

DESIGNATED WORK GROUP (DWG) & HEALTH AND SAFETY REPRESENTATIVE (HSR) PROCEDURE

SCOPE

The scope of this procedure is where Monash University in Australia is the employer and the members of DWGs are all employees of Monash University in Australia.

PROCEDURE STATEMENT

This procedure aims to fulfill the requirements of the OHS Act 2004 (Vic) in relation to “Part 7 - Representation of Employees” by providing the context for how these requirements are to be undertaken at Monash University.

1. Abbreviations

DWG	Designated Work Group
HSR	Health and Safety Representative and/or Deputy Health and Safety Representative unless explicitly stated otherwise
OHS	Occupational Health and Safety
OH&S	Monash Occupational Health & Safety
RLM	The Relevant Line Manager who encompasses business areas of any affected employees during designated work group (DWG) negotiation

2. Occupational Health and Safety (OHS) Policy

An OHS Policy must be produced to give direction to the management of OHS at Monash University.

3. General Requirements

The Manager, Monash Occupational Health & Safety (OH&S), must ensure that the interests of the University and its employees are considered during the formation or change to any Designated Work Group (DWG) and that this procedure is followed.

- 3.1 Staff must not coerce or attempt to coerce any other staff member:
 - 3.1.1 To withdraw or prevent, or enter a request to establish a DWG;
 - 3.1.2 In the conduct of any negotiations concerning a DWG; or
 - 3.1.3 From being included or excluded in any discussion in relation to the formation or cessation of a DWG.

4. Background

Part 7 of the OHS Act 2004 (Vic) includes provisions for staff to establish a DWG around one or more workplaces. The purpose of a DWG is to represent the interests of employees by electing Health and Safety Representatives (HSRs) who can act as a representative of staff within that DWG on matters that may impact upon their health and/or safety. For more information regarding employee representation please go [here](#).

5. Create or change to a DWG

5.1 Request for changes

Any staff member may, at any time, request to negotiate to create or change a DWG by completing a [Formation, Amendment or Closure of DWG form](#). This may include the:

- 5.1.1 Formation of a new DWG due to a:
- Staff desire for the appointment of an HSR to represent their OHS-related interests; or
 - Split to an existing DWG is warranted, because the number of staff per DWG exceeds the capacity of the HSRs to provide adequate representation.
- 5.1.2 Amendment to a DWG due to:
- Changes in the workplace, which have resulted in the need to adjust any DWG to better represent staff.

5.2 Negotiation on a change to a DWG

5.2.1 Negotiations must be undertaken between any affected staff and the Relevant Line Manager (RLM), following receipt of a [Formation, Amendment or Closure of DWG form](#). The Manager, OH&S, must notify the RLM and confirm that they are willing to facilitate negotiations. The RLM must ensure negotiations are commenced within 14 days following receipt of the Formation, Amendment or Closure of DWG form. If potentially affected staff are identified during negotiations, the Manager, OH&S, must be notified by the RLM.

5.2.2 Affected staff and their RLMs must consider and agree on:

- How best to group employees at one or more workplaces so that the employees' OHS interests are represented and secured.
- How best to group employees at one or more workplaces so that the HSR will be accessible to each member of the group.
- The number of HSRs;
- The term of office of any HSRs (maximum 3 years); and
- Whether HSRs may represent independent contractors (e.g. external paid staff) of the DWG.

It may be beneficial to include a Monash University [OHS Consultant or Advisor](#) or [Employee Representative](#) to assist in negotiations.

5.2.3 Agreement upon the types of communication (e.g. staff meeting, specific meeting, email, teleconference call) between staff and the RLM must be established prior to undertaking formal negotiations on the formation of, or amendment to, a DWG.

5.2.4 During these negotiations, any group of the affected staff may choose to select a person, who does not need to be an elected HSR, to represent their interests. The RLM must reasonably ensure that any staff affected by a change to a DWG are present or otherwise represented during negotiations.

