

1. WHAT IS A DESIGNATED WORK GROUP?

The *Occupational Health and Safety Act 2004* (Vic) allows for the organisation of employees into designated work groups (DWGs). The purpose of a DWG is to allow the interests of those employees relating to occupational health and safety to be represented and safeguarded via the election of one or more health and safety representatives (HSRs) in each DWG. The particulars of DWGs are determined by negotiation between employer and employees and should be formulated to take into account the need for a HSR to be conveniently accessible to each member of the group.

2. RENEGOTIATING DESIGNATED WORK GROUPS

2.1 Why renegotiate?

Changes in an organisational area may make it difficult for HSRs to represent employees conveniently and effectively under the previously negotiated DWG structure. Such changes may include changes to organisational structure or reporting lines, or other workplace changes such as changes to employee numbers, nature of work conducted, environment, location, hazards in the workplace, hours worked, or languages spoken by employees.

2.2 When to renegotiate

DWGs may be renegotiated at any time, with the following triggers:

- Parties to the existing DWG agreement (which includes DWG members and management representatives) may request the Director, Health & Safety, to negotiate a variation of the agreement.
 - The Director, Health & Safety, or nominee, will commence negotiations with the employee and consult the management representative(s) within 14 days of being notified of such a request.
 - Any other management representative receiving such a request must immediately notify the Director, Health & Safety.
- The University may initiate negotiations with employees to establish or vary DWGs.

2.3 Who can negotiate?

2.3.1 On behalf of employees

Employee/s may be represented in the negotiations by any person nominated by the employee/s. Suitable representatives include the staff representatives on the local health and safety committee.

2.3.2 On behalf of the University

The Director, Health & Safety, or nominee, is the only management representative of the University authorised to negotiate on behalf of the University in the establishment or variation of DWGs. The Director, Health & Safety, may establish another person (such as a local [Health and Safety Business Partner](#)) as a nominee in writing.

2.4 What features of a DWG can be negotiated?

2.4.1 Legal limitations

The *Occupational Health and Safety Act 2004* s 44(1) directs that only the following particulars may be negotiated in relation to a DWG:

- (a) the manner of grouping employees into DWGs that best and most conveniently:
 - (i) allows their occupational health and safety-related interests to be represented and safeguarded.
 - (ii) takes into account the need for a HSR for the DWG(s) to be accessible to each member of the DWG.
- (b) the number (at least one) of HSRs in each DWG.
- (c) the number of Deputy HSRs (DHSRs) (if any) in each DWG.
- (d) the term of office (not exceeding 3 years) of each HSR and DHSR (if any);
- (e) whether the HSR/s for the DWG/s are authorised also to represent independent contractors, or a class of independent contractors, engaged by the employer, and any employees of such independent contractors, who work at the DWG's workplace.

2.4.2 Practical factors in effective representation

Some factors you should consider in designing a DWG structure are:

- Reporting lines of staff – HSRs who represent staff from more than one reporting line may face complexities in communicating with and influencing management.
- Campus or building location of staff – HSRs may have difficulty representing staff who work in multiple building or campus locations.
- Number of employees represented by any one HSR – if this is too high, the HSR may have difficulty providing active representation.
- Differing work circumstances of staff, such as:
 - nature of work performed.
 - type of environment in which work is performed, and any hazards present.
 - whether different languages are spoken by staff.

If these circumstances are too various in a single DWG, HSRs may have difficulty keeping abreast of all issues facing staff.

Note: The HSR position in a newly created or varied DWG is vacant by default unless the proposal specifies that one of the currently incumbent HSRs will continue to hold office in a new DWG.

2.5 How to conduct a negotiation

The variance of DWGs may be negotiated in any manner that complies with the OHS Act 2004 and the [Health & Safety: Consultation, representation and committees requirements](#). However, the following protocol is recommended.

2.5.1 Recommended protocol for the renegotiation of DWGs

The local [Health & Safety Business Partner](#) shall formulate a proposal for a new DWG structure in accordance with the principles of section 2.4 above, and:

- (1) Seek delegation from the Director, Health & Safety, in writing to conduct the negotiation on behalf of the University.
- (2) Discuss the proposal informally with members of the local health and safety committee – this discussion may be in or out of session.
- (3) Write to all members of the affected DWGs:
 - (a) Advising that the local [Health & Safety Business Partner](#) has been delegated to renegotiate the area's DWGs on behalf of the University.
 - (b) Proposing that the employee representative members of the local health and safety committee negotiate on behalf of all employees.
 - (c) Stating the particulars of the proposal for a new DWG structure.
 - (d) Seeking comment and feedback on (b) and (c) above, in writing within 14 calendar days;

[Template – Proposal to renegotiate designated work groups](#)

- (4) Take any feedback received into account:
 - (a) If comment is received on (3)(b), discuss adding additional employee representatives, and do so upon agreement with the commenter.
 - (b) If comment is received on (3)(c), advise all local health and safety committee members, and take the comment into account when negotiating.
 - (c) Or if feedback introduces significant complexity to the negotiations, contact the Director, Health & Safety for additional advice.
- (5) Upon lapse of the deadline for comment, the local Health and Safety Business Partner and the employee representatives negotiate until agreement is reached on a new DWG structure.
- (6) Advise the Director, Health & Safety, in writing of the outcome of negotiations and the new DWG structure;
- (7) Advise all members of the affected DWGs in writing of the outcome of negotiations and the new DWG structure.
- (8) If the renegotiation of DWGs has created vacancies for HSRs, coordinate a nomination and election process if necessary. You may wish to use the guidance material on conducting an HSR election at [Health and safety representatives and designated work groups](#).

3. REFERENCES

Occupational Health & Safety Act 2004 (Vic)

[Health & Safety: Consultation, representation and committees requirements](#)

[Template – Proposal to renegotiate designated work groups](#)

List of [elected health and safety representatives](#)

4. MORE INFORMATION AND ASSISTANCE

[Health & Safety Business Partner](#)

[Health and safety representatives and designated work groups](#)

[Health and safety representative guidelines](#)

[Health & Safety – Elect a health and safety representative](#)