



Australian Government

Department of Education, Employment and Workplace Relations

BSBHRM510A Manage mediation processes

Revision Number: 1

BSBHRM510A Manage mediation processes

Modification History

Not applicable.

Unit Descriptor

Unit descriptor	<p>This unit describes the performance outcomes, skills and knowledge required to develop, implement and review guidelines and procedures for mediation within an organisation, or on behalf of an organisation.</p> <p>No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.</p>
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Application of the Unit

Application of the unit	<p>This unit applies to human resources practitioners who have a role in the management of mediation within their organisation, or who may work as consultants providing mediation services to organisations.</p> <p>The unit covers the policy framework required for the management of mediation and the skills associated with the provision of mediation.</p> <p>Mediation is a process in which the parties to a dispute, with the assistance of a neutral third party (the mediator), identify the disputed issues, develop options, consider alternatives and endeavour to reach an agreement; the mediator has no advisory or determinative role in regard to the content of the dispute or the outcome of its resolution, but may advise on or determine the process of mediation whereby resolution is attempted.</p> <p>Co mediation is where the neutral third party is a team comprising two or more persons (the mediators).</p>
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Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Prerequisite units		

Employability Skills Information

Employability skills	This unit contains employability skills.
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Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.	Performance criteria describe the performance needed to demonstrate achievement of the element. Where bold italicised text is used, further information is detailed in the required skills and knowledge section and the range statement. Assessment of performance is to be consistent with the evidence guide.
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Elements and Performance Criteria

ELEMENT	PERFORMANCE CRITERIA
1. Develop mediation guidelines	1.1. Research and collate history of disputes and dispute resolution within the organisation, including <i>triggers for disputes</i> 1.2. Consult identified <i>key stakeholders</i> to determine requirements related to mediation 1.3. Determine mediation requirements within the organisation 1.4. <i>Research</i> and document <i>models and systems for mediation</i> 1.5. Identify and document <i>parameters for a mediation system</i> from consultation and research process 1.6. Draft and validate guidelines for mediation with stakeholders 1.7. Obtain endorsement for guidelines from senior management team 1.8. Circulate guidelines and train mediators in guidelines and procedures
2. Prepare for mediation	2.1. Identify parties in dispute requiring mediation and explain mediation procedure, in accordance with established guidelines 2.2. Obtain agreement and willingness to participate in the mediation process 2.3. Conduct separate interviews with parties in dispute and clarify issues 2.4. <i>Verify</i> and document position of each party to the dispute 2.5. Determine <i>boundaries for allowable options</i> in dispute
3. Settle dispute through mediation	3.1. Use a range of <i>communication techniques</i> to mediate 3.2. Establish mutual agreement between parties in dispute 3.3. Formulate options for resolution of dispute and preferences 3.4. Continue with mediation until agreement is reached or time constraints conclude
4. Finalise and review mediation	4.1. Circulate documented agreements to all parties and complete all documentation required by organisational guidelines 4.2. Review effectiveness of mediation, identify

ELEMENT	PERFORMANCE CRITERIA
	improvements and refine mediation guidelines 4.3. Assess and maintain <i>currency of knowledge and skill base</i> of mediators

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This section describes the skills and knowledge required for this unit.

Required skills

- communication and problem-solving skills to mediate
- literacy skills to write guidelines and to document outcomes of mediation.

Required knowledge

- legislation, codes of practice and national standards:
 - Australian Standards
 - industry or professional bodies' codes of practice
 - legislation relating to privacy and confidentiality
 - legislation about equal opportunity and discrimination
- mediation models.

