedures. It may be prudent to consider the “less is more” approach so that critical

safety-related information isn't lost in pages and pages of detail.

Please refer to the [WHS Regulation](#) for the full legislative requirements for Safe Work Method Statements.

Please [contact QRMC](#) for more information.

Health and Safety Checks When Returning to the Office

Following nearly two and a half years of disruption due to the COVID-19 pandemic, many organisations have begun the process of requiring their workers to return to the office following a prolonged period of working from home.

Whilst some organisations and their workers have seen the benefits that have come from a flexible working arrangement, also referred to as a *hybrid* working arrangement, in some cases there has also been an undesirable impact to workplace relationships, team building and workplace culture. With increasing numbers of workers returning to the office over the coming months, now is a good time to review the currency of the arrangements for the workplace's essential health and safety requirements.



Let's take a look at some of these and what is needed to be done.

Emergency Response

- **Conduct the Annual Evacuation Exercise** – Not only is this a requirement under the Qld Building and Fire Safety Regulation, but it is also a good way to refresh and improve your process for getting your people out of the building in a real emergency.

- **Review your Emergency Response Team (ERT) (Wardens)** – Checking for adequacy and personnel coverage – some workers may not yet have returned to the office, and some may not be returning at all. If these workers are also part of your ERT then there will be holes in your organisation's ability to cover these essential roles in the event of an emergency.
- **Review your Emergency Response Plan** – This is also an annual requirement. Things may have changed in relation to your site, the number of workers, the neighbouring sites or how your organisation responds to an emergency.
- **Emergency Response and General Evacuation Training** – Both Wardens and workers will need refresher training in the emergency response and evacuation process. This is also an annual requirement under the Qld Building and Fire Safety Regulation.
- **Check your Emergency Response Equipment & Routes** – This routine check of fire extinguishers, evacuation exits and emergency lighting may have been put on hold if there were low numbers of workers in the office.

First Aid

- **Review your First Aid Risk Assessment** – This will inform your organisation on the number and location of First Aid facilities. This will depend largely on the type and nature of the operations your organisation undertakes.
- **Review your First Aider Coverage** – Much like the review of the ERT, there is a need to ensure there is an adequate number of qualified First Aiders on site.
- **Check and top up of first aid kit supplies** – This routine check of kits and their supplies may also have been put on hold if there were low numbers of workers in the office.

Risk Assessments

- **Review Risk Assessments** – One of the key steps in the risk management process is the “monitor and review” of risk assessments

for currency, and to ensure risk control measures remain in place and working effectively. A general rule for the frequency of these reviews is that the higher the risk associated with the activity, piece of plant or chemical, the greater the frequency of the risk assessment review. If it has been more than 12 months since your higher risks have been reviewed, it's time to look at these now.

Training and Competency

- **Review required Training and Competency for Individuals** – Many job tasks require a license, ticket or other qualification or training that typically expires or requires a refresher training. If these have not been looked at for over 12 months, these may have expired, so now is the time to review this essential component for workers.

Health and Safety Representation

- **Review the currency of your Health and Safety Representatives (HSR)** – Under the Qld WHS Act, a HSR for a work group holds office for a period of 3 years. Much like the expiration of training licenses and qualifications, if the currency of your representatives has not been considered for over 12 months, some HSRs' period in office may have exceeded this 3-year term and new elections may need to take place.

There is much to consider to ensure (as best as possible) a safe working environment for employees returning to the office. Now that we are returning to a somewhat “situation normal”, now is the best time to review these requirements for currency, but also to ensure your organisation is meeting its legislative requirements in these areas. In this article we haven't considered the potential psychological needs of workers arising from this change but rather have concentrated more so on the physical and legislative requirements. The challenges of managing change and the mental health and wellbeing impacts from these changes is something that warrants detailed discussion in the coming months.

Please [contact QRMC](#) for more information.