

Addressing a health and safety matter with support from a Health and Safety Representative (HSR)

1 A WORKER NOTICES A HEALTH AND SAFETY MATTER.



WORKER DISCUSSES THE MATTER WITH OTHER WORKERS OR OTHERS. THEY FIX IT IF THEY CAN.



IN ALL CASES IF THE WORK CARRIES A SERIOUS AND IMMEDIATE RISK TO A WORKER, OR TO ANOTHER PERSON'S HEALTH AND SAFETY:

- A worker may stop work or refuse to carry out work. This is a legal right.
- A trained HSR may direct a worker to cease work.

1 IF WORKERS CAN'T FIX IT, THEY CAN RAISE THE MATTER WITH THEIR HSR, OR OTHERS.



2 HSRs CAN HELP.

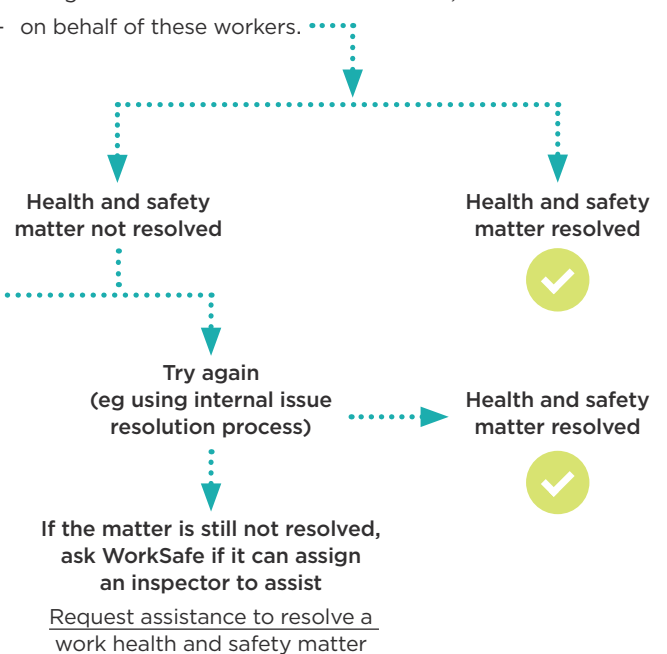


HSRs CAN HELP GET THE MATTER SORTED OUT BY:

- Assessing the risk
- Gathering information
- Asking others (such as other HSRs, workers or a union) for input
- Recommending solutions

HSRs CAN DISCUSS THE MATTER WITH THE DUTY HOLDER:*

- along with workers who raised the matter, or
- on behalf of these workers.



3 IF THE MATTER IS NOT RESOLVED, THERE ARE OPTIONS.

HSR starts the PIN process (see over) if the duty holder takes no action and the HSR reasonably believes that the Health and Safety at Work Act 2015 (HSWA) or regulations:

- > are not being complied with
- > are likely to not be complied with.

* A duty holder is a person who has a duty under HSWA. There are four types of duty holders – Persons Conducting a Business or Undertaking (PCBUs), officers, workers and other persons at workplaces.

Issuing a Provisional Improvement Notice (PIN)

A

A PIN CAN ONLY BE ISSUED IF CERTAIN CONDITIONS ARE MET



A Health and Safety Representative (HSR) can only issue a PIN if the HSR:

- has first discussed the matter with the duty holder, and
- has a reasonable belief that the duty holder is not complying with the Health and Safety at Work Act 2015 (HSWA) and/or regulations, or is likely to not do so (see over), and
- was nominated or elected by the work group affected, and
- has completed initial HSR training.

A PIN can be issued for:

- an inadequately-controlled risk (ie breach of section 36 of HSWA - the primary duty of care), or
- failure to comply with other legal requirements in HSWA and/or regulations (such as an HSR's entitlement to paid leave to attend HSR training).

An HSR cannot issue a PIN if an improvement or prohibition notice has already been issued by WorkSafe for the same matter.

B

HSR WRITES UP THE PIN



The PIN must specify certain details, including:

- how HSWA or regulations are being contravened, and
- the date the matter must be fixed by.

The PIN may recommend different ways to fix or prevent the matter.

See the (optional) [PIN template](#) for all details the PIN must specify.

C

HSR ISSUES THE PIN



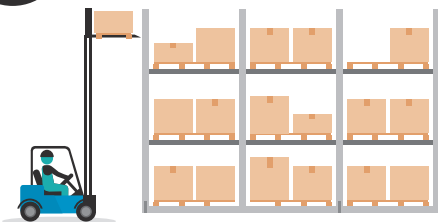
The HSR issues the original PIN to the duty holder (or their representative).

The person/duty holder who the PIN was issued to must display a copy of the PIN in an obvious place near the affected area of the workplace.

Not displaying the PIN is an offence.

D

DUTY HOLDER RESPONDS



THE DUTY HOLDER:

EITHER



Fixes the matter and notifies the HSR.

The PIN for the affected area is taken down.

OR



Asks WorkSafe to review the PIN

[PIN review form](#)

→ PIN cancelled.

→ PIN confirmed - matter must be fixed.

OR



Does nothing

This is an offence.

→ HSR alerts WorkSafe via 0800 030 040.