

Cease work notice

Work Health and Safety Act 2011 (WHS Act), sections 85 & 85A

Health and safety representative (HSR) and worker or work group details	
First name:	Last name:
Contact number:	
Name of the worker and/or workgroup represented and work location:	
<p>Note: A HSR cannot issue a cease work notice if the training required under section 85(6) of the WHS Act has not been completed.</p> <input type="checkbox"/> Yes, I confirm I have completed the required training.	

HSR notice to PCBU – under section 85(1) OR section 85(3)	
<input type="checkbox"/> Notice issued to person conducting the business or undertaking (PCBU) under section 85(1) – after failure to resolve issue through consultation with PCBU. I confirm:	
<input type="checkbox"/> I have consulted about the matter with the PCBU, and	
<input type="checkbox"/> attempted to resolve the matter as an issue under part 5, division 5 of the WHS Act.	
<input type="checkbox"/> Notice issued to PCBU under section 85(5)(a) – after the HSR direction to workers under section 85(3) (which may be an oral direction under section 85(4)) to cease work , as the risk was so serious and immediate or imminent it was not reasonable to consult before giving the direction.	
Name of PCBU – organisation or individual:	
Name of person the notice was given/emailed to:	
Date and time the notice was issued OR direction given to worker*: (time) (dd/mm/yy) <i>*See reverse side for resolution details</i>	HSR signature:

Details of serious risk resulting in direction to cease work
<p>Write a brief description of the concern and basis for that concern with reference to:</p> <p>(i) the risk to the worker's or workers' health or safety, and</p> <p>(ii) the work that, if carried out, will expose the worker(s) to a serious risk to their health or safety.</p>

This direction given by this notice remains effective until one of the following occurs (section 85(9))

Withdrawn by HSR	Date	HSR Signature
Resolved with inspector assistance	Date	HSR Signature
Prohibition notice issued by inspector	Date	No signature required
Queensland Industrial Relations Commission (QIRC) order	Date	No signature required

Further information

The Work Health and Safety Act 2011 is available at www.worksafe.qld.gov.au

The term ‘serious risk’ captures risks that may cause death or serious injury or illness, including diseases of long latency from immediate exposure to a hazard such as crystalline silica dust, and circumstances of psychological threat or other similar conditions.

For the right to cease work to apply, the risk (the likelihood of it occurring and the consequences if it did) would have to be considered ‘serious’ and emanate from an immediate or imminent exposure to a hazard. For example, a worker working at heights with no fall arrest system, or a worker removing asbestos without using the appropriate personal protective equipment or safe work methods.

Section 85(1) A health and safety representative (HSR) may give a written cease work notice to the person conducting the business or undertaking (PCBU) for whom workers are carrying out work, to direct them to direct the workers to cease work if—

- the HSR has a reasonable concern that to carry out the work would expose a worker to a serious risk to the worker’s health or safety, emanating from an immediate or imminent exposure to a hazard; and
- the worker mentioned in paragraph (a) is in a work group represented by the HSR.**

The HSR **can only give a cease work direction if:**

- they have completed the prescribed training (section 85(6)); AND
- the matter is not resolved after consulting about the matter with the PCBU, **and** the HSR has attempted to resolve the matter as an issue under part 5, division 5 (**section 85(2)**); OR
- the risk is so serious and immediate or imminent that it is not reasonable to consult before giving the direction to cease work (section 85(3)).

Section 85(4) Where a direction is given before consultation because the risk is so serious and immediate or imminent it is not safe to continue or start working (section 85(3)), this direction may be given **orally**.

Section 85(5) As soon as possible after giving a direction to the workers under section 85(3), the HSR must—

- give** the PCBU a cease work notice to inform them of the direction given to the worker/s under section 85(3); and
- display** a copy of the cease work notice in a prominent way in an area used by the workers who are in the work group; and
- consult** with the PCBU to attempt to resolve the matter.

Section 85(7) If a PCBU receives a cease work notice under subsection (1), the person must direct the worker or workers to—

- cease work** to the extent it relates to the matter; or
- not start work** to the extent it relates to the matter.

Section 85(8) As soon as practicable after the PCBU gives a direction under subsection (7), the HSR must display the cease work notice in a prominent way in an area used by the workers who are in the work group.

Section 85(9) A direction given under this section remains effective until—

- the direction is withdrawn in writing by the HSR; or
- the issue is resolved with the assistance of an inspector under section 89; or
- an inspector issues a prohibition notice in relation to the matter; or
- the Queensland Industrial Relations Commission decides or deals with the dispute under part 5, division 7A.

Request an inspector assist or apply to the Queensland Industrial Relations Commission (QIRC)

A party to the issue can:

- request the regulator to appoint an inspector to assist in resolving the matter (section 89) **or**
- immediately take the dispute to the QIRC (no need to wait 24 hours)(section 102B).

Section 102B (Notice of dispute may be given to the QIRC)

If an inspector has been appointed to assist the parties reach an agreement or resolve the dispute—the inspector decision (to exercise, or not to exercise, compliance powers under part 10) **is subject to review under part 12.**

Visit www.worksafe.qld.gov.au/safety-and-prevention/whs-consultation/ceasing-unsafe-work for more information or contact **1300 362 128**