

# OHS Formation of Designated Work Groups and Health and Safety Representatives Procedure

## Section 1 - Background and Purpose

(1) The [Occupational Health and Safety Act 2004](#) gives Health and Safety Representatives a role in raising and resolving any OHS issues with their employer, and powers to take issues further if necessary. Health and Safety representatives are a crucial link between employees and employers and play an important part in the University consultative structure.

(2) The purpose of this procedure is to provide practical guidance to employees on the formation of designated work groups and the role and functions of the health and safety representatives.

## Section 2 - Scope

(3) Refer to the [Health and Safety Policy](#).

## Section 3 - Policy Statement

(4) Refer to the [Health and Safety Policy](#).

## Section 4 - Procedure

### Establishment or Variation of a Designated Work Group

(5) At the request of either employees or the employer representative, negotiations shall commence within 14 days to:

- a. Establish a designated work group; or
- b. To amend the composition of an existing designated work group; or
- c. To vary the number of health and safety representatives or deputy health and safety representatives for an existing designated work group.

(6) Following the formation of or amendment to the composition of a designated work group calls for nomination must be made by La Trobe Health, Safety and Environment within 28 days.

### Composition of a Designated work Group

(7) In determining the composition of Designated Work Group regard is had to:

- a. The number of employees
- b. The nature of the work being performed

- c. The number and grouping of employees performing similar types of work
- d. The areas where the work is being performed
- e. The nature of any hazards
- f. Any overtime or shift working arrangements; and
- g. Whether other languages are spoken by employees.
- h. Whether the HSR or deputy HSR for the DWG are authorized also to represent independent contractors who work at the University (such as contractors who spend most of their time at the university i.e. Infrastructure and Operations Division)

(8) If agreement on the composition cannot be reached, the Victorian WorkCover Authority may be requested to determine the composition.

### **Variation of a Designated Work Group**

(9) Once DWGs are agreed, variations to the agreement may be made if circumstances change or if the existing arrangements – that is, the matters agreed to during the initial negotiation of the DWG – are found to be unsatisfactory. Employers (or their representative), HSRs, and employees (or their representative(s)) must be involved in the negotiations to modify a DWG agreement.

(10) When modifying the agreement, it can be agreed that the remaining term of office of any existing HSR is unaffected.

(11) All requests to vary a DWG are to be made in writing to the Executive Director, Human Resources explaining the reasons for the variation and La Trobe Health, Safety and Environment must be informed of any such request.

(12) If a variation is agreed, the University must vary the agreement by communicating the change to all employees in writing as soon as possible.

### **Election of a HSR**

(13) An election for a health and safety representative /deputy health and safety representative will be held within 28 days of any of the following occurring:

- a. The group has been recently formed or the composition amended.
- b. The health and safety representative advises the La Trobe Health, Safety and Environment in writing of his or her resignation from office.
- c. The health and safety representative ceases to be a representative in accordance with Section 55(2) of the [Occupational Health and Safety Act 2004](#).
- d. If more than one half of employees within the designated work group request an election.

(14) The election process may be informal, e.g. with a show of hands. Alternatively, it may involve a more formal process, such as the use of ballots.

### **Conduct of Elections**

(15) All fixed-term and continuing employees of La Trobe University are eligible to nominate as a health and safety representative or if required deputy health and safety representative in their respective designated work group.

(16) Employees wishing to be HSR/Deputy HRS must nominate themselves for the role. A call for nominations shall be advertised by La Trobe Health, Safety and Environment in the University News (UniNews) when an election is required to take place. If one nomination is received the nominee is deemed to be elected. If more than one nomination is received an election will be held. Unless a DWG determines otherwise, elections as required will be managed through

University Governance and Planning.

(17) La Trobe Health, Safety and Environment will - advise the successful candidate/s, employer representative for the DWG, Head of School, and Director of area, in writing of the date of election and the outcome and publish the result in the University News.

### **Term of Office**

(18) A Health and Safety Representative/Deputy for a DWG will hold office for a period not exceeding three (3) years. When a term of Office expires, health and safety representatives are eligible to be re-elected.

### **HSR Ceases to Hold Office**

(19) A Health and Safety Representative / deputy ceases to hold office if he/she

- a. Ceases to be a member of the DWG;
- b. Resigns as health and safety representative by giving written notice to the Manager, La Trobe Health, Safety and Environment;
- c. The DWG varies;
- d. The majority of members of DWG decide (and agree in writing) that the person should no longer represent the DWG (but only if the health and safety representative has held office for at least 12 months); or
- e. They are disqualified by a magistrate.

### **Powers of Health and Safety Representatives**

(20) According to the [Occupational Health and Safety Act 2004](#), health and safety representatives may:

- a. Carry out inspections after giving reasonable notice to the employer, or immediately in the event of any incident involving risk to health and safety of a person;
- b. Accompany an inspector during an inspection of the workplace;
- c. Be present at any interview between an employee and the employer or an inspector concerning a health and safety matter (with the consent of the employee);
- d. Seek assistance of any person only for the purpose of representing members of DWG, monitoring control measures, enquiry into anything that poses a threat or attempting to resolve health and safety issues.

### **Training for Health and Safety Representatives**

(21) The University recognises the importance of Health and Safety Representative training and highly recommend that all elected HSR and Deputy HSRs attend the an initial (5 day) approved course of training in occupational health and safety and the annual refresher HSR training., Managers are required to actively facilitate this training as soon as is practicable after appointment and with the expectation that training will commence within three months of appointment”

(22) HSR’s are also entitled to attend a training course relevant to the work of the members of the DWG.

(23) Health and safety representatives who request to attend an approved course of training should consult with their Head of School or Divisional Manager and La Trobe Health, Safety and Environment. Paid leave will be granted to attend approved courses and the associated training costs will be met by La Trobe Health, Safety and Environment.

### **Register of Health and Safety Representatives**

(24) The register of designated work groups and health and safety representatives and employer representatives is

maintained on the University OHS website.

## Section 5 - Definitions

(25) For the purpose of this Procedure:

- a. Designated Work Group (DWG): A group of employees determined on the basis of location; type of work; number of employees, the nature of hazards at the workplace and of overtime or shift working arrangements.
- b. Employer Representative: For the purposes of determining the composition of designated work groups, the University employer representative is the Executive Director, Human Resources.
- c. Health and Safety Representative (HSR): An employee elected by members of a designated work group to be the group's health and safety representative.
- d. Deputy Health and Safety Representative: A deputy health and safety representative for DWG is elected the same way as a HSR. The deputy HSR will exercise the powers of the HSR when the elected HSR ceases to hold office or is unable because of absence or any other reason to exercise the powers of a HSR.
- e. Multiple Employer Designated Work Groups: A Multiple Employer Designated Work Group is a Designated Work Group which represents employees of one or more other employers at one or more workplaces. Such designated work groups are determined by negotiation between each of the employers and the employees.

## Status and Details

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