

## 1 PURPOSE

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To describe the health and safety consultative arrangements at the University of Melbourne in accordance with legislative and other requirements; including the establishment or variation of designated work groups.

## 2 SCOPE

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This requirement applies to all staff, students, contractors, and others at workplaces under the management or control of the University of Melbourne.

Note: Contractors have a responsibility to ensure that consultative arrangements are in place for their employees and their workers.

## 3 DEFINITIONS

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### **Consultation**

A process that encompasses:

- (a) sharing of information in a timely manner
- (b) providing a reasonable opportunity for participants to express their views and provide feedback to the decision-makers
- (c) decision-makers taking into account the participants' views prior to making a decision.

Note: Consultation does not necessarily result in agreement between the participants and the decision-makers.

### **Deputy health and safety representatives (DHSR)**

A staff member elected by members of a designated work group (DWG) to represent the members of the DWG in health and safety matters. Deputy health and safety representatives have powers under the *Occupational Health and Safety Act 2004* (Vic) that may be exercised in the absence of a HSR.

### **Designated work group (DWG)**

A designated work group (DWG) are staff\* who share similar workplace concerns and who experience similar health and safety conditions. One of the main functions of a DWG is to elect Health and Safety Representatives (HSRs).

\* Independent contractors and their workers are not, usually, members of DWGs at the University of Melbourne.

Note: Not all workplaces are the same, so the size, number and make-up of DWGs will vary.

### **Health and safety representative (HSR)**

A staff member elected by members of a designated work group (DWG) to represent them in health and safety matters. HSRs have powers under the *Occupational Health and Safety Act 2004* (Vic).

## Management representative

A local manager, senior manager or executive with specific health and safety responsibilities and accountabilities.

## Manager and/or supervisor

A person who is responsible for planning and/or directing the work of others, including staff, contractors, or students (e.g. academic staff members responsible for the supervision of staff and/or students; professional staff members responsible for the supervision of staff and/or students; appointed health and safety management representatives).

# 4 REQUIREMENTS

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## 4.1 Representation

### 4.1.1 Management representatives

The Vice-Chancellor, Provost, Vice-Principals, Deputy Vice-Chancellors, Deans, Head of Business Services, Executive Directors, Directors, Associate Directors, Deans, Heads of divisions, Managers and Supervisors are management representatives.

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

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

### 4.1.2 Designated work groups (DWGs)

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

Negotiations, agreements and/or determinations to establish or alter a DWG may establish if a HSR will represent independent contractors, employees and/or their workers.

The Director, Health & Safety or nominee will publish on the Safety website a current register of DWGs. This list will include:

- scope of the DWG (Division and DWG description)
- HSR(s) name
- Deputy HSR(s) name
- term of office

Staff may request that the Director, Health & Safety establish or vary DWGs in accordance with the *Occupational Health and Safety Act 2004* (Vic).

The University may initiate negotiations with staff to establish or vary DWGs, in accordance with the *Occupational Health and Safety Act 2004* (Vic).

The Director, Health & Safety, or nominee, is the only management representative of the University authorised to negotiate the establishment or variation of DWGs.

Within 14 days of being notified of a request to establish or vary a DWG, the Director, Health & Safety will commence negotiations with the staff member(s) and consult the management representative(s) about the establishment of or variation to the DWG.

Negotiations concerning a DWG, staff may be represented by any person authorised by the staff member(s).

The Director, Health & Safety will update the University's register of DWGs upon any agreement to alter the DWG, including the number of HSRs or DHSRs.

### 4.1.3 Employee health and safety representatives

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.

Any member of DWG may request advice on the conduct of an election from their Health and Safety Business Partner, WorkSafe or other representative.

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

At the conclusion of an election, the returning officer for the election must notify the Director, Health & Safety of the result of the election.

HSRs and DHSRs cease to hold office if:

- they leave the DWG
- they are disqualified
- they resign by providing written notice to the Director, Health & Safety
- 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).

The role of the 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 health and safety 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 workers, 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 staff member 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 health and safety. The HSR may appeal the refusal in the Magistrates Court.)

