

General Information about Provisional Improvement Notices (PINs)

General Information about PINs

1. A health and safety representative (HSR) may issue a PIN if they believe, on reasonable grounds, that a provision of the *Occupational Health and Safety Act 2004* (OHS Act) or the *Occupational Health and Safety Regulations 2007*:
 - is being contravened; or
 - has been contravened and it is likely that the contravention will continue or be repeated.
2. A PIN can be issued to any person. A person can be the employer (either an organisation or an individual person) or an individual such as an employee. The definition of 'person' also includes a body corporate, unincorporated body or association, or a partnership. Therefore, the person doesn't necessarily have to be in the workplace – they could be a designer of plant, buildings and structures; or a manufacturer or supplier of plant or substances.
3. The HSR can issue this PIN to a person by:
 - delivering it personally;
 - sending it by post or fax to their home or business;
 - leaving it for them at their home or business with a person apparently over 16 years who apparently lives or works there; or
 - leaving it for them at the workplace to which the PIN relates with a person apparently over 16 years who is apparently the occupier for the time being of that workplace.
4. The HSR must consult with the person about remedying the contravention prior to issuing the PIN (See Section 60(2) of the OHS Act).
5. The person to whom this PIN is issued (or, if they are an employee, their employer) is responsible for fixing the OHS-related contraventions by the date written in 'Date Compliance with this PIN is Required' (refer to "Notes for PIN Recipient" below). It is an offence under Section 62 of the OHS Act for the person not to comply with the PIN by the 'Date Compliance with PIN is Required' – penalties apply.
6. If the PIN recipient wishes to dispute the PIN, they can contact WorkSafe and request an inspector to enquire into the circumstances of the PIN – this must be done within seven calendar days of the 'Date PIN Issued'. The inspector can only affirm or cancel the PIN if WorkSafe has been contacted within 7 days after the PIN is received and the inspector attends the workplace before the compliance date.
7. For urgent issues that are an immediate threat to the health and safety of any person, PINs may not be an appropriate means to address the situation. Refer to section 74 of the OHS Act regarding directions to cease work.

Notes for Health and Safety Representative

1. If there is more than one contravention, you should write a separate PIN for each.
2. If the PIN contains a mistake, e.g. the information is incomplete or inaccurate in some way, it may be still valid as long as the mistake is not misleading to the PIN recipient. (See Section 65 of the OHS Act.)
3. A reasonable time should be allowed between the 'Date PIN Issued' and the 'Date Compliance with PIN is Required', to enable compliance to be achieved. However, the date for compliance must be at least eight days after the date of issue.
4. Retain a copy of the completed PIN for your records. You can send a copy to any person assisting you as a Health and Safety Representative. (i.e. if you are a union member, you can send a copy to your union).
5. If the issue has not been remedied by the 'Date Compliance with PIN is Required' and a WorkSafe inspector has not already attended, WorkSafe should be contacted.

Notes for PIN Recipient

1. If you are an employee, you must give a copy of the PIN to your employer – it is the employer's responsibility to deal with the PIN.
2. If you are an employer who is issued with a PIN, or given a copy of a PIN by your employee (or are any other person e.g. a manufacturer, a designer, a partner in a business), you must:
 - bring the notice to the attention of those whose work is affected by the PIN; and
 - display a copy of the PIN in a prominent place in the area where work relating to the PIN is being performed.
 A failure to do any of these things is a contravention of the OHS Act and penalties apply.
3. If you disagree with the PIN or believe you will have difficulty complying with it, discuss this with the HSR who issued the PIN. You may also request a WorkSafe inspector to attend (see 6 above).

For queries about PINs or other health and safety matters, contact WorkSafe's Advisory Service on 03 9641 1444 or toll free 1800 136 089 or email info@worksafe.vic.gov.au.