5.2.5 Negotiations must be completed within a reasonable timeframe.

5.3 Membership of a DWG

5.3.1 The RLM must reasonably ensure that all staff potentially impacted by the formation or amendment of a DWG are given the opportunity to be represented during negotiations. The following factors must be taken into account:

- The number of employees at the workplace(s);
- The nature of each type of work;
- The number and grouping of employees who perform similar types of work, such as doing the same tasks or working under the same or similar working arrangements (e.g. having the same shift arrangements; the same breaks; being part-time, casual or seasonal; working under the same contract or certified agreement; or having the same job grade);
- The areas at the workplace(s) where each type of work is performed;
- The nature of any hazards;
- Overtime or shift work arrangements; and
- Whether other languages are spoken by the employees.

5.3.2 For Monash University this typically translates to:

- Business (organisational) units, i.e. academic/administrative units;
- Locations, e.g. 30 Research Way (Building 40).

5.4 Other considerations

During negotiation on the formation or amendment to a DWG, agreement must also be reached upon:

- 5.4.1 The number of HSRs and deputies that may be elected per DWG;
- 5.4.2 The term of the office of each elected Health and Safety Representative (HSR) or Deputy (maximum of 3 years);
- 5.4.3 Whether any HSRs are authorised to represent independent contractors (and that contractor's employees), who have been engaged by the University and undertake work within the DWG.

If agreement is not reached, the Regulator may be asked for an inspector to determine the issues that are unresolved.

5.5 Confirmation

- 5.5.1 Once the formation of, or amendment to, any DWG has been agreed upon, a "Request for changes to a DWG form" must be approved by the RLM. This form is received by the Manager, OH&S, who must ensure that the requirements of this procedure have been met.
- 5.5.2 Monash University requires that any staff member may only belong to one DWG at any one time. Once a DWG has been confirmed, the Manager, OH&S, shall contact any staff member who may have been included in more than one DWG, to specify their preference.

6. Communicating with a DWG

- 6.1 Any staff member can request information on, or send a message relating to health and safety to their DWG by contacting their elected HSR in the first instance. In the absence of an HSR, advice can be sought from the Manager, OH&S.
- 6.2 A DWG will be considered inactive if:
 - All organisational units within the DWG become inactive and the relevant employees are no longer present; or
 - Members agree that the DWG can be considered inactive (e.g. HSR roles are vacant and an HSR has not been elected for a period of greater than six months. In this case, the members of DWG will be contacted regarding their preference). Inactive DWGs will not be listed on the University's register of active DWGs, however, members of an inactive DWG may request that their DWG is active by completing the [Formation, Amendment or Closure of DWG form](#).

7. Electing HSRs and Deputy HSRs

7.1 HSR Vacancy

- 7.1.1 If a DWG has a vacancy for either HSRs and/or deputy HSRs, any member of the DWG may at any time request a call for nominations for the role of HSR and/or deputy HSR by completing the [HSR Vacancy form](#).
- 7.1.2 The Manager, OH&S, shall notify all members of the DWG of this request
 - the number of HSR and Deputy HSR positions existing in the DWG and the corresponding number of vacancies that exist at that time.
- 7.1.3 The DWG has the right to select the process for receiving nominations including the duration of the nomination period.
- 7.1.4 Any DWG member may be nominated to be either an HSR or deputy HSR.
- 7.1.5 All elected and former HSRs and deputy HSRs are eligible for nomination.
- 7.1.6 Nominations must have a seconder.
- 7.1.7 Nominees may choose to decline a nomination, and
- 7.1.8 The Manager, OH&S must be advised in advance by the DWG, of the selected process for receiving nominations. The Manager, OH&S may request evidence that the selected process has been followed. Requested evidence will depend on the nature of the process selected for example:
 - A show of hands might involve providing minutes of the meeting; or
 - A paper-based or online form nomination process might involve providing evidence of the timeline and summary of responses.
- 7.1.9 Members of the DWG must be notified of the nomination process in advance.

Staff with management responsibilities are not recommended for the role of HSR due to the potential conflict of interest when exercising the duties of an HSR.

7.2 HSR Election

- 7.2.1 If there are only as many nominations as there are vacancies, those nominees are automatically deemed to be elected HSRs or elected deputy HSRs.
- 7.2.2 Where more nominations are received than there are vacancies, the Manager, OH&S, shall communicate with members of the DWG and confirm whether to:
- increase the number of HSRs and/or deputy HSRs; or
 - hold an election.
- 7.2.3 In the event that an election is required, the DWG has the right to select the election process.
- 7.2.4 The DWG may request assistance to conduct the election from Monash OH&S, the National Tertiary Education Union (NTEU) or WorkSafe; and
- 7.2.5 The Manager, OH&S must be advised in advance of the selected election process. The Manager, OH&S may request evidence that the selected process has been followed.
- 7.2.6 Members of the DWG must be notified of the election process in advance.

