

Provisional improvement notice (PIN)

This Provisional Improvement Notice (PIN) is issued by a Health and Safety Representative (HSR) under section 69 of the Health and Safety at Work Act 2015 (the Act). This PIN requires the duty holder to whom it is issued to remedy a contravention, prevent a likely contravention, or remedy the things or activities causing contravention or likely contravention of the Act or regulations. Section 76 of the Act requires that the person to whom a PIN is issued must, as soon as practicable, display a copy of the PIN in a prominent place at, or near, the workplace or part of the workplace at which work is being carried out that is affected by the PIN. See the reverse of this form for further information about PINs.

Health and Safety Representative

Name:
Work group:
Contact number:

PIN issued to

Name of duty holder:
Address:

PIN given to

(if the PIN is given to someone on behalf of the duty holder)

Name:
Position:
Contact number:
I have consulted with the duty holder prior to issuing this PIN (section 69(3) of the Act) <input type="radio"/> Yes

Details of contravention

Site location:
I, _____ (issuing HSR's first name) reasonably believe that you: _____ are contravening, or _____ are likely to contravene Health and Safety at Work Act 2015, section _____ or Health and Safety at Work _____ Regulations (specify which regulations)
Regulation date YEAR Regulation/s number

Brief description of how the provision is being, or is likely to be, contravened:

Brief description of recommendations to remedy or prevent contravention:

Note: The HSR may, but is not required to:

- recommend measures to remedy the contravention or prevent the likely contravention, or
- make recommendations about matters or activities causing the contravention or likely contravention.

Date PIN issued: DD / MM / YEAR

Date compliance with PIN is required: DD / MM / YEAR
(minimum of 8 days after PIN issue)

Signature of HSR:

What is a PIN?

A Provisional Improvement Notice (PIN) is a written notice requiring a person (the duty holder) to address a health and safety matter that is contravening, or is likely to contravene, the Health and Safety at Work Act 2015 (HSWA) or regulations.

The PIN tells the person what the health and safety issue is and can include recommendations to resolve the issue (eg by fixing or preventing a problem).

Note: 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 Health and Safety Representative (HSR) may direct a worker to cease work if the HSR represents that worker's work group.

Who can issue a PIN?

A trained HSR is the only person who can issue a PIN.

The HSR issuing the PIN must:

- have completed initial HSR training, and
- have been nominated or elected by the work group affected.

What can a PIN be issued for?

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 can only issue a PIN if certain conditions are met

An HSR may issue a PIN if they reasonably believe that a duty holder is not complying with HSWA and/or regulations, or is likely to not do so.

An HSR can only issue a PIN if the HSR has first discussed the matter with the duty holder.

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

A PIN must be in writing; see below.

If there is more than one contravention, the HSR must write a separate PIN for each contravention.

What must a PIN include?

A PIN must state:

- that the HSR believes the person is contravening, or is likely to contravene, a provision of HSWA or the regulations (as the case may be)
- the provision the HSR believes is being, or is likely to be, contravened
- briefly, how the provision is being, or is likely to be, contravened, and
- the day, at least eight days after the notice is issued, by which the person is required to fix or prevent the matter.

There is no requirement to use a particular form. HSRs can design their own form, provided that it includes all the details listed above. See the PIN template overleaf for an example.

A PIN may include recommendations on ways to fix or prevent the matter that the PIN deals with.

A PIN may still be valid even if it contains irregularities or defects, or does not use the correct name of the person to whom the PIN is issued. The PIN will not be valid, however, if the irregularity or defect causes, or is likely to cause, substantial injustice to the PIN recipient or if the PIN fails to sufficiently identify the PIN recipient.

Who is a PIN issued to?

The HSR issues a PIN to the relevant duty holder (or their representative). The duty holder may be an individual natural person or an organisation such as a company or public authority.

How is a PIN issued?

An HSR must issue a PIN to the duty holder by one of these methods:

- delivering it personally to the duty holder
- leaving it for the duty holder at the workplace to which the PIN relates, with a person who is in charge of that workplace (eg leaving it with the area manager)
- sending it to the duty holder electronically
- posting it to the home or business address of the duty holder, or
- leaving it at the home or business of the duty holder, with a person 16 years or over who lives or works there.

The HSR should keep a copy of the completed PIN for their records.

What must be done with the PIN?

The person that the PIN is issued to must display it as soon as practicable. The PIN must be displayed in an obvious place at or near the workplace, or the part of the workplace, where the work affected by the PIN is being carried out.

It is an offence for anyone to intentionally remove, destroy, damage or deface a PIN while it is in force (active) and on display.

Who is responsible for fixing the matter?

If a PIN has been issued to a duty holder and that person has not asked WorkSafe to appoint an inspector to review the PIN, the duty holder must:

- fix the problem, or
- prevent the problem from happening.

The duty holder must do this within the timeframe specified in the PIN.

Although the HSR may have recommended that the problem should be fixed a particular way, the duty holder may fix the problem in a different way as long as they still manage to substantially comply with the PIN.

Can a PIN be reviewed?

If the duty holder disagrees with the PIN or believes they will have difficulty complying with it, they should discuss this with the HSR who issued the PIN.

The person who the PIN is issued to (and if that person is a worker, the PCBU at the worker's workplace) can contact WorkSafe on 0800 030 040 and request that an inspector review the PIN. This must be done within seven days after the date of issue.

An inspector may review a PIN even if the period for compliance with the notice has expired.

The inspector can confirm, confirm with changes, or cancel the PIN. If the PIN is confirmed, with or without changes, the PIN must be treated as an improvement notice issued by a WorkSafe inspector.

The inspector must give a copy of their decision to the person who asked for the PIN review and to the HSR who issued the PIN.

What happens if the matter is not fixed?

The HSR should contact WorkSafe on 0800 030 040 if the matter has not been fixed by the date specified on the PIN.