# Monash University Procedure

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<tr>
<th>Procedure Title</th>
<th>Designated Work Group (DWG) &amp; Health and Safety Representative (HSR) Procedure</th>
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<tbody>
<tr>
<td>Parent Policy</td>
<td>OHS Policy</td>
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<tr>
<td>Content Enquiries</td>
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## Purpose
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.

## 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.

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1. **Abbreviations**

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<tr>
<td>DWG</td>
<td>Designation Work Group</td>
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<td>HSR</td>
<td>Health and Safety Representative</td>
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<td>OHS</td>
<td>Occupational Health and Safety</td>
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<td>OH&amp;S</td>
<td>Monash Occupational Health &amp; Safety</td>
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<td>RLM</td>
<td>The Relevant Line Manager who encompasses business areas of any affected employees during designated work group (DWG) negotiation</td>
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2. **Definitions**

**Employer:** Monash University  
**Members of a proposed DWG:** All Monash University employees  
**Parties:** Existing or proposed members of a DWG

3. **Occupational Health and Safety (OHS) Policy**

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

4. **General Requirements**

4.1. 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.

4.2. Staff must not coerce or attempt to coerce any other staff member:

   4.2.1. To withdraw or prevent, or enter a request to establish a DWG;
   4.2.2. In the conduct of any negotiations concerning a DWG; or
   4.2.3. From being included or excluded in any discussion in relation to the formation or cessation of a DWG.

5. **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](http://www.monash.edu.au/ohs/).
6. Create or change to a DWG

6.1. Request for changes to a DWG

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

6.1.1. Formation of a new DWG due to:
- 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.

6.1.2. Amendment to a DWG due to:
- Changes in the workplace, which have resulted in the need to adjust any DWG to better represent staff.

6.1.3. Closure of a DWG due to:
- All organisational units within the DWG being inactive; or
- An HSR has not been elected for a period of greater than six months.

6.2. Negotiation on a change to a DWG

6.2.1. Negotiations must be undertaken between any affected staff and the Relevant Line Manager (RLM), following receipt of a ‘Request for Changes to a 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 this notification. If potentially affected staff are identified during negotiations, the Manager, OH&S, must be notified by the RLM.

6.2.2. Affected staff and their RLMs must consider and agree on:
- The membership;
- 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.

6.2.3. 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.

6.2.4. 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 ensure that any staff affected by a change to a DWG are present or otherwise represented during negotiations.

6.2.5. Efforts should be made to ensure that negotiations are completed within 2 months.

6.3. Membership of a DWG

6.3.1. During negotiation on the formation or amendment to a DWG, the group of staff should ensure that each person within the group is able to be effectively represented and that their representative is accessible. Grouping of staff within a DWG can be influenced amongst other things by:
- The type of role or the nature of the work they perform;
- Areas in which each type of work is performed;
- The nature of any hazards present; or
- Shift working arrangements.

6.3.2. For Monash University this typically translates to:
- Business (organisational) units, e.g. academic/administrative;
- Buildings, e.g. 30 Research Way (Building 40).
6.4. Other considerations

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

- The number of HSRs and deputies that may be elected per DWG;
- The term of the office of each elected Health and Safety Representative (HSR) or Deputy (maximum of 3 years);
- 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.

6.5. Confirmation

6.5.1. 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.

6.5.2. 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.

7. Communicating with a DWG

Any staff member can request information on, or, a message relating to health and safety be sent 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.

8. Selection of HSR and Deputy HSR

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.

8.1. Rights of a HSR or Deputy HSR

8.1.1. Health and Safety Representatives and their deputies represent staff within a DWG. The Occupational Health and Safety Act 2004 (Vic) gives them a range of rights when the health and safety of staff in their DWG may be affected.

8.1.2. They must be consulted on:
- Proposed changes in the workplace or to materials, equipment or procedures;
- Risk assessment of materials, equipment or procedures;
- Development of OHS policy and procedures;
- Investigation of OHS hazards and incidents; and
- Training, instruction and information on OHS.

8.1.3. They also have the right to:
- Inspect any part of the DWG’s workplace after giving reasonable notice to the head of the academic/administrative unit, or immediately when there is a threat to health and safety;
- Attend workplace audits and inspections;
- Access information on workplace hazards and health and safety of staff in their area, except for medically confidential information;
- Use facilities and resources needed to perform their role;
- Issue a Provisional Improvement Notice (PIN) after other issue resolution procedures have failed; and
- Take paid leave for approved health and safety training.

8.1.4. Health and Safety Representatives must:
- Use the OHS Issue Resolution Procedure; and
- Arrange for their deputy or delegate to cover his or her area when they are away.
8.2. **Nominations**

After receiving a call for nominations, the process for nominating HSRs and Deputy HSRs is:

- The Manager, OH&S, shall notify all members of the DWG of this request and inform the members of the number of HSRs and Deputy HSRs in the DWG for which vacancies exist;
- Any DWG member may be nominated to be either an HSR or deputy HSR. For more information on the responsibilities of an HSR please click here;
- Nominees may choose to decline a nomination;
- Nominations must be submitted using the “HSR Nomination form”; and
- If there are only as many nominations as there are vacancies, those nominees are automatically HSRs or deputy HSRs.

8.3. **Elections**

8.3.1. 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, facilitated by the Manager, OH&S, where the staff member receiving the most votes shall be elected.

8.3.2. When an election for HSRs and deputy HSRs for a DWG is held, the process of voting on HSRs shall be conducted before voting on any deputy HSRs.

8.4. **Tenure of HSRs**

8.4.1. All elected 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.

8.4.2. All elected HSRs are eligible for re-election.

8.4.3. Further information on this training at Monash University can be found on the Monash Talent and Leadership Development (MTLD) website. A complete list of service providers for this training is available on the Worksafe website.

9. **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.
10. Document History

<table>
<thead>
<tr>
<th>Version</th>
<th>Date of Issue</th>
<th>Changes made to document</th>
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<tr>
<td>1</td>
<td>March 2018</td>
<td>Designated Work Group (DWG) &amp; Health and Safety Representative (HSR) Procedure, v1</td>
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| 2       | September 2018| 1. Added information on training in section 8.4  
2. Clarified rights of HSR to inspect DWG’s workplace in section 8.1.3  
3. Clarified process for when agreement cannot be reached during DWG negotiations in section 6.4  
4. Updated hyperlinks throughout |
Designated Work Group (DWG) & Health and Safety

Responsible Officer: Manager, OH&S

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For the latest version of this document please go to: http://www.monash.edu.au/ohs/