8. Notice of Change

The Manager, OH&S, must advise all affected staff whenever a:

- DWG is formed, amended, closed; or
- HSR or deputy HSR position is filled or vacated.

9. Powers of HSRs and Obligations of Employers

The powers of HSRs and the obligations of the employer to HSRs are defined by the Occupational Health and Safety Act 2004 (Vic), sections 58-71. Further information is available in the [Employee representation: A comprehensive guide to part 7 of the OHS Act 2004](#).

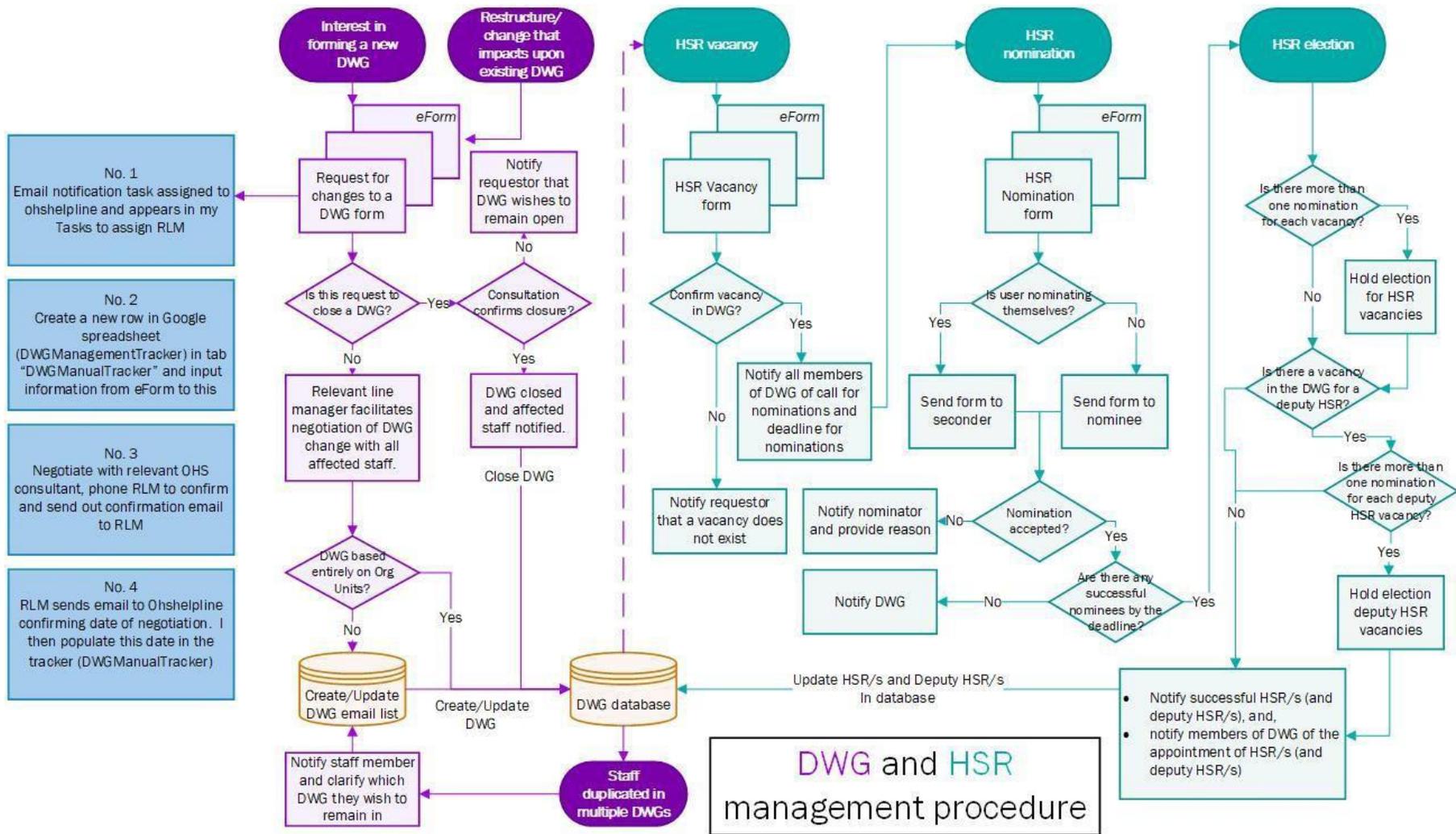
10. Tenure of HSRs and Deputy HSRs

- 10.1 All elected HSRs and deputy HSRs have a maximum tenure of 3 years, or less as agreed by their DWG, but may choose to resign prior to this date. OH&S will notify a DWG three months prior to the HSR's completion of their term of office. The HSR ceases to be the elected HSR at the date of the completion of their term of office.
- 10.2 Elected HSRs and deputy HSRs are expected to complete the Regulator's recognised HSR training course. A complete list of service providers for this training is available on the [Regulator's website](#).

Monash University strongly encourages all HSRs to complete the Regulator's 'HSR Initial OHS training' and complete refresher courses annually.

11. Provisional Improvement Notices (PINs)

- 11.1 A PIN is written direction provided to a Monash University employer representative by an elected HSR to remedy the specified contravention within a specific timeframe. Responsibilities related to the issuing of a PIN are described by the Occupational Health and Safety Act 2004 (Vic), sections 60-63. HSRs are advised to contact and discuss the issue with Monash OH&S prior to doing so.
- 11.2 Any Monash Employee who receives a PIN must notify the Manager, OH&S immediately.



DEFINITIONS

Key word	Definition
Employer	Monash University
Members of a proposed DWG	Monash University employees who work in the areas covered by the proposed DWG
Parties	Existing or proposed members of a DWG
Regulator	WorkSafe Victoria

GOVERNANCE

Parent policy	OHS&W Policy
Supporting schedules	N/A
Associated procedures	WorkSafe Victoria documents Employee representation: A comprehensive guide to part 7 of the OHS Act 2004 Designated Work Groups
Legislation mandating compliance	Occupational Health and Safety Act 2004 (Vic)
Category	Operational
