OHS Representation and Committees Procedure (MPF1189)

GOVERNING POLICY

This procedure is made under the Occupational Health and Safety Policy.

SCOPE

This procedure applies to all staff, students, contractors and other personnel at work places under the management or control of the University of Melbourne.

This procedure describes the arrangements for employee and management representation for occupational health and safety (OHS) matters, in accordance with legislative requirements. These arrangements include the processes to facilitate the establishment or alteration of designated work groups.

PROCEDURE

1. Management representatives

1.1 The Vice-Chancellor, Provost, Senior Vice-Principal, deputy vice-chancellors, heads of budget divisions, executive directors, directors, general managers, heads of department and departmental managers are management representatives.

1.2 A head of budget division may nominate other management representatives.

1.3 Once elected as an employee HSR, a person cannot concurrently be a management representative.

1.4 The functions and actions resulting from management representative responsibilities may be delegated, but ultimate accountability cannot be delegated to others.

2. Designated work groups (DWGs)

2.1 Through existing agreements between staff and the University, DWGs are in effect throughout the University.

2.2 Independent contractors and their employees are not, by default, members of a DWG. Negotiations, agreements and/or determinations to establish or alter a DWG may establish a HSR who will represent independent contractors and/or their employees.

2.3 The Director, OHS and Injury Management or nominee will publish on the Safety website a current register of DWGs. This list must include:

• Scope of the DWG
• HSR(s)
• Deputy HSR(s)
• Term of office
• Management representative.

2.4 Employees may request that the Director, OHS and Injury Management establish or vary DWGs in accordance with the OHS Act 2004.
2.5 The University may initiate negotiations with staff to establish or vary DWGs, in accordance with the *OHS Act 2004*.

2.6 The Director, OHS and Injury Management, or nominee, is the only management representative of the University authorised to negotiate the establishment or variation of DWGs.

2.7 All other management representatives must immediately notify the Director, OHS and Injury Management if requested by any employee(s) to establish or vary DWGs.

2.8 Within 14 days of being notified of a request to establish or vary a DWG, the Director, OHS and Injury Management will commence negotiations with the employee(s) and consult the management representative(s) about the establishment of or variation to the DWG.

2.9 In negotiations concerning a DWG, employees(s) may be represented by any person authorised by the employee(s).

The Director, OHS and Injury Management will update the University's register of DWGs upon any agreement to alter the DWG, including the number of HSRs or DHSRs.

3. **Employee health and safety representatives**

3.1 Members of DWGs elect an HSR to represent them. Members of each DWG may determine how an election is to be conducted in their DWG.

3.2 Any member of a DWG may request advice on the conduct of an election from their local OHS practice expert, WorkSafe or other representative.

3.3 If the members of the DWG do not reach an agreement within a reasonable time (two weeks in most cases) any member of the DWG may request the assistance of a WorkSafe inspector.

3.4 At the conclusion of an election, the returning officer for the election must notify the Director, OHS and Injury Management of the result of the election.

3.5 HSRs and DHSRs cease to hold office if:

- they leave the DWG
- they are disqualified
- they resign by providing written notice to the Director, OHS and Injury Management
- a majority of the DWG members resolve in writing that the HSR should no longer represent the DWG (the HSR must have held office for at least 12 months)
- the DWG is varied by agreement (or by determination by a WorkSafe inspector) and the variation includes a spill of the existing position(s).

3.6 The role of a HSR is to:

- represent the DWG members on health and safety matters
- monitor measures taken by the University to comply with the *OHS Act 2004*
- enquire into matters that may pose a risk to the health and safety of any member of the DWG
- attempt to resolve OHS issues concerning members of the DWG.
Within their DWG, the employee HSR has the power to:

- inspect the workplace, after giving notice to the management representative or after an incident involving an immediate risk to health or safety
- accompany a WorkSafe inspector during an inspection
- be present at an interview regarding health and safety between a DWG member and a WorkSafe inspector or a management representative, if the DWG member agrees (If the HSR also represents independent contractors or their employees, the HSR may be present at an interview about health and safety between the contractor or contractor's employee and a WorkSafe inspector or a management representative, if the contractor or employee agrees.)
- when necessary, seek the assistance of any person (A supervisor or manager may refuse access to a University workplace to a person assisting an HSR, if that person has insufficient knowledge of OHS. The HSR may appeal the refusal in the Magistrates Court.)
- after consultation (which may include using the University's agreed OHS issue resolution procedure) with the management representative about remedying an alleged breach of the OHS Act 2004, issue a provisional improvement notice (PIN) requiring the University to take specific actions
- after consultation with the local supervisor, direct work to cease where the nature and degree of the health and safety risk results in an immediate and serious threat to the health and safety of any person.

