# **Provisional Improvement Notice (PIN) flowchart**

- A CONTRAVENTION IS NOTED BY AN HSR A trained, elected and current Health and Safety Representative (HSR): 'reasonably believes' that a person is breaching or has breached a provision of the *Workplace Health and Safety (WHS) Act 2011* in circumstances that make it likely that the breach will continue or be repeated for their workgroup'.
- 2 CONSULTATION The HSR for the work group must consult with the duty holder about remedying the contravention prior to issuing the PIN (WHS Act s90(s))
  - HSR consults with the person they believe is contravening the provision of the WHS Act. In practice this will be the Officer-in-Charge (OIC) i.e. the principal of the school / manager of the work unit. The HSR is to provide information to the OIC about the alleged contravention. This may be either in writing or verbally.
  - The HSR is to give OIC adequate time to fix the contravention "Adequate time" should be determined through consultation but is decided by the HSR.
  - HSR is to advise the OIC of the outcome of the consultation in a timely manner i.e. is the issued resolved or not resolved through consultation?



Any party may seek advice from regional supports if required e.g. Regional Senior Health and Safety Consultants / Principal Advisor Education Services to help remedy the issue and/or progress consultation.



All consultation should be documented by both parties and kept with other health and safety records.



#### ISSUE NOT RESOLVED THROUGH CONSULTATION

- Remedy / resolution cannot be reached
- PIN issued by a trained, elected and current HSR



# ISSUE RESOLVED THROUGH CONSULTATION

- No PIN issued
- Process ends

### 2 HSR ISSUES PIN

HSR issues <u>Provisional Improvement Notice (PIN)</u> (WHSQ form 44) to the OIC. Alternatively, the HSR can issue the PIN to the OIC in a format that complies with requirements of the WHS Act, part 5, Division 2.

### IMPORTANT INFORMATION FOR OIC OF WORKPLACE - a PIN is enforceable by law - OIC must:

- Fix the contravention by date provided by HSR
- Display a copy of the PIN in prominent place (near or at workplace) (s97 WHS Act) this must not be intentionally removed, destroyed, damaged or defaced during the period the notice is in force
- Advise their supervisor of a PIN (e.g. Principals are to advise their School Supervisor) and email a copy to <a href="https://www.whsqnotices.osw.oged.qld.gov.au">whsqnotices.osw.oged.qld.gov.au</a> as soon as possible.
- Provide a copy of the PIN and details on its status to the Regulator at <u>WHSnotification@oir.qld.gov.au</u> or by calling 1300 362 128
- A minimum of 4 days must be given to remedy a contravention.

#### POSSIBLE NEGOTIATIONS

- OIC can request an extension of due date through consultation with HSR
- OIC or HSR may seek assistance from <u>Regional Senior Health</u> and <u>Safety Consultants</u>
- If the issue not remedied in time, HSR can contact regulator.
- Inspector may visit to your location.



# CONTRAVENTION REMEDIED BY DATE OF PIN

Process ends



#### CONTRAVENTION NOT REMEDIED

- HSR contacts WHSQ inspector
- Inspector may visit your location

## **4** WHSQ may now

- Cancel the improvement notice, or
- Modify and affirm the improvement notice, or
- Affirm the improvement notice
- Unless cancelled, the PIN now becomes an improvement notice as if issued by the WHSQ Inspector.



### COMPLIANCE WILL BE ENFORCED BY WHSQ INSPECTOR

 This may include penalty under the WHS Act

