

Health and Safety Representation and Consultation Guidelines

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This document supplements the information provided in the [University OHS Manual](#) and summarises information found in the [OHS Act](#), [OHS Regulations](#) and on the [WorkSafe website](#).

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1 Staff Representation

Staff may choose to elect Health and Safety Representatives (HSRs) under the OHS Act, as described below.

2 Designated Work Groups

An HSR is elected from a Designated Work Group (DWG). A DWG is established at the request of an employee, subject to negotiations. Some DWGs already exist at the University. [Current DWGs and elected HSRs](#) may be viewed on the OHS website.

If a manager receives a request for a DWG to be established it is to be passed on to the Manager, OHS immediately. The University must do everything reasonable to start negotiations on establishing a DWG within 14 days of receiving the request.

A designated work group (DWG) is a grouping of staff that best and most conveniently enables the interests of those staff relating to occupational health and safety to be represented and safeguarded.

The dean, director or other unit head is responsible for facilitating the establishment of the DWG.

Factors to be taken into account when establishing a DWG include: the nature of work performed; the areas at the workplace where each type of work is performed; and the number of staff who perform the same or similar types of work. Where possible a DWG will consist of staff from the one faculty or division operating on the one campus. DWGs may also be designated by school, by common function (e.g. laboratory staff) or by building (e.g. small groups from different areas). Where there is uncertainty, arrangements must be made by the local manager to delineate a DWG after consultation and agreement with the majority of staff covered by the DWG. Where possible a DWG should have a minimum of 50 staff members.

When determining the DWG, the following matters will also be determined:

- The membership and coverage of the DWG
- The number of HSRs and deputy HSRs to be elected
- The period of office for HSRs and deputy HSRs (not exceeding 3 years)

3 Election of HSRs

Once a DWG is established, its members can decide how their HSR(s) will be elected and who will run the election. If there is disagreement on how to run the election, the OHS Group, Human Resources Services may be able to assist by either running the election, or appointing someone else to do so.

The Dean, Director or other Unit Head through local management must facilitate the nomination and election of HSR(s). The faculty, division or other area should call for nominations and make arrangements for an election.

Only a member of a DWG can be nominated as an HSR and all members of that DWG can vote. The HSR cannot be [Management Health and Safety Representative](#) for the same DWG.

Where agreed between the University and DWG, a DWG may also elect more than one HSR and one or more deputy HSRs. However this should only occur where there are good reasons: for example a DWG over more than one campus, or DWG with distinct subgroups such as laboratory and administrative staff.

A deputy HSR may exercise HSR powers when the HSR is unable to.

Where there is a single nomination, the faculty, division or other area will advise staff that there is no need to have an election unless there is a specific request for an election from a staff member in the DWG.

The local senior manager for the majority of staff within the DWG is required to notify the Dean, Director or other Unit Head and the OHS Group, Human Resources Services of the names of HSRs and deputy HSRs as well as the date and length of their appointment within 5 days of their appointment.

4 Health and Safety Representatives

An HSR has the right to be involved in all health and safety issues affecting members of a DWG. The powers and rights of an HSR are set out in the OHS Act. WorkSafe provides [information](#) to assist HSRs.

The HSR's powers are set out in Division 5 of the Occupational Health and Safety Act (2004). These include:

- Having paid time off, along with any deputy HSR, to attend training approved or conducted by WorkSafe
- Having access to information about actual or potential hazards and the health and safety of members of the DWG
- Inspecting the workplace or workplaces where members of the DWG work
- Accompanying a WorkSafe inspector during an inspection of a workplace where a DWG member works
- Requiring the establishment of a health and safety committee where one does not already exist
- With the permission of a member of their DWG, accompany or represent them at an interview about OHS
- Wherever necessary, seek the assistance of any person with OHS knowledge.

HSRs will be given appropriate facilities, assistance and time to perform their duties.

HSRs will be provided with the opportunity to attend initial and annual refresher training at the University's expense. The times and dates of training will be with the agreement of local management. The costs of training will be met by the OHS Group, Human Resources Services from University funds.

Managers / Supervisors will consult with HSRs and staff regarding health and safety issues and where changes affecting health and safety are proposed

HSRs can normally only perform their functions in relation to their own DWG. This does not mean they are confined to one geographical area. They are able to go where any member of their DWG works. However, they may also act for another DWG only when there is an immediate risk to a member of another DWG, or when a person in another DWG asks for help and the matter cannot be referred to their own HSR.

HSRs may attend Campus Occupational Health and Safety Committee meetings at their discretion.

Each Campus Occupational Health and Safety Committee nominates HSR(s) to attend the University Occupational Health and Safety Subcommittee.

A list of HSRs shall be documented in [Health and Safety Representatives' List](#).

5 Health and Safety Representative skills and qualities

The role of a HSR is an important one so it is vital the group elects someone with the skills needed to do the job well.

A good HSR should know about the tasks performed by the people in their DWG, and understands the health and safety issues which apply to their DWG.

The HSR needs to:

- Act as a link between staff and management and negotiate on health and safety issues
- Assist with identifying and designing solutions to health and safety problems
- Apply their knowledge of health and safety legislation, codes of practice and standards
- Involve other staff in resolving health and safety issues
- Communicate, negotiate and listen effectively and learn new skills and put them into practice

6 Management Health and Safety Representative (MHSR)

The Chief Operating Officer is the University's Management Health and Safety Representative nominated by the Senior Executive with overall responsibility for health and safety (as per Section 73 (2) of the OHS Act 2004).

