

Work Groups

Work groups are important to ensure that health and safety representatives can advocate for the work health and safety interests of all workers at work.

Purpose of work groups

Work groups are formed to allow workers to elect health and safety representatives (HSRs) to represent them on health and safety matters. Work groups usually consist of workers who perform similar types of work and have similar conditions in the workplace. All work groups must be represented by at least one HSR, to enable members of the work group to raise concerns with an HSR who understands the hazards and risks associated with the work performed.

HSRs bring work health and safety (WHS) concerns to the attention of the person conducting a business or undertaking (PCBU) on behalf of the work group, to help a PCBU identify how WHS issues may impact different groups of workers.

Forming a work group to elect HSRs

A worker may ask their PCBU for an HSR to be elected to represent them on WHS matters. If a worker makes this request, the PCBU must assist workers to form one or more work groups. Work groups are formed by negotiation and agreement between the PCBU and the proposed work group's workers, or their representatives.

Once a work group is formed, each work group must elect at least one HSR to represent them. Facilitating the HSR election process requires the PCBU to adopt a supportive role, rather than a directive one. The process of forming a work group requires the PCBU and workers to work together, as work groups are formed through agreement between the parties.

Timeframes

Once a worker has requested an HSR election, the PCBU has 14 days to begin negotiations with workers (or their representatives) on forming one or more work groups.

For example, this might mean organising a meeting and ensuring that all workers are informed of the purpose of the meeting as well as setting a date and time in consultation with workers, so that all workers are able to attend.

Parties should seek to agree on work groups within a reasonable time after negotiations have started.

Negotiation

Work groups are decided through negotiation and agreement between the PCBU and the proposed work group's workers or their representatives.

The purpose of the negotiations is to reach agreement on:

- the number and composition of work groups to be represented by HSRs;
- the number of HSRs (there must be at least one) and deputy HSRs (if any) to be elected for each work group; and

- the workplace or workplaces to which the work groups will apply.

In situations where all relevant workers cannot come together to negotiate (for example, if there are a large number of workers or the workers are spread across different locations), workers may wish to authorise a representative(s) to negotiate on their behalf.

The workers' representative may be a union delegate or official, or any other person the workers authorises to represent them. If workers have chosen a person to negotiate on their behalf, the PCBU must negotiate with that person.

In some cases, workers might do work for more than one PCBU. Work groups can be negotiated and agreed between more than one PCBU and their workers, depending on the circumstances (see 'work groups across multiple businesses' for further information).

Matters to be considered when forming a work group

Work groups must be structured to ensure that an HSR is readily accessible to each worker in the group and is able to effectively and conveniently represent group members and their WHS interests.

The PCBU and workers must consider all relevant matters when negotiating work groups, including:

- the number of workers
- the views of workers about how work groups should be formed
- the types of work the workers do
- the number and grouping of workers who do similar types of work
- the areas or places where each type of work is done
- the extent to which any worker must move from place to place while at work
- the diversity of workers and their work
- the nature of any work-related hazards and risks
- how workers are engaged, e.g. employees or contractors
- the pattern of work e.g. full time, part time, casual, short-term or seasonal work, and
- the times that work is done, e.g. night shifts, overtime or rotating rosters.

Refer to regulation 17 of the [model WHS Regulations](#) for a more comprehensive list of factors that must be considered.

Number of work groups

The workers and the PCBU can negotiate how many work groups are required for their workplace, by considering all the relevant matters included in the list above.

For example, a manufacturing workplace may decide that it will have two work groups, reflecting the different WHS risks of each group:

- one consisting of all workers in the office
- the other consisting of all manufacturing workers.

Similarly, a work group might consist of workers of the same trade, or it might consist of all workers on the night shift. If agreed, workers from multiple businesses all working on a single site could be part of the same work group, covering different types of workers such as contractors, labour hire staff and apprentices.

Example 1: Work groups for shift workers

An employer at a large manufacturing plant is negotiating work groups with its workers. The manufacturing plant has workers across two main work areas:

- 1) an assembly floor – where goods are assembled; and
- 2) a packaging area – where goods are packed and shipped.

Each work area has workers that rotate on three 8-hour shifts. Many workers at the plant are members of different unions, depending on their trade. The workers from each trade group authorise a union official to represent them. The negotiating parties consider all the relevant matters (see list above), and place particular weight on the hazards and risks at each specific workplace, and the shift work arrangements. The parties agree to form one work group for each work area and shift – a total of six separate work groups. Each of the six work groups will be represented by one HSR and one deputy HSR. Within each shift, the work groups are organised by work area, as these are quite distinct both in their location and in the nature of potential WHS risks involved.

Example 2: Small business

A small charitable organisation has 14 staff who work across two offices in the same city. The workers and the charity are negotiating to establish work groups. The parties all agree that the type of work conducted across the offices is similar, there are a relatively small number of workers, and the workers already meet for regular joint staff meetings. They therefore agree that only one work group is needed. The parties agree that the HSR will be provided with dedicated time to consult with workers at both sites and will be supported to work out of the other office at regular intervals. This will ensure workers have direct access to the HSR and the HSR understands any WHS issues specific to the second office.

