HEALTH AND SAFETY ISSUE RESOLUTION PROCESS FOR HSRs

This flowchart has been designed to help HSRs with the resolution of serious workplace issues that cannot be addressed on the spot. It is designed to make it easier to determine what actions/consultation you must undertake and, if an issue is not resolved, whether you have undertaken all the relevant actions prior to issuing a PIN.

NOTE: Prepared by Comcare for HSRs who are appointed under the Work Health & Safety Act 2011 (Cth) and have undertaken five day accredited HSR training course. Without this training HSRs cannot issue a Provisional Improvement Notice (PIN) or instruct workers to cease work over a safety issue.

START

WHS issue identified

HSR consults with PCBU delegate (PWMC) and attempts resolution through the issue resolution process (reg 23)

The issue has not been resolved after reasonable attempts have been made to achieve an effective resolution

A party to the issue may request a Comcare inspector to attend the workplace to assist in resolving the issue (section 82)

The issue is still unresolved

START

WHS issue causing immediate or imminent exposure to a hazard

The issue is resolved within reasonable time frame and recorded (reg 23(6))

If time permits HSR consults with PCBU delegate (PWMC) and attempts resolution through the issue resolution process (reg 23)

The issue has not been resolved or no time to consult because of imminent danger

The HSR may instruct workers to cease work where there is an immediate or imminent risk to health and safety (section 85)

The issue is still unresolved

START

HSR reasonably believes that a person is contravening or likely to continue to contravene WHS Act

HSR consults with PCBU delegate (PWMC) and attempts resolution through the issue resolution process (reg 23)

The issue has not been resolved after reasonable attempts have been made to achieve an effective resolution

The HSR can issue a PIN as consultation could not resolve the issue (section 90)

HSR: Health and Safety Representative
PCBU: Person conducting a business or undertaking (s 5 WHS Act)
PWMC: Person with management or control of a workplace (s 20 WHS Act)