

Occupational Health and Safety Act 2004

PROVISIONAL IMPROVEMENT NOTICE (PIN)

This Provisional Improvement Notice (PIN) is issued under Section 60 of the Occupational Health and Safety Act 2004 (the Act). This PIN requires the person to whom it is issued to remedy a contravention of the Act or its Regulations.

Person PIN is issued to

First Name..... Last Name.....
 Position.....

Health and Safety Representative

First Name..... Last name.....
 Designated Work Group..... Union (if applicable).....

Employer

Name..... Company Name.....
 Street No..... Street Name..... Suburb/Town.....
 Post Code..... Telephone.....

This table must be completed for the PIN to be valid	
Provision of the Act or the Regulation that is being contravened or is likely to continue to be contravened (see s60(1) of the Act)	In my opinion (the person) is in contravention / is likely to continue to contravene Section of the OHS Act or Regulation of the Regulations.
<ul style="list-style-type: none"> • The OHS contravention • Why do you believe it is a contravention (see s60(3)(a) of the Act)
This contravention must be fixed before (a date at least 8 days after the day on which the PIN is issued) (see s60(3)(c) of the Act)	

Directions as to the measures to be taken to remedy the contravention/likely contravention (see s61 of the Act)
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Signature of health and safety representative **Date**

Signature of person **Date**

Inspector's comment (only to be completed where an inspector attends the workplace to enquire into the circumstances which are the subject of the notice): In accordance with s.63 of the Act, I attended the workplace and determined that this PIN is affirmed /affirmed with modifications /cancelled. See **Field Report V** **L for details.**

Signature of Inspector..... **Date**.....

SEE INFORMATION ON THE BACK OF THIS FORM

Occupational Health and Safety Act [2004]

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Notes for use by Health and Safety Representative:

1. Complete this form if you believe that a provision of the OHSA or any Regulation:
 - Is being contravened; or
 - Has been contravened; and
 - It is likely that the contravention will continue or be repeated.
2. You must first consult with the person you intend to give the PIN to about remedying the contravention (s.60(2)).
3. A PIN may be issued to any **person**. This could be the employer or an individual such as an employee. "Person" as defined in the OHSA also includes "a body corporate, unincorporated body or association and a partnership." The person doesn't necessarily have to be in the workplace – it could also be a designer of plant, buildings or structures, or a manufacturer or supplier of plant or substances.
4. For urgent issues that are an **immediate threat** to the health and safety of any person, issue resolution processes or **PINs** are **not** an appropriate means to address the situation. S.74 of the OHSA is concerned with directions to cease work.
5. A reasonable time should be allowed between the PIN issue date and the compliance date to enable compliance to be achieved. However, the **compliance date must be a date at least 8 days after the day on which the PIN is issued** (s.60(3)(c) OHSA)
6. Write a **separate** PIN for **each** contravention, if there is more than one.
7. You can ask the person to sign the PIN but this is not necessary. The PIN is valid without the person's signature.
8. Give the original copy of the PIN to the person (s.64) by any of the following means:
 - by giving it personally to the person; or
 - sending it by post or fax to the person's home or business;
 - by leaving it for the person at the person's home or business with a person over 16 years and who works or resides there; or
 - by leaving it for the person at the workplace to which the notice relates with a person over 16 years and who is the occupier for the time being of the workplace.
9. Keep a copy of the PIN for your own records.
10. Give a copy to the TWU Safety Officer, or you can send it to the union office [Fax 03] 9646 1792]. Alternatively, you can give it to the OHS Committee, or place it on your OHS noticeboard.
11. Before issuing a PIN, or if the person hasn't complied with the PIN call the TWU Safety Officer on [1300 727 614]
12. A WorkSafe inspector will attend after the seven (7) calendar days from the date you issued the PIN.
13. WorkSafe's Advisory Service on **03 9641 1444** or toll free **1800 136 089** or email info@workcover.vic.gov.au.

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Notes for use by the Person to whom the PIN is issued

1. If you are an employee, then you must bring the PIN to the attention of your employer. Employers are advised to develop procedures to ensure that any PIN issued to managers or supervisory staff is passed on promptly.

If you are an employer who is given a PIN by an employee or any other person who is issued with a PIN (e.g. a manufacturer, a designer, a partner in a business) you must bring the PIN to the attention of all other persons whose work is affected by the notice and display a copy of the notice prominently in that work area.

2. Once a PIN has been issued to you, you have the right to appeal the PIN if you do not agree with it. This is done by asking a WorkSafe inspector to attend the workplace. However, this must be done within seven (7) calendar days from the date of issue. This means you have to ask a WorkSafe inspector to attend the workplace before the seven (7) days are over. The inspector must attend the workplace as soon as possible, but before the date given for the issue to be remedied. The inspector will look at the health and safety issue (refer to s63(3)(a)) and then may affirm (support the PIN), modify (change the PIN) or cancel the PIN (refer to s63(3)(b)) by giving written notice to the HSR and to you (the person to whom the PIN was issued).
3. If you do not ask a WorkSafe inspector to attend the workplace within the seven (7) days, and do not comply with the PIN before the date given for the issue to be remedied, you have committed an offence against the Act (refer to s62(1) of the Act).