

A hazard has been identified  
What now?

# There are teeth in the Act - don't get bitten

Why this advice?

- Student's behaviour identified as hazard by elected HSR
- Conversations occur with Principal – but no action
- Written recommendation from HSR – but no action
- STA and PPTA agree school and principal exposed to potential legal consequences/fines even if inaction is through ignorance of the Act

# Hazard - Anything that can cause harm

**hazard** includes a person's behaviour

*... where that behaviour has the potential to cause death, injury, or illness to a person (whether or not that behaviour results from physical or mental fatigue, drugs, alcohol, traumatic shock, or another temporary condition that affects a person's behaviour (HWSA 2015))*



## Who identifies a hazard?

Anybody can identify and report a hazard, and is obliged to do so

*A PCBU must ensure, so far as is reasonably practicable, the health and safety of workers*

*A worker must—(a) take reasonable care for his or her own health and safety; and*

*(b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;*



# Process

PCBU can be notified by any means

The PCBU must take any report seriously.  
Ignoring is not an option.

They must investigate, eliminate, minimise the hazard or determine that no action is required.

If no action taken they ***must report back*** to notifier ***with reasons***



# PCBU not determiner of whether issue is finally resolved

If the Health and Safety Rep (HSR) or Health and Safety committee (HSC) believe that a ***reported hazard*** still remains they may give a formal written recommendation that is:

- specific,
- realistic,
- time bound



# PCBU must respond within the timeframe given

They must either:

- 1 Adopt the recommendation or
- 2 Provide a **written** explanation for not adopting the recommendation

They cannot ignore a written recommendation

# PCBU still not determiner of whether issue is finally resolved

If the HSR believes hazard not adequately addressed they may escalate by issuing a Provisional Improvement Notice (PIN)

*The PIN will indicate which provision of the Act is being breached and a time frame for resolution (at least 8 calendar days after issue)*





# Displaying PIN

The PCBU cannot ignore it.

The Act requires that PCBU to:

- display it on or near the hazard, and
- leave it untouched until hazard is addressed or until resolution by regulator



# Responding to PIN

The PCBU cannot ignore it. They are in breach of the Act unless they either:

- 1 Accept it and fix the breach, or
- 2 Reject it and refer it to the relevant Regulator to review within 7 calendar days

They must inform the PIN issuer of their response ASAP

*Regulator is usually Worksafe for schools*



# The regulator will then

- 1 Confirm the PIN to become an Improvement Notice, or
- 2 Amend the PIN to become an Improvement Notice, or
- 3 Cancel the PIN



# When the fines kick in:

PCBU does not accept PIN

This is an offence and carries a \$50k-250k fine

PCBU does not display PIN

This is an offence and carries a \$5k-250k fine

PCBU destroys or alters PIN

This is an offence and carries a \$50k-250k fine

# In summary

- An identified and notified hazard needs to be taken seriously
- The board or principal does not have final right to determine if hazard been dealt with
- There are processes to be followed
- Failure to follow process is an offence
- Failure to know the Act is an offence in itself