

HSR ALERT

THE ISSUE

HSRs who have issued PINs in the past know that before considering whether a PIN should be affirmed, WorkSafe inspectors first determine whether the HSR has the legal authority to issue it. This means the HSR must be validly elected and within their term of office. If the inspector concludes that the HSR is not validly elected, the PIN will be cancelled.

Multiple HSRs have recently informed VTHC that some inspectors are taking this one step further by asking for evidence that a Designated Work Group (DWG) was established - for example, by asking to see evidence such as the written notice circulated by the employer when the DWG was agreed, as per s.44 of the OHS Act. If the inspector is not satisfied that the DWG has been established, the PIN will be cancelled.

WHAT YOU CAN DO

We encourage all HSRs to audit their DWG arrangements immediately as follows:

- Access the description of your DWG. If you can't find one, ask your employer for a copy.
- If no one has a copy, or the description of the DWG is outdated:
 - Download the VTHC DWG Record Template
 - Fill in the form to reflect your DWG
- Sit down with your employer.
 - If everything is agreed the employer must give written notice to employees.
 - If there is any disagreement, follow the process in the OHS Act (s.44-46) and the template to negotiate to resolve any outstanding issues.

Once agreement has been reached, ensure that the employer records the agreement and save a copy for your records.

WHY IS THIS IMPORTANT?

Resolving problems with your DWG now may take some effort, but it is far better than discovering there is a problem when you are in the midst of trying to use your HSR powers to address a serious health and safety risk.

A valid DWG and a properly elected HSR help ensure that your PINs can be considered on their merits and not dismissed on a technicality.

**Download VTHCs
DWG Record Tool**

