



Negotiation of work groups

WORK GROUPS

Work groups are formed to enable workers to elect Health and Safety Representatives (HSRs) to represent them on health and safety matters.

Establishing/forming work groups

Any worker (or group of workers) may ask a person conducting the business or undertaking (PCBU or employer) for an HSR to be elected to represent them on work health and safety matters.

- If a worker makes this request, a work group must be formed.
- A work group may be negotiated for workers at a workplace, or for multiple workplaces, or one or more organisations.
- A PCBU must take reasonable steps to commence negotiations of the number of work groups, the number of HSRs for each work group, and their composition within 14 days of a request.

A work group is a group of workers who share a similar work situation.

For example, a work group might consist of all workers in the office part of a manufacturing complex, or it might consist of people of the same trade, or it might consist of people on night shift. If agreed, workers from multiple businesses can be part of the safe work group which might include contractors, labour hire staff, outworkers, and apprentices.

Work groups are formed by negotiation and agreement between:

- the PCBU; and
- workers or their representatives, and relevant unions where the union makes a request in writing.

Where workers ask their union to be involved in the negotiations **the PCBU must** include them in those negotiations.

All parties involved in the negotiations must agree on when and where in a workplace the negotiations are to be carried out, and those negotiations are only to be carried out at the agreed time and place.

The purpose of negotiating work groups is to:

Determine how best to group workers that will ensure workers' health and safety interests are well represented and that each worker can easily access their health and safety representative (HSR) when they need them.



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When negotiating work groups and variations of work groups

(the 'constitution' of a work group) the parties must consider are a range of matters including:

- the number of workers
- the views of workers
- the diversity of workers
- the different types of work
- the different types of work carried out by the workers
- the number and grouping of workers who carry out the same or similar types of work
- the areas or places where each type of work is carried out
- the nature of any hazards and risks
- workers who may move from place to place while at work
- the nature of the engagement of workers, e.g., employees or contractors
- the pattern of work, e.g., full-time, part-time, casual, short-term or seasonal work; and the times work is carried out, e.g., night shifts or rotating rosters; and
- any arrangements at the workplace or workplaces relating to overtime or shift work
- the HSRs availability/access ('readily accessible') to workers of the work group/s the HSR represents.

In some cases, work group negotiations may need to involve multiple PCBUs where workers carry out work for different businesses or undertakings involved in the same activity or project. For example:

- there is a PCBU with workers, contractors and subcontractors
- labour hire arrangements where workers are directly employed by agency but work alongside other workers directly employed by another business.

If negotiations with the PCBU fail:

If an agreement is not reached about the formation of work groups within 14 days after a request is made by a worker, an inspector may be appointed on request to assist the parties.

An Inspector appointed by the Regulator to assist the parties must make a decision about the makeup of the work groups within 7 days after the appointment.

If a party does not agree with the inspector's decision, they may apply to the commission who may determine the matter by conciliation, mediation, or arbitration.