Evidence Guide

EVIDENCE GUIDE	
<p>The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.</p>	
Overview of assessment	
Critical aspects for assessment and evidence required to demonstrate competency in this unit	<p>Evidence of the following is essential:</p> <ul style="list-style-type: none"> • guidelines for mediation which have been developed, disseminated, monitored and reviewed OR a critical evaluation of existing guidelines detailing the strengths and weaknesses of the approach • effective techniques in mediation of workplace issues • knowledge of relevant legislation, codes of practice and national standards.
Context of and specific resources for assessment	<p>Assessment must ensure:</p> <ul style="list-style-type: none"> • records of mediation within privacy and confidentiality provisions • access to feedback from parties involved in mediation within privacy and confidentiality provisions.
Method of assessment	<p>A range of assessment methods should be used to assess practical skills and knowledge. The following examples are appropriate for this unit:</p> <ul style="list-style-type: none"> • analysis of responses to case studies and scenarios • analysis of validated mediation guidelines and refinement of these guidelines as necessary • assessment of written reports on mediation • demonstration of techniques in mediation • direct questioning combined with review of portfolios of evidence and third party workplace reports of on-the-job performance by the candidate • oral or written questioning to assess knowledge of mediation models • review of documentation outlining agreements and the process for circulating these documents • review of documentation outlining models and systems for mediation, and parameters for a mediation system • review of research into the history of disputes and dispute resolution within the organisation.

EVIDENCE GUIDE**Guidance information for assessment**

Holistic assessment with other units relevant to the industry sector, workplace and job role is recommended, for example:

- other units from the Diploma of Human Resource Management.

Range Statement

RANGE STATEMENT	
<p>The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Bold italicised wording, if used in the performance criteria, is detailed below. Essential operating conditions that may be present with training and assessment (depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts) may also be included.</p>	
<p><i>Triggers for disputes</i> may include:</p>	<ul style="list-style-type: none"> • appeals, grievances and complaints that have escalated and remain unresolved • industrial disputes • interpersonal or team conflict • misunderstandings about expectations or contractual requirements
<p><i>Key stakeholders</i> may include:</p>	<ul style="list-style-type: none"> • management • partners • staff associations and other work-based groups • staff from other sites or locations • unions
<p><i>Research into models and systems for mediation</i> may include:</p>	<ul style="list-style-type: none"> • Australian Standards • benchmarking exercises • dispute sources and characteristics • internet searches • psychological associations and professional bodies • resolution techniques • textbooks and journals • training programs
<p><i>Parameters for a mediation system</i> may include:</p>	<ul style="list-style-type: none"> • code of conduct for mediation • logistics for mediation, including time limits on process, locations used, duration of sessions • number of mediators required within the organisation • privacy and confidentiality provisions • proformas for use in mediation process • rationale for engaging mediation process • recording and reporting requirements • separate discussions with disputing parties and group discussion
<p><i>Verifying</i> positions of parties to</p>	<ul style="list-style-type: none"> • empathic consideration of personal or historical issues that may not relate to the

RANGE STATEMENT	
dispute may involve:	<p>specific dispute, but that may set the scene for it and need to be addressed in order to resolve the specific dispute</p> <ul style="list-style-type: none"> • expert advice from third parties or other professionals as required • independent verification of claims made by non-involved parties • other action in line with mediation guidelines • research into facts about events, transactions or other information presented
<i>Boundaries of allowable options</i> refers to:	<ul style="list-style-type: none"> • any existing policies, procedures and processes that place limits on the options that may be formulated in the dispute resolution process
<i>Communication techniques</i> may include:	<ul style="list-style-type: none"> • active and involved listening, reframing, summarising, reflecting, clarifying, paraphrasing, problem-solving and option-generated listening • techniques to suit the particular flow of the discussions and in response to issues presented, to focus discussions on possible solutions
<i>Currency of knowledge and skill base</i> may be maintained through:	<ul style="list-style-type: none"> • attendance at workshops or in-service activities • participation in formal and informal networking activities of mediators • undertaking formal training programs

Unit Sector(s)

Unit sector	
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Competency field

Competency field	Workforce Development - Human Resource Management
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Co-requisite units

Co-requisite units		