To assist in the prompt resolution of local OHS matters, deans, directors and other unit heads shall nominate a senior manager (the local Management Health and Safety Representative) to be the point of contact for consultation on occupational health and safety issues within the faculty, division or unit. In many cases, for small areas, the senior manager may be the MHSR.

Where an OHS matter is raised with the MHSR, the MHSR must respond within a reasonable time or refer the matter to more senior management for resolution.

MHSRs should have the following competencies to carry out their role under the OHS Act 2004:

- A general knowledge of the OHS Act 2004
- Understanding of the health and safety issue resolution process and the role of agreed procedures and regulations (OHS Act 2004 sections 73, 74 and 75)
- Understanding of the employer duties under OHS legislation and the concept of reasonable practicability
- Understanding of the role and functions of health and safety representatives and authorised representatives of registered employee organisations
- Understanding of the role of WorkSafe Inspectors, their powers and issue resolution functions
- Understanding of how the workplace operates
- Communication, consultation and negotiation skills
- Understanding of the process of resolution when a WorkSafe Inspector arrives on site
- General understanding of OHS issues and systems specific to that workplace
- Understanding of the hazard identification and risk assessment processes and in particular, the ability to identify appropriate risk control measures available to the employer
- Ability to get access (within the organisation and externally) to expert technical information and advice in relation to specific hazards.

Further information is on the [Worksafe website](#).

7 Workplace Consultation

HSRs and staff will be consulted on all workplace health and safety matters including:

- Development and review of policies and procedures in relation to health and safety
- Development and review of consultation arrangements in the workplace in relation to health and safety (including the establishment and review of designated work groups and health and safety committee)
- Type of health and safety information to be provided to staff and the way the information is to be provided
- Planning of health and safety training for staff

Consultation will also occur when:

- Considering any change which may affect the staff health and safety at work (eg in workplace design, allocation of roles and responsibilities, facilities, procedures, plant or substances used at the workplace, ways of working, new technology)
- Carrying out hazard identification, risk assessment and risk control processes in the workplace
- Considering goals and targets for improving workplace health and safety
- Becoming aware of new or additional information from manufacturers, suppliers, government bodies and other relevant bodies which may impact the health and safety of staff
- Considering the purchase of any goods or services that could have health or safety implications for staff
- Developing and reviewing arrangements for monitoring the health of staff and quality of atmosphere in the workplace
- Considering purchase of personal protective equipment
- A workplace incident has occurred and an investigation carried out

8 Provisional Improvement Notice issued by an HSR

Section 60 of the OHS Act empowers an HSR to issue a "provisional improvement notice" to a person (staff member, supervisor, manager, contractor or visitor) where, in summary, the HSR believes on reasonable grounds that the person is contravening a provision of the Act, but only after the HSR has consulted with the person about remedying the contravention. Any provisional improvement notice must be brought to the attention of the University via the Manager, OHS. If consultation is initiated by an HSR, the Manager, OHS should be contacted at this earlier stage.

Compliance with the notice (provided it is valid) becomes mandatory after eight (8) days at the earliest, depending on the date in the notice, if a WorkSafe inspector has not been called in by the person to whom the notice was issued. The Manager, OHS will manage the process.

A provisional improvement notice must:

- State the HSR's belief on which the issue of the notice is based and the grounds for that belief
- Specify the provision of the OHS Act or the regulations that the HSR considers has been or is likely to be contravened; and
- Specify a day (at least 8 days after the day on which the notice is issued) before which the person is required to remedy the contravention or likely contravention or the matters or activities causing the contravention or likely contravention.

A provisional improvement notice may include directions on the measures to be taken to remedy the contravention or likely contravention, or the matters or activities causing the contravention or likely contravention, to which the notice relates.

When a manager or contractor receives a notice, they must tell all people whose work is affected about the notice and display it prominently at the location to which it applies.

If the person receiving the notice is a visitor or student, then the HSR must inform their local supervisor / manager about the notice immediately.

A person must comply with a PIN issued to them, unless WorkSafe has been requested to send an Inspector to enquire into the PIN.

If an OHS issue arises which involves an immediate threat to health or safety and the agreed process for resolving issues is inappropriate, either the supervisor / manager or a relevant HSR can, after consulting each other, direct staff and others to cease work. During a 'cease work' the University may assign affected staff to suitable alternative work. If the issue, for which there is a cease work direction, has not been resolved within a reasonable time, either party can ask WorkSafe to provide an inspector to enquire into the issue.

9 Supporting Documents

- WorkSafe Victoria: [Consultation on health and safety A handbook for workplaces \(PDF 732kb\)](#)
- WorkSafe Victoria: [Consultation](#)
- WorkSafe Victoria: [Information for health and safety representatives \(PDF 62kb\)](#)
- WorkSafe Victoria: [Employee Representation \(PDF 1287kb\)](#)
- WorkSafe Victoria: [Employer Representative Competencies \(PDF 70kb\)](#)
- WorkSafe Victoria: [Information for Senior Officers of Organisations \(PDF 58kb\)](#)