

Occupational Health and Safety Act 2004

Provisional Improvement Notice

Health and Safety Representative

Person to whom PIN is issued (Duty Holder)

| | |
|-------------------------------|--------------------------------|
| Name | Company Name/Individual's Name |
| Name of Designated Work Group | Address |
| Union | Postcode |

I have consulted with the 'Person' (i.e. duty holder), or their representative, about remedying the contravention prior to issuing this PIN (tick box)

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Served to —

| | |
|----------|--|
| Name | Date Issued |
| Position | Compliance Date (must be at least 8 days after the issue date) |

In accordance with Section 60 of the Occupational Health and Safety Act 2004, I, the Health and Safety Representative named above, am of the opinion that you, the Employer/Person named above:

- (a) are contravening a provision of the Occupational Health and Safety Act 2004 and/or regulations; or
- (b) have contravened a provision of the Occupational Health and Safety Act 2004 and/or regulations in circumstances that make it likely that the contravention will continue or be repeated.

The Provision of the Occupational Health and Safety Act 2004 or Regulations I believe has been contravened is:

Section 35: Duty of employers to consult with employees

The reason for my opinion is:

The employer has failed to make adequate attempts to share information with, or seek input from, employees regarding the controlling of exposure to the virus COVID-19.

In accordance with Section 61 of the Occupational Health and Safety Act 2004, the measures I believe you should take to remedy the Contravention are:

To consult on the development and implementation of policies and procedures (or a plan) to control the risk to employees of contracting COVID-19.

| | |
|---|---------------------------------|
| Signature of Health and Safety Representative | Signature of person serviced to |
| Union: | Date recieved: |

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Notes for use by Health and Safety Representative:

1. Complete this form if you believe that a provision of the Act or any regulation:
 - is being contravened; or
 - has been contravened; or
 - it is likely that the contravention will continue or be repeated.
2. The PIN must be issued to the DUTY HOLDER ('Person' can be an organisation such as a company or an individual natural person as relevant)
3. Resolution of the issue by consultation must be attempted before issuing a Provisional Improvement Notice. See Section 60(1) (2) of the OHS Act 2004. However, if the 'person' (the duty holder) is a company, government department, etc, then the HSR must consult with the representative of that 'person'.
4. A Provisional Improvement Notice should address one contravention only.
5. A reasonable time should be allowed between the Issue Date and the Compliance Date to enable compliance to be achieved. However the Compliance Date must be at least eight days after the Issue Date. See Section 60(3)(C) of the OHS Act 2004.
6. The issue of a Provisional Improvement Notice is not the appropriate means to address a situation of immediate risk. See Section 60(3) and (c) of the OHS Act 2004.
7. This form should be handed to your supervisor or relevant management representative. It should be signed by that person only to acknowledge its receipt. Such a signature does not signify agreement with the notice. The PIN is valid without the signature of the employer (in the event of refusal to sign).
8. Retain a copy of the completed form for your records, and send a copy to your union.
9. If the issue has not been remedied by the compliance date and an Inspector has not already attended, WorkSafe should be contacted. You should also advise your union.
10. A PIN is still valid if there is a formal irregularity in the notice section 65

Note for Employer: Section 62(1) of the OHS Act 2004 provides that non-compliance with a Provisional Improvement Notice constitutes an offence. Section 63(1) and (2) and (3) provides that within seven days of the issue date of the Notice the person to whom the Notice is served may require an Inspector to attend and Investigate the Notice [effectively an appeal] – the Inspector will affirm, modify or cancel the Notice.