



Provisional improvement notices

What is a Provisional Improvement Notice (PIN)?

A PIN is a notice issued to a person requiring them to address a safety and health concern in the workplace.

The power to issue PINs aims to improve the effectiveness of safety and health representatives (SHRs).

Who can issue a PIN?

A PIN can only be issued by a qualified SHR who has completed the required training relating to PINs.

A qualified SHR can only issue a PIN in the workplace/s they were elected to represent or in a workplace where there is at least one worker they were elected to represent.

Do qualified SHRs have to issue PINs?

No qualified SHRs do not have to issue PINs.

How are PINs issued?

To issue a PIN, the qualified SHR must:

- be of the opinion that either the person is breaching a provision of the Act or the Regulations; or the person has contravened a provision of the Act or the Regulations in circumstances that make it likely that the breach will continue to be repeated;
- identify the relevant section of the Act or Regulations that is being or has been breached by the person to whom a PIN is issued;
- have consulted with the person who will receive the PIN. Consultation may provide an opportunity for the alleged breach to be addressed without the need to issue a PIN; and
- have consulted with another SHR (elected for that workplace or elected for an employee who is at the workplace) if it is reasonably practicable to do so.

Who can be issued with a PIN?

A PIN can be issued to an individual, a company, and an incorporated association.

A PIN cannot be issued to a trading name or a business name.

Depending on who is breaching or has breached the Act or Regulations the PIN can be issued to employers, employees, principals, host employers, labour hire agencies, a person in control of a workplace, or anyone for whom a worker does work as part of that persons business (not the worker's business).

If a PIN is issued to an employee, the employee must give a copy to their employer.

Misuse of the power to issue a PIN

- If a qualified SHR misuses their power to issue PINS they can be disqualified from being a SHR.

Example: If a qualified SHR issues a PIN to harm an employer rather than to remedy a dangerous work situation.

Contents of a PIN

The contents of a PIN are similar to those issued by WorkSafe inspectors. The PIN must state:

- that in the opinion of the qualified SHR the person to whom the PIN is given is breaching a provision of the Act or the Regulations, or there has been a breach of the Act or Regulations in circumstances that make it likely to continue or be repeated;
- the grounds for that opinion. The grounds must be reasonable;
- the provision of the Act or Regulation breached;
- the date before which the breach is to be remedied. This must be more than seven days from the day the PIN is issued; and
- a brief summary of the right to have the PIN reviewed by an inspector.

A PIN can, but does not have to include the following information:

- directions as to how the matter can be remedied;
- reference to any code of practice or standard; and/or
- a choice of ways to remedy the problem.

Compliance date for a PIN

More than seven days must be given to rectify the problem set out in the PIN. This means that if the safety issue is serious and/or urgent, instead of issuing a PIN to fix the problem, other action should be taken such as contacting WorkSafe.

Failure to comply with a PIN

Failure to comply with a PIN within the time given is an offence. However, before the PIN expires, a request may be lodged with WorkSafe to review the PIN.

Review request

The person who has been issued with the PIN may request it to be reviewed by a WorkSafe inspector. The review must be requested before the compliance date expires on the PIN. The PIN will then be suspended until the inspector makes a decision.

If a PIN is given to an employee, their employer can also request a review.

How is the review of PIN requested?

- A review of PIN can only be requested by posting, faxing or emailing a written request to:

WorkSafe Western Australia
Westcentre 1260 Hay Street
WEST PERTH WA 6005
Facsimile: 9321 3148
Email: safety@worksafe.wa.gov.au
- WorkSafe must receive the request on or before the day the PIN must be complied with. After this time the PIN cannot be reviewed. It is very important to make sure that any request for a review of a PIN is sent promptly. [A form](#) is available on WorkSafe's website.

What happens if a PIN is reviewed?

- When a request to review a PIN is received by WorkSafe, an inspector must review the PIN.
- Until the review of the PIN is finished the person who was given the PIN does not have to comply with it. The inspector who reviews the PIN may confirm, modify or cancel the PIN.
- If the inspector confirms or modifies the PIN it becomes the same as an improvement notice issued by an inspector. If this happens the person given this notice can also ask for this notice to be reviewed by the Commissioner. This is the same as an ordinary notice issued by an inspector.

Need more information?

Contact WorkSafe on 1300 307 877 or check out the website at www.worksafe.wa.gov.au