

Model HSR PIN, consultation demands

Employers may have multiple contraventions of the [WHS Act](#) that might give rise to a Provisional Improvement Notice (PIN). These include:

1. failure to consult (s46),
2. risk assess and/or
3. implement reasonably practicable controls (s19).

Please update the PIN below to reflect the contraventions. For further information on PINs refer to the [Workers Representation and Participation Guide](#).

Brief description of contravention:

The PCBU has failed to ensure, so far as reasonably practicable, the health and safety of workers and other persons by failing to adequately identify hazards and assess risks to health and safety arising from working in the context of the rapidly evolving COVID-19 pandemic (including the emergence of new and highly transmissible variants such as “Delta” and “Omicron”).

Further, the PCBU has actively or by omission failed to **introduce all reasonably practicable measures to eliminate or minimising the risks posed by COVID-19 in the workplace**, and the adequacy of facilities for the welfare of workers.

The PCBU has failed to consult with workers and their representatives (including HSRs), as required by the Work Health and Safety Act.

(Optional) proposed measures:

The PCBU should consult with workers and their representatives (including HSRs) to:

- Identify hazards and assess risks to health and safety arising from the work in the context of the current status of the COVID-19 pandemic;
- Make decisions about ways to eliminate or minimise those risks;
- Make decisions about the adequacy of current facilities and measures for workplace health and safety.

The PCBU should ensure the health and safety of workers and other persons by implementing measures which reflect the outcome of consultation.