- after consultation (which may include using the University's agreed health and safety issue resolution process) with the management representative about remedying an alleged breach of the *Occupational Health and Safety Act 2004* (Vic), 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.

## 4.2 Health and safety committees

### 4.2.1 Faculty/Division health and safety committees

The Head of School/Division must ensure the establishment of a health and safety committee in accordance with the divisional health and safety committee terms of reference.

### 4.2.2 Local consultative health and safety committees or staff meetings

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

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

### 4.2.3 University occupational health and safety committee

The Vice-Principal Finance and Administration must ensure the establishment an Occupational Health and Safety Committee (OHSC) in accordance with the University Occupational Health and Safety Committee terms of reference.

## 4.3 Consultation

The University of Melbourne will facilitate consultation in decisions in relation to matters the University has, or should have, control over, which affect health and safety. Consultation will be undertaken in making decisions about the following health and safety matters:

- proposed changes that may affect health and safety, including changes to the workplace, plant, substances or other things and the conduct of works
- making decisions about procedures to resolving health and safety issues, consultation arrangements, monitor health and workplace conditions and provide training and information
- hazard identification
- risk assessment
- risk control
- making decisions about the adequacy of facilities for welfare
- determining the membership of any health and safety committee.

### 4.3.1 Consultation with staff members

The University of Melbourne will consult with staff members including HSRs through the following arrangements:

- establishment of DWGs
- staff representation (elected HSRs and elected DHSRs)
- University Occupational Health and Safety Committee
- budget division health and safety committees
- local health and safety committees
- staff meetings
- local consultation (facilitated by managers and supervisors).

Consultation with staff must involve:

- sharing information about the health and safety matter
- providing a reasonable opportunity for these parties to express their views about the health and safety matters
- taking into account those views prior to making a decision.

### 4.3.2 Consultation with independent contractors, contractor's employees and workers

The University of Melbourne will facilitate consultation with independent contractors, contractor's employees and workers. This may be achieved by:

- requiring contractors to have consultative arrangements with their employees or workers
- sharing health and safety information with contractors
- exchanging health and safety information with contractors
- meeting with contractors and/or their employees or workers to discuss health and safety matters
- providing a reasonable opportunity for contractors and/or their employees/workers to express their views about health and safety matters.

### 4.3.3 Involving the HSR in consultation

Where staff members are represented by an HSR, the HSR must be involved in the consultation, with or without the involvement of the others. Involving the HSR (or other representative) in consultation includes:

- providing the HSR with all the information about the matter that the supervisor provides, or intends to provide, to the other staff
- unless it is not reasonably practicable to do so, providing that information to the HSR at a reasonable time before providing the information to the other staff
- inviting the HSR to meet with the supervisor to consult about the matter
- if the invitation is accepted, or if otherwise requested by the HSR, meeting with the HSR to consult about the matter
- giving the HSR a reasonable opportunity to express his or her views about the matter
- taking into account the HSRs views about the matter

### 4.3.4 Managers and supervisors in consultation

Managers and supervisors are not obliged to agree with the views of the HSR or others; however, the manager or supervisor must take their views into account.

Managers and supervisors may maintain a written record of the local consultation with staff or others in their work area. Where managers and supervisors maintain a written record it should include:

- date of consultation;
- name of those consulted; and
- record of matters raised.

## 5 REFERENCES

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- *Occupational Health and Safety Act 2004* (Vic)
- *Occupational Health and Safety Regulations 2017* (Vic)
- [Health & Safety: Issue resolution requirements](#)
- [Budget division OHS committee terms of reference](#)
- [Local consultative OHS committee terms of reference](#)
- [Committees](#)

## 6 RESPONSIBILITIES

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Management Representatives

Director, Health & Safety

Head of School/Division

Head of division

Vice-Principal Finance and Administration

Managers/Supervisors

Employees

## 7 ASSOCIATED DOCUMENTATION

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### 7.1 Forms

[Template: Proposal to renegotiate designated workgroups](#)

### 7.2 Guidance

[Health & Safety: How to renegotiate a designated work group](#)

[Health & Safety: Health and safety representative election guidelines](#)

[Budget division \(faculty/school\) health and safety committee terms of reference](#)

[Local consultative health and safety committee terms of reference](#)