4. Budget division OHS committees

4.1 The head of each budget division must ensure the establishment of an OHS committee in accordance with the Budget division OHS committee terms of reference.

5. Local consultative OHS committees or staff meetings

5.1 Where the assessed health and safety risk is high, or where there are sufficient staff members to support a dedicated local OHS Committee, the budget division OHS committee may establish local OHS committees in accordance with the local consultative OHS committee terms of reference.

5.2 Where the assessed health and safety risk is low, or where there are insufficient employees to support a dedicated local OHS committee, local supervisors and managers may include the agenda items of the local OHS committee in other staff meetings and forums.

6. University OHS committee

6.1 The Senior Vice-Principal must ensure the establishment of an OHS committee in accordance with the University OHS committee terms of reference.

RELATED DOCUMENTS

- Occupational Health and Safety Act 2004 (Vic)
- Occupational Health and Safety Regulations 2007 (Vic)
- National Self-Insurer OHS Audit Tool 2.0
- OHS Issue Resolution Procedure
- Budget division OHS committee terms of reference [pdf]
- Local consultative OHS committee terms of reference [pdf]
- University OHS committee terms of reference [pdf]
DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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<tr>
<td>Designated work group (DWG)</td>
<td>A group of employees who share similar workplace concerns and who experience similar health and safety conditions. Note: One of the main functions of a DWG is to elect health and safety representatives (HSRs). Not all workplaces are the same, so the size, number and make up of DWGs will vary.</td>
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<tr>
<td>Health and safety representative (HSR)</td>
<td>An employee elected by members of a designated work group (DWG) to represent them in health and safety matters. Employee HSRs have powers under the Occupational Health and Safety Act 2004 (Vic).</td>
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<tr>
<td>Deputy health and safety representatives (DHSR)</td>
<td>An employee elected by members of a designated workgroup (DWG) to represent the members of the DWG in health and safety matters. Deputy health and safety representatives have powers under the OHS Act 2004 that may be exercised in the absence of a HSR.</td>
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<td>Management representative</td>
<td>A local manager, senior manager or executive with specific health and safety responsibilities and accountabilities.</td>
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RESPONSIBLE OFFICER

The Associate Director, Health & Safety is responsible for the development, compliance monitoring and review of this procedure and any associated guidelines.

IMPLEMENTATION OFFICER

The Associate Director, Health & Safety is responsible for the promulgation and implementation of this procedure in accordance with the scope outlined above. Enquiries about interpretation of this procedure should be directed to the Implementation Officer.

REVIEW

This procedure is to be reviewed by 31 October 2016.

VERSION HISTORY

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<th>Authorised by</th>
<th>Approval Date</th>
<th>Effective Date</th>
<th>Sections modified</th>
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<td>OHS</td>
<td>30 October 2007</td>
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<td>OHSC</td>
<td>9 May 2012</td>
<td>18 June 2012</td>
<td>Revised format. Name change: was <em>EHS Representation and EHS Committees</em>. Minor rewording not altering intent or process, e.g. updating position description, local OHS staff involved in OHS issue resolution.</td>
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<tr>
<td>1.1</td>
<td>Senior Vice Principal</td>
<td>28 June 2012</td>
<td>28 June 2012</td>
<td>New version arising from the Policy Simplification Project. Loaded into</td>
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<tr>
<td>1.1</td>
<td>Associate Director, Health &amp; Safety</td>
<td>22 July 2016</td>
<td>22 July 2016</td>
<td>Withdrawn from Melbourne Policy Library 21 July 2016 following changes to the Melbourne Policy Framework (MPF) Version History table</td>
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