Endorsement	Monash University OHS Committee 17 November 2020
Approval	Office of the Chief Operating Officer & Senior Vice-President (a delegate of the President & Vice-Chancellor) 1 December 2020
Procedure owner	Manager, OH&S
Date effective	December 2020
Review date	2023
Version	3.3
Content enquiries	ohshelpline@monash.edu

DOCUMENT HISTORY

Version	Date Approved	Changes made to document
1	March 2018	Designated Work Group (DWG) & Health and Safety Representative (HSR) Procedure, v1
2	September 2018	<ol style="list-style-type: none"> Added information on training in section 8.4 Clarified rights of HSR to inspect DWG's workplace in section 8.1.3 Clarified process for when agreement cannot be reached during DWG negotiations in section 6.4 Updated hyperlinks throughout
3	June 2019 (withdrawn)	<ol style="list-style-type: none"> Clarified that members of the DWG can specify the process of voting on candidates for HSR and deputy HSR. Included procedural requirements when HSRs choose to issue provisional improvement notices.

3.1	September 2019	<ol style="list-style-type: none"> 1. Clarified that members of the DWG can specify the process of nominating candidates for HSR and deputy HSR. 2. Clarified that a DWG can request the assistance of the NTEU in relation to the process of holding an election. 3. Re-ordered the sections to bring HSR rights into one section. 4. Created new a section for PINs, removed process that related to HSRs issuing a PIN, and, included requirement to notify OHS upon receipt of a PIN.
3.2	December 2020	<ol style="list-style-type: none"> 1. Refined DWG closure to 'inactive' and moved requirements to the communication section. 2. Adjusted requirements to close align to terminology in Employee representation: A comprehensive guide to part 7 of the OHS Act 2004 3. Further clarified the distinction between notifying of vacancy within a DWG, the steps to call for nominations, and the process to hold an election. 4. Removed details regarding of the powers of an HSR and referred to the requirements of the Occupational Health and Safety Act 2004 (Vic). 5. Updated details to reflect compliance with current OHS legislation.
3.3	July 2021	<ol style="list-style-type: none"> 1. Updated certification logo in footer to ISO 45001 2. Updated OHS Policy under 'Parent Policy' to OHS&W Policy