Example 3: Organisation involving different types of work

A teacher employed by a secondary school with 150 workers requests an HSR election. A representative from the Education Department (the PCBU) commences negotiations with all workers to establish work groups. To decide on the number and composition of work groups needed to represent the interests of workers, the negotiations consider all relevant matters including:

- the number of workers (150)
- the accessibility of HSRs to each worker
- the type of work undertaken (e.g. teaching, administrative and facilities support), and
- the nature of hazards and risks faced by workers (e.g. teachers work long hours and have experienced harassment from students and parents; while janitors work regular hours but do a lot of physically demanding work).

After negotiations, they agree that the type of work and WHS hazards and risks of each cohort are sufficiently different to warrant the formation of the following work groups:

- (1) teaching staff (including teachers' aides)
- (2) administrative staff
- (3) facilities support staff (such as cleaners and janitors).

Each of the three work groups will be represented by one HSR and one deputy HSR, ensuring all workers have access to an HSR who is able to represent their WHS interests.

Work groups across multiple businesses

Work group negotiations can involve multiple PCBUs if workers do work for different businesses or undertakings (for example, in labour hire arrangements where workers work for a labour hire agency and the host business).

Each of the PCBUs and their workers establish work groups by negotiation and agreement.

Establishing work groups for more than one PCBU does not need to impact how existing work groups at each business or undertaking operate.

A worker may be part of more than one work group. For example, a labour hire worker may be a member of work groups in both their labour hire firm and the host business.

The PCBUs and the workers who are party to negotiations, or to an agreement, may withdraw from the negotiation or agreement at any time by providing reasonable notice (in writing) to other parties. If a party has withdrawn from an agreement, the other parties must negotiate a variation to the agreement, which remains valid in the meantime.

Example 4: Organisation for multiple PCBU work groups

A shopping centre complex contains various stores. Many of the stores have formed work groups to advocate for WHS improvements. For example, a grocery store has a work group and a HSR to represent the interests of the grocery store's workers.

The HSR representing the grocery store considers that many of the WHS issues being raised in their work group impact other stores. For example, there are concerns about safety around the loading docks used by many different stores at the back of the shopping centre. These safety issues are unable to be addressed by the PCBUs who manage the smaller stores, as the loading dock is controlled by the shopping centre.

To address this and other safety issues, the HSRs from the smaller stores decide to request that the shopping centre PCBU form a work group to represent the WHS interests of workers across the shopping centre. The shopping centre PCBU, all the store PCBUs, and their workers, are notified.

After some negotiation, a new work group is agreed between the shopping centre PCBU, all the store PCBUs and their workers. An HSR is elected to raise WHS issues relating to the shared areas of the shopping centre. This new work group operates alongside, and does not alter, the existing work groups formed by individual stores.

Notifying workers of outcomes

As soon as possible after the negotiations are complete, the PCBU must advise workers of the outcome of the negotiations and of any agreed work groups.

The notification can be in any form that effectively communicates the outcome, such as by sending an email to all affected workers.

Once a work group is established, the process of electing an HSR begins. All workers in the work group are eligible to vote or to be elected as an HSR.

Changing a work group

PCBUs and workers covered by a work group may negotiate a change at any time. Changes to a work group might be needed if circumstances change or the existing arrangements are no longer satisfactory (for example, another HSR is needed, or the business or undertaking is restructured).

The PCBU must notify workers of the outcome of the variation negotiations and any work group variations as soon as they reasonably can.

Failure of negotiations

Negotiations to form a work group are considered to have failed if the PCBU has not taken all reasonable steps to commence negotiations with workers within 14 days after a request to form a work group and elect an HSR, or to vary an existing agreement.

Negotiations to form a work group are also considered to have failed if an agreement cannot be reached within a reasonable time frame after negotiations have started.

If this occurs, anyone who is (or would be) involved in the negotiations can ask the WHS regulator in their state or territory to appoint an inspector.

An appointed inspector can assist parties to negotiate or make a decision on the issue of work groups by having regard to the views of all parties involved. Parties are bound by a decision made by the inspector on work groups. However, if an affected worker, their representative, a PCBU or HSR does not agree with the decision, they can ask the regulator to review the inspector's decision.

If the negotiation of work groups is between multiple business or undertakings, the inspector will be limited to assisting with negotiations and is unable to make a decision. In these circumstances, if all parties still cannot agree, the PCBUs involved may choose to negotiate with their own workers to determine work groups for a single business or undertaking. A PCBU has an obligation to consult with all relevant workers regarding WHS issues, during negotiations or where a work group doesn't have an HSR.

Further information

For further information on HSRs and work groups see the [Worker Representation and Participation Guide](#) or the Safe Work Australia website www.swa.gov.au.