

1 WHAT IS A DESIGNATED WORK GROUP?

The Occupational Health and Safety Act 2004 (Vic) provides for employees to be grouped into designated work groups (DWGs). A DWG enables employees' occupational health and safety interests to be represented by one or more elected health and safety representatives (HSRs). The employer and employees negotiate the DWG arrangements. The agreed grouping must best and most conveniently enable employees' interests to be represented and safeguarded, while ensuring an HSR is accessible to each DWG member.

Use this guidance first: Establish or vary the DWG arrangement before starting an HSR or deputy HSR election. If an agreed DWG arrangement creates a vacancy, follow the Health and Safety Representative Election Guidance for nominations, voting, confirmation and recordkeeping.

2 RENEGOTIATING DESIGNATED WORK GROUPS

2.1 Why renegotiate?

Renegotiation may be needed when workplace changes make the existing DWG structure less effective. Changes may include organisational restructures, new reporting lines, changes in employee numbers, work activities, locations, hazards, working hours or spoken languages. The aim is to maintain convenient and effective representation for all DWG members.

2.2 When to renegotiate

A DWG arrangement can be changed at any time. Renegotiation can start in either of these ways:

- **Employees request a change:** An employee or group of employees asks the University to vary an existing DWG agreement. Send the request to the Director, Health & Safety, or nominee. The University must do everything reasonable to start negotiations within 14 days of receiving the request. A management representative who receives a request must promptly notify the Director, Health & Safety.
- **The University proposes a change:** The University starts negotiations with employees to establish or vary a DWG.

2.3 Who can negotiate?

2.3.1 On behalf of employees

Employees may authorise any person to represent them in negotiations. This may include a union official or an employee representative from the local health and safety committee.

2.3.2 On behalf of the University

The University may authorise a person to represent it. Under University arrangements, negotiations are conducted by the Director, Health & Safety, or a nominee authorised in writing. The nominee may be a local [Health and Safety Business Partner](#).

2.4 What features of a DWG can be negotiated?

2.4.1 Legal limitations

Under section 44(1) of the *Occupational Health and Safety Act 2004* (Vic), the parties may negotiate only the following matters:

- how employees at one or more workplaces are grouped so the DWG:
 - best and most conveniently represents and safeguards employees' health and safety interests; and
 - allows the HSR to be accessible to every DWG member;
- the number of HSRs for each DWG—at least one;
- the number of deputy HSRs, if any;
- the term of office for each HSR and deputy HSR—no more than three years; and
- whether HSRs are authorised to represent independent contractors, classes of independent contractors, and their employees who work at the same workplace as DWG members.

2.4.2 Practical factors in effective representation

When establishing or varying a DWG, the parties must consider the matters required by the *Occupational Health and Safety Act 2004* (Vic), including:

- **Number of employees:** Is the group small enough for the HSR to provide active and accessible representation?
- **Nature and organisation of work:** Consider the type of work performed, reporting lines and any groups of employees who do the same or similar work.
- **Workplaces and work areas:** Consider the number and location of workplaces or work areas and whether employees can readily access the HSR.
- **Hazards and risks:** Consider the nature of the hazards and risks to health and safety at each workplace.
- **Working arrangements:** Consider overtime, shift work and other working arrangements.
- **Languages:** Consider the languages spoken by employees.

If employees' work circumstances are too different for one DWG, consider creating separate DWGs or appointing additional HSRs. This helps each HSR stay informed and accessible.

Important: A DWG variation does not automatically create a vacancy. An election is required only where an HSR or deputy HSR position is vacant or the agreed arrangements require an election. If the agreement states that a current representative will continue in the new or varied DWG, record this in the written agreement.

Multiple-employer DWGs: This guidance is designed for DWGs involving University employees. If a proposed DWG includes employees of more than one employer, obtain advice from Health & Safety Services and follow the additional requirements in sections 47–52 of the *Occupational Health and Safety Act 2004* (Vic).

2.5 How to conduct a negotiation

Any process may be used if it complies with the *Occupational Health and Safety Act 2004* (Vic) and the [Health & Safety: Consultation, representation and committees requirements](#). Use the following protocol as the recommended approach.

2.5.1 Recommended protocol for the renegotiation of DWGs

The local [Health and Safety Business Partner](#) prepares the proposed DWG structure and completes these steps:

1. **Obtain authority.** Obtain written authorisation from the Director, Health & Safety, to negotiate on behalf of the University.
2. **Discuss the proposal.** Consult the local health and safety committee, if one exists.
3. **Consult affected employees.** Write to all employees in the affected DWGs. Explain who is authorised to negotiate for the University, propose employee representatives, outline the proposed structure, and invite written comments within 14 calendar days. Employees may authorise another person to represent them. Use the [proposal template](#).
4. **Review feedback.** Confirm authorised employee representatives and consider feedback about the proposed structure. Keep the local health and safety committee informed.
5. **Escalate if agreement cannot be reached.** Contact the Director, Health & Safety, for advice. Either party may ask WorkSafe Victoria to arrange an inspector. The inspector may determine the unresolved DWG particulars in writing. The parties must comply with that determination unless a review is sought under the Act.
6. **Negotiate the arrangements.** After the comment period closes, the authorised Health and Safety Business Partner and employee representatives negotiate until agreement is reached.
7. **Confirm and implement the outcome.** Record the agreed or determined DWG arrangements and commencement date. The University must establish or vary the DWG by giving affected employees written notice. Provide written confirmation to the Director, Health & Safety, and update the University's accessible list or register of HSRs and deputy HSRs where required.
8. **Start the election process where required.** If an HSR or deputy HSR position is vacant, or the agreed arrangements require an election, notify the local Health and Safety Business Partner and follow the *Health and Safety Representative Election Guidance*. DWG members agree on the nomination and election procedure. The University must allow and enable the election to be conducted during ordinary or appropriate working hours and provide reasonably necessary resources, facilities and assistance.

Handover to the election process: Keep the signed or otherwise documented DWG agreement, the employee consultation record, the commencement date and details of any continuing representatives. Provide these records to the person supporting the election so the electoral roll, vacancies and term dates are accurate.

3 REFERENCES

- Occupational Health and Safety Act 2004 (Vic)
- [WorkSafe Victoria — Designated work groups](#)
- [WorkSafe Victoria — Electing health and safety representatives](#)
- [Consultation representation and committee requirements](#)
- [Health and safety representative election guidance](#)
- [List of Elected Health and Safety Representatives](#)
- [Template: Proposal to renegotiate designated work groups](#)
- [Notify HSR Outcome ServiceNow](#)