OHS Issue Resolution Cheat Sheet



Which power will best resolve this issue?

PIN s60 OHS Act

- 1.Believe a contravention is/has occurred
- 2. Consult with employer
- 3. Issue PIN with a compliance date at least 8 days after PIN is issued.
- Not suitable for immediate risk!

Cease Work s74 OHS Act

- 1.Issue involving immediate threat
- 2. Given nature of threat and degree of risk not appropriate to use PIN or s73
- 3. Consult with employer
- 4. Direct that work cease

Use s73 OHS Act Issue Resolution

- 1. Is there an agreed OHS Issue Resolution Policy? If yes, follow it.*
- 2. If not OHS Regs 22-25.
- 3.r23(4) If there is no HSR, nominate an employee to represent you, such as your union delegate
- 4.r23(5) employees should seek assistance of union
- 5. r24 Report OHS Issue 6. r25(1) meet employer

WorkSafe

s63 Inspector attending after PIN issued

Employer can challenge PIN within 7 days. WorkSafe will attend.

s75 Inspector Required to Attend Workplace

Where an issue is not resolved under s73 or s74, WorkSafe must attend the workplace when requested by either party.

Unhappy? s128 Internal Review application within 14 days of Inspectors Decision

Still unhappy? s129 VCAT Review application within 14 days of Internal Review Decision

* Agreed procedures have to be agreed. If no evidence that they were agreed or consistent with the OHS Act and Regulations 22-25, then default to the procedure in Regulations 22-25.

