PIN / Stop Work Decision Tree

Assumes HSR has received training as per section 90(4) of the WHS Act

Is there a breach of the WHS Act or Has there been a breach of the WHS Act that will be repeated

Section 90

NO YES

Go back to work

Is the breach in my work group, or if not have we made a reasonable attempt to contact the HSR for the work group

Sec 69

NO YES

Consider a stop work order

Is there time to consult and follow the issue resolution process

YES NO

Consult with the PCBU that is in breach of the WHS Act

Sec 90(3)

Has regulator already made a ruling

Sec 90(5)

YES NO

ISSUE PIN

4 Be in writing
4 Quote the breach
4 May give a remedy
4 Must give at least 8 days notice
4 Can withdraw the PIN
4 Can amend the PIN

PCBU

4 Must display the PIN
4 Must comply with the PIN if not appealed
4 Has 7 days to appeal

if appealed, WorkCover NSW can:-

4 Cancel the PIN
4 Amend the PIN
4 Confirm the PIN
4 Must give notice in writing of the decision to all parties to the PIN

NOTIFY PCBU (Sec 85(5))

Worker to be available for other suitable duties

Sec 86 & 87

Stop work and then commence issue resolution process

Sec 85(3)

Stop work

Sec 80/81/82

Issue Resolution Process and then

Sec 80/81/82

Ceases to be a PIN and becomes an improvement notice and the PCBU must comply with regulators direction

Sec 102(3)

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