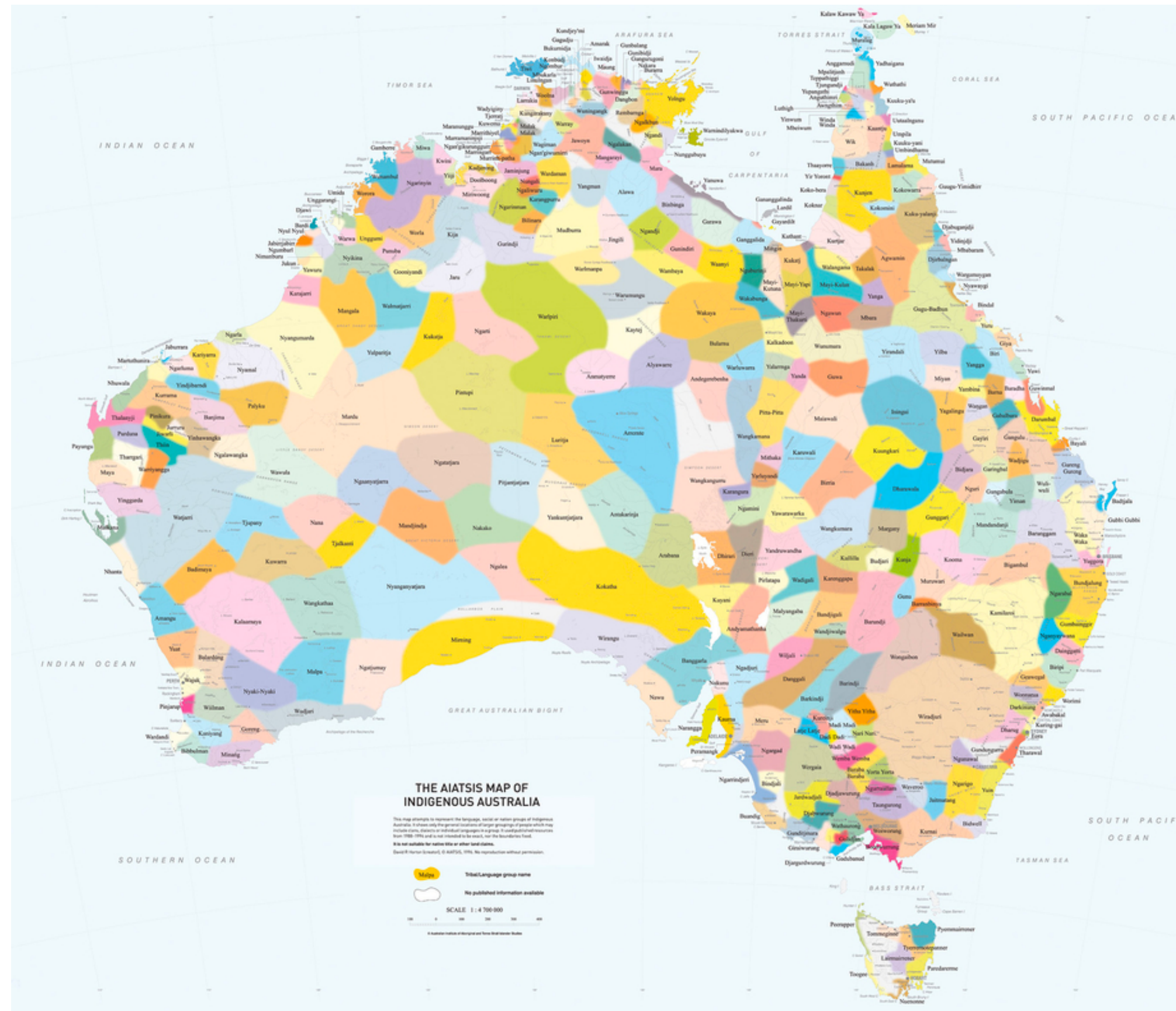


**Recorded Seminar**

**SESSION 5: MANAGING CONFLICT**

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**Our Guest**

**Clayton Larkin**

- **Inspector at WorkSafe Victoria**

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# Goals

for today's session

1. To learn about how to manage conflict between employers and HSRs using your powers with reference to the Act.
2. Learn about how to issue a Provisional Improvement Notice [PIN]
3. Learn about a Cease Work and how to use it.



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# Section 60

## Provisional Improvement Notices

- A PIN is a formal notice from a Health and Safety Representative to his employer or employer representative advising them that they believe on reasonable grounds that there is a breach of the OHS Act or Regulations.
- A valid PIN requires the HSR to first try to address the issue with consultation.
- The PIN should specify a day 'at least 8 days after the date of issue' by which the employer must address the problem.
- The employer must bring the PIN to the attention of each worker affected and display the PIN where work is affected by the notice. The employer can appeal the PIN by calling in WorkSafe.



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## Section 73

### Resolution of Health and Safety Issues

- Section 73 outlines the duty of the employer to resolve health and safety issues when they are brought up in the workplace.
- The parties must work to resolve issues in accordance with the relevant agreed procedure in the workplace. If there isn't one, they need to use the procedures prescribed by the regs.
- An employer can have a representative in this process. But they can't be a HSR and they need to have an appropriate level of seniority and be competent to act as the employer's representative.



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## **Part 2.2 of the Regs**

### **Issue Resolution Procedures**



- The employer must notify the employees of who will represent the employer in the issue resolution discussions.
- Only a HSR, or if there isn't one an employee appointed by the workers, can be the employee rep. The HSR can seek assistance of their union as part of this process.
- Whilst an employee can let their employer know about an issue, they must notify their HSR.
- The employer or their rep and the HSR or employee rep must meet as soon as possible. If a resolution is reached, if the employer is asked they must set out the resolution in writing to the satisfaction of the HSR. The employer then needs to bring this to the attention of employees.

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# Section 74

## Direction to Cease Work

- If there is an immediate threat to the health and safety of any person that arises from the conduct or undertaking of an employer and given the nature of the threat and degree of risk the processes it not appropriate to use the processes in s.73, an HSR can issue a direction to cease work.
- A valid direction to cease work requires the HSR to first try to address the issue with consultation.
- The employer can direct workers to safe suitable alternative work during any period where their usual work has ceased.
- The employer can appeal the PIN by calling in WorkSafe



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**Questions?**



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# A VTHC Resource



- We've developed a guide to how to issue the Perfect PIN with an example PIN. You can access it by scanning the QR code below. Click on the information symbols next to each section of the PIN to see a detailed explanation of what to do.



**HOW TO  
ISSUE THE  
PERFECT PIN**